



With the Mardi-Mangrove Link construction activities coming to a close, focus has now turned to the restoration of Yarramalong Road. \$2.6 million of the project funds has been allocated to repair and restore damaged sections of the road to ensure it is of a similar strength and capacity to the original road.

# Business Paper

ORDINARY MEETING

11 May 2011



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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 11 MAY 2011 at 5.00 pm,  
for the transaction of the business listed below:

## OPENING PRAYER

## ACKNOWLEDGEMENT OF COUNTRY

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**10 QUESTIONS ON 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 Disclosures of Interest

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TRIM REFERENCE: F2011/00027 - D02589560  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

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 and Briefings

TRIM REFERENCE: F2011/00027 - D02589566

AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

### SUMMARY

Inspections conducted on 4 May 2011 are listed as follows:

Date of Inspection	Location	Requested By
4 May 2011	Tree Application (TA/126/2011) Removal 3 trees 58 Gordon Avenue, Summerland Point	Director Environment and Planning Services, Gina Vereker and Manager Development Services, Peter Fryar
4 May 2011	Chinese Cultural Village Warnervale	Corporate Services Department, Manager Business Development, Garry McLachlan

Briefings proposed for this meeting and future meetings to be held in the Wilfred Barrett and Tim Farrell Committee Rooms:

Date	Briefing	Description	Time	Presented by
11 May 2011	Water Board Authority Business papers	Discussion on papers for meeting 18 May 2011.	12.00 noon – 12.30 pm	Director Infrastructure Management & Manager Headworks
11 May 2011	Clause 14	Provide Councillors with information regarding options to maximise conservation outcomes using bonus provision funds	12.30 pm – 1.00 pm	Director Environment & Planning Services & Manager Environment & Natural Resources & Senior Planner
11 May 2011	Iconic Development Sites	Key iconic site presentation -Key Site 2 (Cnr Marine Pde & The Entrance Rd)	1.00 pm – 1.30 pm	Director Environment & Planning Services & Manager Place Management, Paul Bowditch
11 May 2011	Warnervale Town Centre	The briefing has been scheduled in response to Councils request for an update on the current status of the town centre and any blockages to delivery	1.30 pm – 2.00 pm	Manager Major Projects & Senior Development Manager

## 1.2 Proposed Inspections and Briefings (contd)

Date	Briefing	Description	Time	Presented by
11 May 2011	Warnervale Town Centre Draft S94 Plan	To outline the proposed S94 infrastructure provisions	2.00 pm – 2.30 pm	Director Environment & Planning Services & Manager Land Use Planning Policy Development
11 May 2011	DCP Chapter 14 Tree Management	A summary of changes proposed following public exhibition of the draft chapter and gazettal of amendments to SEPP 2008	2.30 pm – 3.00 pm	Manager Land Use Planning Policy Development, Martin Johnson & Senior Planner, Land Use Planning, Peter Kavanagh

A full list of Councillor Briefings for 2011 was adopted by Council at its meeting on 9 February 2011. The latest version of Briefings for 2011 list is available upon request to the General Manager's office.

### RECOMMENDATION

***That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

### ATTACHMENT

- 1 Updated Briefing Schedule 2nd, 3rd & 4th Quarters 2011 D02591622

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
2nd quarter	25-May	Q3 Annual Plan and Budget	Corporate Services	Michael Whittaker/ Cate Trivers 1hr
2nd quarter	25-May	GM's Performance Plan	Corporate Services	Michael Whittaker/Marie Hanson-Kentwell 1hr
2nd quarter	25-May	RTA Proposed works	Infrastructure Management	Bob Burch/RTA
2nd quarter	25-May	Community Feedback and Complaint Management Policy (Draft)	Legal And Risk GM's Unit	Belinda Charlton
2nd quarter	08-Jun	Lakes Beach eco feasibility	Garry McLachlan	external presenters Dept of Land and possibly
2nd quarter	08-Jun	Shire-wide Heritage Review	Environment and Planning Services	Ollie Philpot
2nd quarter	08-Jun	Strategic Plan Post Exhibition	Corporate Services	Consultant David Scoble
2nd Quarter	08-Jun	Wyong Loyalty card	GM's Unit	Dan Smith
2nd quarter	22-Jun	CCROC paper discussion	GM's Unit	GM's Unit
2nd quarter	22-Jun	The Entrance Town Centre Masterplan	Environment and Planning Services	Paul Bowditch/Stephen Ashton
2nd quarter	22-Jun	Chinese Cultural Village	Corporate Services	Garry McLachlan and external presenters booked for approx. 12.30pm
2nd quarter	22-Jun	Ausgrid- on electricity pricing	Infrastructure Management	Rob Fulcher/ Ausgrid Stephen temple and others
2nd quarter	22-Jun	Wyong Civic & Cultural Masterplan	Environment and Planning Services	tbc Paul bowditch / Gary Hamer
3rd quarter	22-Jun	Mariners and BEC agreements	Corporate Services	Bronwyn Rumbel Wayne Gates for BEC,
3rd quarter	24-Aug	Q4 Annual Plan and Budget	Corporate Services	Cate Trivers
3rd quarter	26-Oct	Central Coast Sports field Management Strategy	Community & Recreation Services	Brett sherar keith oillier
3rd quarter	Aug	enterprise risk management	Legal And Risk	Jeff Simpson
3rd quarter	July	Social Enterprise Plan for Central Coast	Corporate Services	Garry McLachlan/Graham Baker( Enterprise Connect)



PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
3rd quarter	July	Vision and Values	Corporate services	Dom
3rd quarter	July	Engagement Strategy	Community & Recreation Services	Sue Ledingham
3rd quarter	July	Norah Head boatramp replacement	Community & Recreation Services	Tara Mills/Boyd McMillan
3rd quarter	July	The Entrance, Wyong & Toukley Town Centre management agreements	Corporate Services Environment & Planning Services	Bronwyn Rumbel / Paul Bowditch
3rd quarter	July	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management	Bob Burch
3rd quarter	July	Detail matching fund guidelines and framework	Community & Recreation Services	Julie Vaughan
3rd quarter	July	Present information on traditional custodians of lands and	Community & Recreation Services	Julie Vaughan
3rd quarter	July	Climate Change Adaptation Report – March 2011.	Environment and Planning Services	Karen Douglas
3rd quarter	Sept	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services	Scott Duncan / Jenny Mewing
3rd quarter		Greenhouse Mitigation Plan/Green Energy Funds Projects -	Environment and Planning Services	David Irving
3rd quarter		Iconic Development Sites DCP & Current Proposals	Environment and Planning Services	Paul Bowditch
3rd quarter		RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services	Martin Johnson/Kathryn Heintz
3rd quarter		Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services	Karen Douglas
3rd quarter		The Entrance Town Centre Masterplan	Environment and Planning Services	Paul Bowditch/Stephen Ashton
3rd quarter		Tuggerah Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Lynda Howson
3rd quarter		Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and	Brian Glendenning
3rd quarter		Desalination	Infrastructure Management	Garry Casement
3rd quarter		Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management	Rob Fulcher / Lara Critchley
3rd quarter		Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
3rd quarter		Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management	Rob Fulcher / Lara Critchley
4th Quarter	09-Nov	Learning Community Strategies	Community & Recreation Services	Julie Vaughan
4th Quarter	23-Nov	Q1 Annual Plan and Budget	Corporate Services	Cate Trivers
4th Quarter	14-Dec	Community Facilities Strategy	Community & Recreation Services	Julie Vaughan
4th Quarter	October	Code of Conduct revision training	Corporate Services	Jeff Simpson
4th Quarter		Plan of Management Central Coast Caravan Parks	Community & Recreation Services	Tara Mills
4th Quarter		Provide update of plans and financial viability of The Art House	Community & Recreation Services	Julie Vaughan
4th Quarter		Review of Grants	Community & Recreation Services	Julie Vaughan
4th Quarter		DCP 113 – Flood prone Land	Environment and Planning Services	Martin Johnson / Rod Mergan
4th Quarter		DCP 97 - Water Sensitive Urban Design	Environment and Planning Services	Martin Johnson / Peter Kavanagh
4th Quarter		Development Control Plan 61 – Car parking	Environment and Planning Services	Martin Johnson / Michael Conroy
4th Quarter		Biobanking	Environment and Planning Services	David Lemcke / Tricia Bancroft, Communications
4th Quarter		Biodiversity Management Plan	Environment and Planning Services	Greg White
4th Quarter		Comprehensive LEP	Environment and Planning Services	Martin Johnson
4th Quarter		DCP 2011	Environment and Planning Services	Martin Johnson
4th Quarter		Draft Shire-Wide Contributions Plan	Environment and Planning Services	martin Johnson
4th Quarter		Draft Wyong Employment Zone contributions plan	Environment and Planning Services	Martin Johnson
4th Quarter		RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services	martin Johnson/Kathryn Heintz
4th Quarter		Settlement Strategy	Environment and Planning Services	Scott Duncan / Jenny Mewing
4th Quarter		Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update, DCP amendment update	Environment and Planning Services	Martin Johnson / Scott Duncan

PROPOSED QUARTER	PROPOSED DATE	AAA Briefing Title	Director	STAFF PRESENTING
4th Quarter		Desalination	Infrastructure Management	Garry Casement
4th Quarter		Wyong town centre planning proposal and car parking study	Infrastructure Management	Bob Burch
4th Quarter		Natural Resources Strategy	Environment and Planning Services	Greg White / David Lemcke
4th Quarter		The Entrance, Wyong and Toukley Town Centre Masterplan	Environment and Planning Services	Paul Bowditch / Stephen Ashton
4th Quarter		Committee structure	Corporate Services	Lesley Crawley
4th Quarter		Councillor attendance at formal dinners	Corporate Services	(check minutes for wording)

### **1.3 Address by Invited Speaker**

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TRIM REFERENCE: F2011/00027 - D02589596  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

#### **SUMMARY**

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

#### **RECOMMENDATION**

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

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

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TRIM REFERENCE: F2011/00027 - D02589649

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Confirmation of minutes of the previous Ordinary Meeting held on 27 April 2011.

### **RECOMMENDATION**

*That Council confirm the minutes of the previous Ordinary Meeting held on 27 April 2011.*

### **ATTACHMENTS**

1 Minutes of Council's meeting of 27 April 2011      D02591900

**WYONG SHIRE COUNCIL**

MINUTES OF THE  
**ORDINARY MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 27 April 2011  
COMMENCING AT 5:00:00 PM

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**PRESENT**

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington (arrived at 7.04pm), D P Vincent, L D Webster and S A Wynn.

**IN ATTENDANCE**

Acting General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Community and Recreation Services, General Counsel and Manager Development Assessment.

Chief Financial Officer, Manager Integrated Planning, Business Improvement Officer, Manager Finance, Development Planner and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Councillor Wynn advised that has been asked to be part of a panel at the Public Sector Fraud and Corruption Congress being held in Canberra on 9 and 10 May 2011 and will be representing Wyong Shire Council.

**APOLOGY**

An apology for late arrival at the meeting was submitted by Cr McBride on behalf of Councillor Symington.

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

***That Council accept the apology for late arrival submitted on behalf of Councillor Symington and grant approval for Councillor Wynn's request for leave of absence from the 22 June 2011 and 27 July 2011 Council meetings.***

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

AGAINST: NIL

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 2.1, 4.2 and 11.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

## 1.1 Disclosures of Interest

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### 6.1 Contract CPA/182359 - Provision of Security Services to The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

### 8.2 Central Coast Mariners - Final Report on 2010-11 Sponsorship

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 8.49pm, took no part in discussion, did not vote and returned to the chamber at 8.52pm.

***RESOLVED unanimously on the motion of Councillor GRAHAM 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, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## 1.2 Proposed Inspections and Briefings

---

Councillor Matthews left the chamber at 5.08pm and returned to the chamber at 5.09pm and as a result took no part in voting.

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

***That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

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

AGAINST: NIL

### 1.3 Address by Invited Speaker

Councillor Matthews left the chamber at 5.08pm and returned to the chamber at 5.09 pm during consideration of this item.

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

- 1 **That Council receive the amended report on Invited Speakers and with the inclusion of the following additional speakers:**

<i>Speaker</i>	<i>Report</i>
<i>Mr Ben Baker, United Services Union, available to answer questions</i>	<i>Item 2.1 Mayoral Minute - Consideration of Wyong Shire and Gosford City Councils Amalgamation at the June Central Coast Regional Organisation of Councils (CCROC).</i>
<i>Mr Malvin Gordon, resident, in favour of the motion</i>	<i>Item 11.1 Rescission Motion - Trial Closure of Tristram and Renee Close Access Way</i>

- 2 **That Council agree meeting practice be varied to allow Items 2.1, 4.2 and 11.1 to be dealt with following an Invited Speaker's address.**

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

AGAINST: NIL

### 1.4 Confirmation of Minutes of Previous Meeting

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

**That Council confirm the minutes of the previous Ordinary Meeting held on 23 March 2011.**

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

AGAINST: NIL

### Business Arising

Councillor Best referred to Item 8.2 Notice of Motion – Doubling and Promoting Council's \$10,000 Vandalism Reward and asked for details of the media campaign carried out to increase public awareness of this reward. The Mayor advised that a specific media release was postponed until after the Easter holiday period. However, this item was given media coverage in the local newspapers and was also broadcast on ABC Radio when he spoke about it during his Thursday afternoon slot.

Councillor Best referred to a Question on Notice Q4/11 Call Centre Congratulations and asked if the Customer Contact Section had been congratulated. The Director Community and Recreation Services responded that this item had been allocated to the appropriate Manager for action.



## **2.1 Mayoral Minute - Consideration of Wyong Shire and Gosford City Councils Amalgamation at the June Central Coast Regional Organisation of Councils (CCROC)**

---

Councillor Best left the chamber at 5.44pm and returned to the chamber at 5.45pm during consideration of this item.

Mr Ben Baker, representing the United Services Union, addressed the meeting at 5.15pm and retired at 5.35pm.

### **RESOLVED unanimously on the motion of Councillor EATON:**

- 1 That Council note the Gosford City Council resolution of 5 April 2011, detailed below:**
  - A The provision of independent, comprehensive, objective, quality information on a possible merger/ amalgamation of GCC and WSC as the basis for extensive consultation, be placed on the agenda of the next CCROC meeting.**
  - B The information should include factors such as:**
    - **Examples of similarly sized Councils as an amalgamated GCC/WSC would be**
    - **Examples of similarly sized Councils that have amalgamated**
    - **The suggested make up of such an amalgamated Council**
    - **The impact on residents and Councillors**
    - **The process of how the senior management and elected representative positions would be divided up (especially the GM and the Mayor).**
- 2 That both Councils reassure staff that:**
  - a Consideration of the above report will be on the basis of a guarantee of job security for permanent award staff for five years after the proclamation of any new Council;**
  - b Any major restructure would be through extensive consultation and participation with the Unions.**
  - c Core numbers within the two Councils would be protected and movement of staff between the Central Coast Water Corporation and the amalgamated Councils be handled as internal applicants.**
  - d No employee would be financially worse off through permanent worksite/depot/administration building location changes.**
  - e There would be no forced redundancies for award staff and any downsizing to be through natural attrition.**
- 3 That the Report takes into account:**
  - a The process and criteria detailed in Sections 218 and 263 of the Local Government Act (refer attached copies of these Sections).**
  - b In addition the report should examine the organisational outcome for:**
    - **Governance and appropriate Councillor representation for the community;**
    - **Financial Sustainability; and**
    - **Community Engagement (local identity, local community sustainability etc).**
  - c The report should discuss an engagement strategy to ensure appropriate involvement of staff, Consultative Committee and stakeholders.**

- d The report should include the results of a statistically valid poll of the residents of the Central Coast.*
- e That the report also include a SWOT analysis.*

**4 That, in the event of Gosford and Wyong Councils pursuing amalgamation, Council request the Minister to consider a referendum on this issue.**

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

AGAINST: NIL

### **3.1 Exhibition of Updated Shire Strategic Vision**

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

- 1 That Council adopt the draft Community Plan (revised Shire Strategic Vision) for exhibition.**
- 2 That Council consider submissions on the community Plan on 8 June 2011.**
- 3 That Council pursue, in partnership with the Central Coast Community, State Government and Gosford City Council to formulate a Regional Community Strategic Plan by 30 June 2013.**

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

AGAINST: NIL

The Director Corporate Services, advised that the Recommendation for Item 3.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2011/12 (incorporating the Annual Plan and 4 year Delivery Plan) had been amended to add three additional points, numbered 8 – 10.

### **3.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2011/12 (incorporating the Annual Plan and 4 year Delivery Plan)**

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Councillor Webster left the chamber at 8.17pm and returned to the chamber at 8.19pm during consideration of this item.

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

- 1 That Council place the Draft Wyong Shire Council Strategic Plan 2011/15 (the Draft Plan) on public exhibition.**
- 2 That Council receive submissions from the community concerning the Draft Plan for consideration and possible inclusion in the final plan to be adopted by Council in June 2011.**
- 3 That Council advise its intention to apply a Stormwater Management Charge to "urban" properties west of the F3 Freeway.**
- 4 That Council advise its intention to borrow \$18.575m in 2011-12 from approved institutions.**

- 5 That Council **advise** that a major change has been applied to its organisational planning methodology.
- 6 That Council **advise** its intention to change the Ordinary Rating Categories (defined in the Draft Plan) as follows;
- a Farmland
  - b Residential
  - c Business
  - d Business – major commercial
  - e Mining
- 7 That Council **advise** its intention to investigate amalgamation with Gosford City.
- 8 That Council **advise** the Community that the Draft Plan accommodates the intentions of Council to reduce the annual operating deficit to zero as a consequence of interventions yet to be finalised.
- 9 That Council **authorise** the General Manager to make appropriate corrections in the Draft Plan to eliminate numerical inconsistencies and typing errors – prior to its release for public exhibition on 4 May 2011.
- 10 That Council **adopt** Version #2 of the Revenue Policy provided as a late enclosure.

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

AGAINST: NIL

#### **4.1 DA 315/2006 - Proposed Residential Flat Development at Mardi**

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

- 1 That Council **note** the withdrawal of DA 315/2006 by the applicant, Woodbury Park Estates.
- 2 That Council **acknowledge** that the withdrawal of the application removes the ability for Council to determine the development pursuant to Clause 52(2) of the Environment Planning and Assessment Regulation, 2000.

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

AGAINST: NIL

#### **PROCEDURAL MOTION**

##### **SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council **allow** meeting practice to be varied.
- 2 That Council **use** the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

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

**That with the exception of report numbers 6.1, 7.1, 7.2, 8.2, 8.7, 8.9 and 9.1 and Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

#### **4.2 DA 1340/2010 - Demolition of Existing Structures, Removal of Six Trees and Construction of a Dwelling, Machinery Shed and Inground Pool at Wyong**

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Councillor McNamara left the meeting at 6.44pm returned at 6.45pm during consideration of this item.

Councillor Graham left the meeting at 6.45pm returned at 6.46pm during consideration of this item.

Councillor Best left the chamber at 6.59pm and returned to the chamber at 7.00pm during consideration of this item.

Councillor Symington joined the meeting at 7.04pm during consideration of this item

Councillor Matthews left the chamber at 7.06pm and returned to the chamber at 7.07pm during consideration of this item.

Mr Matthew Lusted, applicant, addressed the meeting at 6.44pm, and retired at 6.56pm.

*It was MOVED by Councillor WYNN:*

- 1 *That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, refuse the application subject to the reasons for refusal detailed in the schedule attached to the report.*
- 2 *That those who made written submissions be advised of the decision.*

**The MOTION lapsed for want of a SECONDER.**

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

- 1 ***That Council indicate its intention to approve Development Application 1340/2010 subject to the imposition of appropriate conditions.***
- 2 ***That Council consider a report on appropriate conditions at the Council meeting of 11 May 2011.***
- 3 ***That Council outline its reasons for dissenting from the staff recommendation, as follows:***
  - a ***Discrepancies in flood reports***
  - b ***The proposed new dwelling will increase safety for inhabitants.***

- 4 That Council consider an engineer's report on the flood compatibility of the method of construction and the materials to be used in construction which is to be provided by the applicant within seven days.**

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

AGAINST: COUNCILLOR WYNN

#### **4.3 DA/1544/2010 - Proposed Secondary Dwelling at Killarney Vale**

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

- 1 That Council, grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.**
- 2 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No. 1 to vary the development standard of State Environmental Planning Policy (Affordable Rental Housing) Clause 22(3)(b) to permit the development.**

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

AGAINST: NIL

#### **5.1 Proposed Acquisitions - New Requirements from the Division of Local Government**

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

**That Council authorise any necessary applications for the approval of the Minister for Local Government and for the consent of the Governor to proceed with compulsory acquisition in the event that agreement cannot be reached with the owners of land affected by the following acquisition proposals previously approved by Council adjacent to Mildon and Gavenlock Roads Tuggerah;**

- a a drainage easement over an existing constructed drainage line over part Lots 8 and 9 DP 1014170, Lot 3 DP 841170 and Lots 3 and 4 DP 877668;**
- b part of Lot 2 DP 586364 and part of Lot 504 DP 1134328 Berkeley Road, Fountaindale as public road;**
- c part of Lot 5 DP 4097 at Brush Road, Ourimbah as public road.**

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

AGAINST: NIL

**5.2 Proposed Acquisition of Lot 10 Section 6 DP 3136, 11 Margaret Street, Wyong**

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

- 1 That Council authorise the acquisition of Lot 10 Section 6 DP 3136 at 11 Margaret Street, Wyong for an amount to be negotiated having regard to market value as determined by an independent qualified valuer.
- 2 That Council propose classification of Lot 10 DP 14527 as Operational Land.
- 3 That, Council confirm the classification as Operational subject to no adverse submissions being received.
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer between the owner of Lot 10 Section 6 DP 3136 and Wyong Shire Council.
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer between Wyong Shire Council and the owner of Lot 10 Section 6 DP 3136.

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

AGAINST: NIL

**5.3 Council-owned Iconic Development Sites**

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

- 1 That Council seek expressions of interest to partner Council in the development of Council-owned iconic development sites.
- 2 That a further report be presented to Council at the completion of the expressions of interest process.

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

AGAINST: NIL

**6.1 Contract CPA/182359 - Provision of Security Services to The Entrance Town Centre**

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Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster stated:

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

Councillor Vincent left the chamber at 8.31pm and returned to the chamber at 8.33 pm during consideration of this item.

Councillor Best left the chamber at 8.36pm and returned to the chamber at 8.37 pm and as a result took no part in voting.

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

- 1 That Council decline to accept any of the tenders received for contract CPA/182359 – Provision of Security Services to The Entrance Town Centre, in accordance with sub-clause 178(1)(b), Local Government (General) Regulation 2005.
- 2 That Council invite, in accordance with clause 167 fresh tenders based on the same or different details.
- 3 That Council thank the tenderers for their interest and invite them to re-tender when fresh tenders are called.

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

AGAINST: NIL

### **7.1 Contract Variations and Finalisation - February and March 2011**

Councillor Best left the chamber at 8.36pm and returned to the chamber at 8.37pm during consideration of this item.

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

- 1 That Council receive the Contract Variations and Finalisation February and March 2011 report (Attachment 1 and 2).
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (excl GST)</b>	<b>Additional Budget Approval</b>
<b>Concept Design, Details &amp; Tender Documentation - Sewer Pump Station T8, Norah Head</b>	<b>147230</b>	<b>\$160,506.50</b>	<b>\$10,506.50</b>
<b>Options Report, Detail Design &amp; Tender Documentation - Sewer Pump Station T22 Upgrade - Budgewoi</b>	<b>144772</b>	<b>\$171,421.00</b>	<b>\$21,421.00</b>
<b>Sub Division 150 - 190 Sparks Rd Warnervale - Land Clearing</b>	<b>171824</b>	<b>\$160,791.99</b>	<b>\$10,791.99</b>
<b>Construction of Link Road Sparks Road to Lakes Grammar Senior School, Warnervale</b>	<b>160794</b>	<b>\$11,101,735.96</b>	<b>\$302,000.00</b>

- 3 That Council note the additional expenditure requested has been funded through both previous and current years rolling work programs.

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

AGAINST: NIL

**7.2 Conferences 2011**

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Cr Matthews advised that due to her mismanagement of her diary and also because she has been unwell she will be unable to attend the Persuasive Writing Skills for Councillors Workshop scheduled to be held on Friday 29 April 2011. She indicated that she is still interested in attending but at a later date.

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

- 1 That Council authorise interested Councillor/s to attend the Persuasive Writing Skills for Councillors Workshop.**
- 2 That Council authorise interested Councillor/s to attend the 2011 Australian Local Government Women's Association Conference SWIFT.**
- 3 That Council authorise interested Councillor/s to attend the 2011 Asia Pacific Cities Summit.**
- 4 That Council meet reasonable expenses incurred in Councillors attending the above workshop, conference and summit 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

**7.3 Central Coast Bears' bid to gain admission into National Rugby League (NRL) in 2013.**

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

**That Council provide in kind support to the Central Coast Bears' bid to gain admission into the National Rugby League in 2013 and the development of the Mt Penang Parklands Sporting Precinct.**

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

AGAINST: NIL



**PROCEDURAL MOTION****SUSPENSION OF MEETING PRACTICE**

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

***That Council allow meeting practice to be varied to allow for discussions to take place on Item 7.4 Draft Minutes of the Strategic Finance Committee prior to discussions on Item 3.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2011/12 (incorporating the Annual Plan and 4 year Delivery Plan).***

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

AGAINST: NIL

**7.4 Draft Minutes of the Strategic Finance Committee**

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

- 1 ***That Council note the draft minutes of the Strategic Finance Committee held on 23 March 2011.***
- 2 ***That Council adopt a Long Term Financial Strategy target for Working Capital equal to >3% of Operating Cash Expenses.***
- 3 ***That Council adopts a target Liquidity Ratio of above 1.5 to be included in the Long Term Financial Strategy.***
- 4 ***That Council authorises the Long Term Financial Strategy to include guidelines for Council's borrowing which:***
  - I ***Allow for external debt to be used to finance long term inter-generational assets or where the return on investment inclusive of financing costs is positive.***
  - II ***Comply with directives of IPART in the case of water and sewer.***
  - III ***Establish a target for the Consolidated Debt Service Ratio of below 15% and a General Fund Indebtedness Ratio of less than 80% of revenue.***
  - IV ***Articulate a strategy to use Internal Borrowings over External Borrowings to capture any financial benefit between investment returns and financing costs - where available funds exist.***
- 5 ***That Council increase the Ordinary and Special Rates for 2011-2012 by the maximum 2.8% allowable "rate-pegging" adjustment set by the State Government.***
- 6 ***That Council adopt a Base Rate of \$162.00 for the 2011-2012 year.***
- 7 ***That Council change the Ordinary Rating system from a "Base Rate plus Ad Valorem amount" to one of "Minimum Rate plus Ad Valorem amount" from 1 July 2012.***
- 8 ***That Council adopt a Minimum Rate of \$430.00 in addition to an Ad Valorem Rate from 1 July 1 2012.***
- 9 ***That Council increase the Mining Rate by 100% and apply the increased revenue to a reduction of residential rates.***

- 10 That Council **establish** sub-categories of business rates based on the key business "centres of activity" for;
- a Bay Village Bateau Bay Shopping Precinct,
  - b Lake Haven Shopping Precinct,
  - c Westfield Shopping Centre.
- 11 That Council **continue** to apply Special Rates for;
- a Special Rate - The Entrance Town Centre
  - b Special Rate - Non-Residential Properties Toukley Area
  - c Special Rate - Non-Residential Properties Wyong Area
- 12 That Council **continue** to levy the Stormwater Management Charge to fund management of stormwater:
- a inclusion of properties west of the Freeway
  - b with no change to business properties.
- 13 That Council **increase** Waste charges as outlined in the Revenue Policy including the increase in the Domestic Waste Annual Charge to \$409.00 and Tipping Fee increase to \$212.60.
- 14 That Council **endorse** a maximum 5% increase to non-regulated fees for inclusion in the Annual Plan.
- 15 That Council **endorse** the inclusion of the proposed new fees as the basis of the draft 2011/12 Annual Plan Revenue Policy.
- 16 That Council **defer** the election of permanent members to the Committee until the Committee Structure Review has been completed.

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

AGAINST: NIL

## **8.1 Information Reports**

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

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

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

AGAINST: NIL

**8.2 Central Coast Mariners - Final Report on 2010-11 Sponsorship**

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Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 8.49pm, took no part in discussion, did not vote and returned to the chamber at 8.52pm.

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

***That Council receive the Central Coast Mariners - Final Report on 2010-11 Sponsorship of the Central Coast Mariners.***

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

AGAINST: NIL

**8.3 Disclosure of Interest Returns - 1 January to 31 March 2011**

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

***That Council receive the report on Disclosure of Interest Returns - 1 January to 31 March 2011.***

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

AGAINST: NIL

**8.4 Mardi to Mangrove Link Project Status**

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

***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

**8.5 General Works in Progress**

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

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

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

AGAINST: NIL

**8.6 Works in Progress - Water Supply and Sewerage**

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

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

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

**8.7 Mobile Concierge Grant Application with Optus**

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

***That Council receive the report on Mobile Concierge Grant Application with Optus.***

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

**8.8 Results on Water Quality Testing for Beaches and Lake Swimming Locations**

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

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

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

**8.9 Warnervale Town Centre March 2011 Progress Report**

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

***That Council receive the report on Warnervale Town Centre March 2011 Progress Report.***

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

**8.10 Activities of the Development Assessment Unit and Building Certification and Health Unit**

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

**That Council receive the report on Activities of the Development Assessment Unit and Building Certification and Health Unit.**

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

AGAINST: NIL

**8.11 Outstanding Questions without Notice and Notice of Motions**

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

**That Council receive the report on Outstanding Questions without Notice and Notice of Motions.**

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

AGAINST: NIL

**10.1 Notice of Motion - Storage of Dinghies on Foreshores in Wyong Shire**

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

- 1 That Council consult with the community and potential stakeholders to develop a policy for the storage of dinghies on foreshores in Wyong Shire.**
- 2 That, following community consultation, Council develop a policy on this matter and submit it to Council for consideration.**
- 3 That Council consider a report which includes the cost/return/savings of implementing the policy.**
- 4 That, if the policy is adopted, Council communicate it thoroughly to the broader community prior to any implementation.**

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

AGAINST: NIL

**10.2 Notice of Motion - Extension of Lifeguard Season at Soldiers and Shelly Beach**

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

**That Council extend the Lifeguard season for an additional four weeks, ending on Friday 20 May 2011, at Soldiers Beach and Shelly Beach.**

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

AGAINST: NIL

**11.1 Rescission Motion - Trial Closure of Tristram and Renee Close Access Way**

Councillor Wynn left the chamber at 7.26pm and returned to the chamber at 7.28pm during consideration of this item.

Councillor McBride left the chamber at 7.30pm and returned to the chamber at 7.32pm during consideration of this item.

Councillor McNamara left the chamber at 7.40pm and returned to the chamber at 7.42pm during consideration of this item.

Mr Malvin Gordon, resident, addressed the meeting at 7.26pm, and retired at 7.30pm.

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

**That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 27 October 2010:**

- 1 That Council trial the closure of the pedestrian walkway between Tristram Close and Renee Close Lake Haven for the period of six months, as described in this report.**
- 2 That Council review the success of the trial closure (including a summary of residents) after three months of the closure and consider a report on that review before making a final decision.**
- 3 That Council notify the residents consulted on the outcomes of the investigation process.**
- 4 That Council endorse the criteria and consultative methodology undertaken as part of this report when considering future requests for the closure of pedestrian walkways.**

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

AGAINST: COUNCILLORS GRAHAM AND WYNN

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

- 1 That, further to the strong community feedback and concerns (details attached) at the trial closure of this access way, Council cease the trial and immediately re-open the access way permanently.**

- 2 That Council install appropriate fencing and vehicular/motorcycle barriers to assist residents in close proximity of the access way. Further, that Council staff advise local residents of Council's free graffiti removal kits now available.
- 3 That Council request staff to trim vegetation in the area near the street lights to improve lighting.
- 4 That Council request staff to plant dense native vegetation along the fences of premises which have been experiencing graffiti attacks.

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

AGAINST: NIL

### QUESTIONS ON NOTICE

Councillor Graham left the chamber at 9.04pm and returned to the chamber at 9.05pm during consideration of this item.

Councillor McNamara left the chamber at 9.04pm and returned to the chamber at 9.05pm during consideration of this item.

Councillor Matthews left the chamber at 9.05pm and returned to the chamber at 9.06pm during consideration of this item.

#### **Q5/11 Land on Beach Side, South of Lakes Surf Club Councillor Best**

*"Mr General Manager,*

*Could you provide Councillors with an update on this site and its future use?"*

#### **Q6/11 Carbon Tax Councillor Best**

*"Mr General Manager,*

*If the Federal Government introduces a carbon tax what will be the cost to Council?"*

#### **Q7/11 Central Coast Tourist Parks Councillor Wynn**

*"When and why have the Wyong Shire Tourist Parks been renamed Central Coast Tourist Parks?"*

#### **Q8/11 Control of Rabbit Plague Councillor Wynn**

*What is the Council's management plan for the control of the rabbit plague that is being experience by the Commonwealth funded, in partnership with WSC, rehabilitation of the coastal foreshore by Budgewoi Dune Care threatening the work by killing the immature plants?"*

**THE MEETING** closed at 9.07pm.

## **2.1 Notice of Intention to Deal with Matters in Confidential Session**

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TRIM REFERENCE: F2011/00027 - D02570410

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

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

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

### **RECOMMENDATION**

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:**
  - 9.1 Toukley Gardens and Rustrum Pty Ltd Properties at 216-222 Main Road and 21 Rowland Terrace, Toukley - Proposed Release or Exchange of Operational Land.**
- 2 That Council note its reason for considering Report No 9.1 in confidential session is that it contains commercial information of a confidential nature that would, if disclosed:**
  - (i) prejudice the commercial position of the person who supplied it, or**
  - (ii) confer a commercial advantage on a competitor of the Council, or**
  - (iii) reveal a trade secret,**

**should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

*“2(a) personnel matters concerning particular individuals (other than Councillors),*

*2(b) the personal hardship of any resident or ratepayer,*



- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
- (i) prejudice the commercial position of the person who supplied it, or*
  - (ii) confer a commercial advantage on a competitor of the Council, or*
  - (iii) reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.”*

### **3.1 Draft Policy - Incomplete Works and Dilapidated Buildings**

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TRIM REFERENCE: F2009/00055 - D02481390  
AUTHOR: Rodney Mergan; Senior Planner Rodney Mergan, Senior Planner  
MANAGER: Martin Johnson; Land Use Planning and Policy Development

#### **SUMMARY**

This report seeks the endorsement of Council to place a new draft policy pertaining to Incomplete Works and Dilapidated Buildings on public exhibition.

#### **RECOMMENDATION**

- 1 That Council place the draft Incomplete Works and Dilapidated Buildings Policy on public exhibition for a period of four weeks.**
- 2 That Council adopt the Incomplete Works and Dilapidated Buildings Policy, subject to there being no significant objections as a result of public exhibition and give appropriate public notice.**

#### **BACKGROUND**

Council at its meeting held on 11 November 2009 resolved unanimously on the motion of Councillor Best and seconded by Councillor Webster:

- "1 That taking into account the unsightly appearance of a number of unfinished and empty buildings throughout the Shire, that staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.*
- 2 That the draft policy be written to apply to major residential, commercial and industrial development.*
- 3 That the provisions of the policy include:*
  - a objectives relating to ensuring visual amenity is maintained should buildings remain unfinished or empty;*
  - b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and*
  - c a focus on buildings located within town centres and on major roads within the Shire.*

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

AGAINST: NIL."

In response to Council's resolution, a draft Policy has been prepared for consideration and consultation with the community.

#### **THE PROPOSAL**

The scope of this project was outlined in Council's resolution. The draft policy demonstrates the intent of Council to endeavour to address the negative impact that incomplete and disused buildings have on the community. The draft policy provides support for Council to deal with these situations in an effective and consistent manner.

The draft Policy provides information on:

- The powers available to Council to address Incomplete Works and Dilapidated Buildings such as Orders, conditions of consent and the application of Council's Development Control Plan (DCP) 2005.
- Methods by which Council can work with the community to ensure that a satisfactory outcome can be achieved for all parties concerned such as providing appropriate advice to landowners where possible and encouraging mediation where required.
- Ways, by which an applicant may, in certain circumstances, be able to comply with the requirements of the Policy by providing landscaping, screening and /or other forms of maintenance.

#### **OPTIONS**

##### **Do nothing - Continue with current practice**

Currently, Council can use the powers available under the Local Government Act 1993 (LGA) and the Environmental Planning and Assessment Act 1979 (EP&A Act) to require work to be undertaken to rectify issues that are caused by incomplete works and dilapidated buildings. However, historically, Council has found that achieving a satisfactory outcome by enforcing Orders has been problematic, unless the subject building or works are structurally unsound.

The application of this Policy will assist Council in achieving a consistent approach in relation to these issues.

##### **Revision of Development Control Plan**

The addition of information on the intent of Council with regard to the completion of approved developments will be incorporated in the consolidated DCP 2011 which is being developed in conjunction with the Comprehensive Local Environmental Plan (CLEP).

A revision of the DCP would only apply to works approved and not completed under the development application process and would not be applicable to works legally undertaken outside this process such as exempt development or works approved under Part 5 of the EP&AAct. It is therefore appropriate that a policy of Council with regard to this subject be developed and remain in force following the DCP/LEP Review, as a Council policy can apply to works undertaken outside of the Development Application process.

## Link to Shire Strategic Vision &amp; Annual Plan

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Ensuring the satisfactory completion of developments will improve the amenity of neighbourhoods potentially increasing a sense of pride in the local area for residents.
<b>Travel</b> - 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
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil
<b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil
<b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil
<b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil
<b>Natural Areas</b> - 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
<b>Environmental Programs</b> - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil

### **Financial Implications**

There should be no financial burden on Council resulting from the implementation of this Policy. Should Council wish to increase its activity to ensure that all developments are satisfactorily completed, an increase in resourcing may be required.

### **Principles of Sustainability**

Ecologically Sustainable Development is defined under the LGA 1993 and the EP&A Regulation. It is considered that the proposal is consistent with these principles given that the policy endeavours to:

- Ensure a burden is not placed on future generations.
- Ensure the built environment is maintained and enhanced.
- Ensure that there is not a negative economic and social impact on the community.

### **CONSULTATION**

Internal consultation with key stakeholders has been undertaken in the preparation of this draft Policy. It is proposed that the draft Policy be placed on public exhibition for four weeks.

### **GOVERNANCE**

The following Legislation has been referred to in the preparation of this draft policy

Environmental Planning and Assessment Act (1979)  
Local Government Act (1993)

### **CORPORATE RISKS**

There is little or no Corporate Risk generated by the introduction of this Policy. A Policy document will not alter Council's position on dealing with issues of amenity over issues such as public safety.

### **CONCLUSION**

The draft Policy has been prepared in response to the Resolution of Council and is recommended for public exhibition

### **ATTACHMENTS**

- 1 Draft Policy I1 Incomplete Works and Dilapidated Buildings D02568335

# ***Wyong Shire Council Policy I1***

## ***Incomplete Works and Dilapidated Buildings***

<b>POLICY No.</b>	<b>I 1</b>	<b>Date</b>
<b>Written By Updated</b>	Land Use Planning & Policy Development	
<b>Operational</b>		
<b>Authority Signature – General Manager</b>		
<b>Adopted by Council Resolution (If applicable)</b>		
<b>Reviewed Date</b>		
<b>Amended Date</b>		

**A. POLICY SUMMARY**

- A.1.** The purpose of this Policy is to establish Council's position and with regard to incomplete works and dilapidated buildings.

**B. POLICY BACKGROUND****Preamble**

- B.1.** Incomplete works and dilapidated buildings can have a negative impact on the amenity of an area and potentially cause public safety issues.
- B.2.** Council is provided with powers to ensure that public safety is secured and that approved works are completed in a timely manner.
- B.3.** This document provides information on the powers available to Council to address incomplete works and dilapidated buildings, Council's expectations with regard to the completion of approved developments and maintenance of building sites and methods by which Council will work with the public, to ensure that the most satisfactory outcome for all parties concerned is reached.

**Policy Objectives**

- B.4.** Clarify the power and responsibility of both Council and landowners with regard to incomplete works and dilapidated buildings.
- B.5.** To ensure that as far as possible public safety is not compromised by incomplete works and dilapidated buildings.
- B.6.** To ensure that as far as possible neighbourhood amenity is not compromised by incomplete works and dilapidated buildings.
- B.7.** To assist in maintaining the satisfactory appearance of visually prominent areas within the Shire.

**C. DEFINITIONS**

- C.1.** Incomplete Works- Refers to sites where consent or an appropriate approval has been granted, work has been commenced, but is yet to be completed.
- C.2.** Dilapidated Buildings – Refers to sites that have fallen into a state of disrepair of deterioration.
- C.3** Visually Prominent Areas – for the purpose of this document refers to sites that are located within urban areas particularly along major thoroughfares and/or areas considered to be of scenic value.

## **D. LEGISLATIVE AND GOVERNANCE MATTERS**

### **Related Legislation**

**D.1.** The following Legislation has been referred to in the preparation of this policy document:

- a. Environmental Planning and Assessment Act 1979.
- b. Local Government Act 1993.
- c. Wyong Local Environmental Plan 1991.

### **D.2. Council's Powers with regard to incomplete works and dilapidated buildings**

The Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 provide Council with powers to meet the purposes and objectives of the respective Acts.

#### **Orders**

Council has the power to require:

- Demolition or removal of buildings.
- To repair or make structural alterations to a building.
- To erect or install on or around a building such structures or appliances as are necessary to protect persons or property on or in a public place.
- To complete development that is subject to a development consent.
- To fence land.
- To ensure that land is, or premises are, placed or kept in a safe or healthy condition.

#### **Development Control Plan**

Development Control Plan 2005 - Chapter 111 – Hoardings, requires hoardings to be constructed where demolition, building, maintenance or other works are being carried out on a building and must remain in place until construction or demolition is completed.

#### **Conditions of Development Consent**

In any approval for development Council may apply conditions to the consent to ensure that the site will be appropriately maintained during construction and at all times prior to completion of the development.



**E. POLICY IMPLEMENTATION**

- E.1.** Council will endeavour to advise developers on any issues that are preventing completion of the development.
- E.2.** When required, Council will encourage a conciliation or mediation with a landowner to provide a satisfactory outcome to all parties.
- E.3.** Council will apply all available regulatory measures to ensure that incomplete works are completed in an acceptable timeframe and dilapidated buildings are improved to an acceptable standard.
- E.4** In issuing consent or approval for the undertaking of works for any major residential, commercial or industrial development or development located in visually prominent areas, Council will apply conditions of consent:
- a requiring the completion of the development, once commenced, within a reasonable timeframe commensurate to the scale and complexity of the development.
  - b requiring the site to be maintained during construction and at all times prior to completion.
  - c requiring evidence of suitable security being available to appropriately ensure the safety and visual presentation of the development should the completion of the project be delayed.
- E.5** For sites not recognised as major development or not located in visually prominent areas, where Council considers works should be completed or the site is considered unsightly, Council will apply the process listed under points E1, E2 and finally point E3 above as required.

**F. METHODS OF COMPLIANCE**

Council acknowledges that circumstances may delay the completion of works or result in a site falling into disrepair. While it is desirable that all works be completed within a reasonable timeframe, the following provides some examples of suggested actions that, under appropriate circumstances, Council will require to be undertaken to reduce the impact of incomplete works:

- Hoardings where considered appropriate to protect and/or screen sites.
- Maintenance and improved presentation of hoardings.
- Provision of screen landscaping where appropriate.
- Painting or other external maintenance.
- Provide a plan of management for the maintenance of building sites.

### **3.2 DA 1340/2010 - Demolition of Existing Structures, Removal of Six Trees and Construction of a Dwelling, Machinery Shed and Inground Pool at Wyong**

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TRIM REFERENCE: DA/1340/2010 - D02593426  
AUTHOR: Peter Meloy; Development Planner  
MANAGER: Peter Fryar, Manager Development Assessment

#### **SUMMARY**

At the Ordinary Meeting held on 27 April 2011, Council considered a report on a development application for the demolition of existing structures, removal of six trees & construction of a dwelling, machinery shed & inground swimming pool at 93 Alison Road, Wyong (Lot 2 DP 1067114). In accordance with Council's resolution of 27 April 2011 giving an 'in principle' approval to the proposal, the matter is reported to Council with appropriate conditions of consent should Council be of a mind to issue a Development Consent.

<b>Applicant</b>	Mr M J Lusted & Mrs B J Lusted
<b>Owner</b>	Mr M J Lusted & Mrs B J Lusted
<b>Application No</b>	DA/1340/2010
<b>Description of Land</b>	Lot 2, DP 1067114, No 93 Alison Road, Wyong
<b>Proposed Development</b>	Demolition of Existing Structures, Removal Of Six Trees & Construction Of Dwelling, Machinery Shed & Inground Swimming Pool
<b>Site Area</b>	5030m <sup>2</sup>
<b>Zoning</b>	1(c) Non Urban Constrained Lands
<b>Existing Use</b>	Dwelling and outbuildings
<b>Estimated Value</b>	\$600,000

#### **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 detailed in the schedule attached to the report presented to Council on 27 April 2011.**
- 2 That those who made written submissions be advised of the decision**

**3.2 DA 1340/2010 - Demolition of Existing Structures, Removal of Six Trees and Construction of a Dwelling, Machinery Shed and Inground Pool at Wyong (contd)**

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**INTRODUCTION**

Council at its meeting held on 27 April 2011 resolved as follows:

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

- 1 *That Council indicate its intention to approve Development Application 1340/2010 subject to the imposition of appropriate conditions.*
- 2 *That Council consider a report on appropriate conditions at the Council meeting of 11 May 2011.*
- 3 *That Council outline its reasons for dissenting from the staff recommendation, as follows:*
  - a *Discrepancies in flood reports*
  - b *The proposed new dwelling will increase safety for inhabitants.*
- 4 *That Council consider an engineer's report on the flood compatibility of the method of construction and the materials to be used in construction which is to be provided by the applicant within seven days.*

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

AGAINST: COUNCILLOR WYNN

**Issues Arising from Council's Resolution of 27 April 2011**

- Following Council's resolution giving an 'in principle' approval of the application, draft conditions have been prepared in accordance with Resolution No 2 (Attachment 2).
- In response to Resolution No 4, the applicant has provided Council with an Engineers Report (Attachment 3) for Council's consideration.
- Subsequent to Council's Resolution and the questions raised regarding mapping 'inconsistencies', Council's Senior Planning Engineer, Hydrology has provided the following comments:-

*"The flooding constraints associated with no. 93 Alison Road are as follows:*

- *Council staff have agreed that there may be some discrepancy with Figure 3 of the report of the 27 April with regard to the cadastre and flood hazard mapping. This was discussed with the applicant at initial stages;*

- *The hazard mapping was completed as part of the Lower Wyong River Floodplain Risk Management Study, which is a 16 square kilometre catchment. It is recognised that the applicant may have more detailed ground survey information which can refine this mapping. The applicant was advised in January that Council would consider a re-classification of the land (boundaries between floodway / flood storage) with this updated survey information. The applicant did not pursue this option.*
- *The applicant submitted a flood risk assessment, which was inconclusive and did not satisfy the requirements of the NSW Government's Floodplain Development Manual with regard to residual risk.*
- *Survey information submitted as part of the DA indicate that the average ground level at the rear of the property is approximately RL 4.31 mAHD.*
- *The 1% AEP flood level at this site is RL 5.81 mAHD. As such, the average depth of water in the 1% AEP flood is 1.5 metres.*
- *The PMF flood level is RL 6.52 mAHD.*
- *Despite any discrepancy in Figure 3 as mentioned above, the flood hazard classification of this site is partly high hazard floodway and partly high hazard flood storage. The whole of the property is high hazard classification.*
- *The development controls listed in Council's adopted Lower Wyong River Floodplain Risk Management Plan state that, for both high hazard floodway and high hazard flood storage, structures and buildings are unsuitable for development.*
- *The compensatory storage discussed by the applicant will have no impact on higher flood levels, as the flood storage proposed would be inundated in a smaller storm event (i.e. the compensatory storage discussed would be inundated in a 10% flood event, therefore having no impact on the 1% flood event)*
- *The site is reliant on on-site wastewater management system. This system has limited storage capacity, and would be shut down when covered with water in a flood event. This will lead to water quality issues if the system overflows, or is forced to surcharge.*
- *Development of a residential dwelling with floor levels at the flood planning level based on the 1% AEP flood level will create a false sense of security for residents, who will remain in place during a flood event. The driveway and access road in this area become inundated at quite low water levels, and if the occupants of the building require rescuing, emergency management staff or the occupants would be forced to traverse through floodwaters. This risk would be exacerbated by potentially polluted floodwater from the on-site wastewater management system.*

**3.2 DA 1340/2010 - Demolition of Existing Structures, Removal of Six Trees and Construction of a Dwelling, Machinery Shed and Inground Pool at Wyong (contd)**

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- *This application does not comply with the NSW Government's Floodplain Development Manual and floodplain risk management principles. "*

**SEPP 1 Variation**

Council should be aware that in accordance with the requirements of the Department of Planning's Circular PS 08-003 (formerly Circular B1), the concurrence of the Director General of the DoP is required for the use of State Environmental Planning Policy (SEPP) No 1 to vary the development standard relating to the minimum lot size for the erection of a dwelling on the land. The Director-General's concurrence has not been sought to date as the development application was recommended for refusal. Subject to the granting of concurrence of the Director-General in respect of the application of SEPP 1, Council may grant a development consent for the proposal.

The matter is submitted to Council for determination.

**ATTACHMENTS**

- |   |  |           |           |
|---|--|-----------|-----------|
| 1 | Report to Council dated 27 April 2011    | Enclosure | D02540467 |
| 2 | Draft Approval Conditions                |           | D02596866 |
| 3 | Draft Refusal Conditions                 |           | D02571855 |
| 4 | Letter from Northrop dated 29 April 2011 |           | D02596782 |

**Draft Conditions of Consent  
DA/1340/2010  
Proposed Dwelling, 93 Alison Road Wyong**

**Approved Plans**

- 1 The development is to be undertaken in accordance with the approved development plans and specifications, reference Site Plan + ESCP Plan No D100 Issue B dated November 2010, Site Sections, Plan No D101 Issue DA dated November 2010, Lower Floor Plan, Plan No D200 Issue B dated November 2010, Upper Floor Plan, Plan No D201 Issue B dated November 2010, Roof Plan, Plan No D202 Issue B dated November 2010, Elevation, Plan No D300 Issue B dated November 2010, Elevation, Plan No D301 Issue B dated November 2010 and Machinery Shed Plans/Elevs/Sections, Plan No D500 Issue DA dated November 2010 except as modified by any conditions of consent.

**Construction Certificate – Application and Approval**

- 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 ISSUE OF THE CONSTRUCTION CERTIFICATE****Certificates/Engineering Details**

- 3 Satisfactory structural plans prepared by a suitably qualified Structural Engineer must be submitted to the Principal Certifying Authority for the piers, slab, pool shell and structural steel construction prior to the issue of a Construction Certificate.

**Flooding**

- 4 Prior to the issue of the Construction Certificate the submission to the Principal Certifying Authority of the following information;
  - The 5% AEP flood level is RL 5.2 metres AHD and the average flood velocity is 1.0 metres per second.
  - The 1% AEP flood level is RL 5.81 metres AHD and the average flood velocity is 0.84 metres per second.
  - The probable maximum flood (PMF) level is RL 6.53 metres AHD
  - The minimum habitable floor level of 6.31 metres AHD
  - The provision of certification from a practising structural engineer that all sections of the approved structure which is subject to the force of water or debris due to a PMF flood, have been designed to resist the stresses thereby induced in accordance with the Hawkesbury-Nepean Floodplain Management Steering Committee publication *Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas*. An appropriate factor of safety is to be applied to the forces exerted by the PMF 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. Plans and specifications detailing the building materials are to be submitted to the Principal Certifying Authority.
  - The inlets points to the on-site sewerage management system must be above the 1% AEP flood level
  - The storage of all toxic or pollutant substances or other products which may be hazardous or pollute flood waters at a minimum level of 500mm above the 1% AEP flood level.
- 5 The preparation of a Flood Emergency Management Plan (FEMP) to mitigate the risk to life and property by a suitably qualified and experienced consultant. The plan must include, but not limited to, the following;
- Source and severity of flooding.
    - A site specific evacuation plan prepared in consultation with the State Emergency Service, including commentary of the 'last chance' opportunity for self sufficient low hazard evacuation.
  - Methods of accessing real time flood data and warnings
    - Recommendations and contingencies for occupants during and after a flood event in relation to communications, supplies, services and any other elements identified by the flooding consultant.
  - Methods of disseminating the contents of the FEMP to current and future occupants.
    - Revision frequency for the FEMP, and requirement to provide a copy of any revision to Wyong Shire Council.
    - Recommendations for amendments/additions to the development plans to facilitate ease of evacuation.

The plan must be certified and submitted to the Accredited Certifier prior to the issue of the Construction Certificate. A copy of the FEMP must be supplied to Wyong Shire Council and the registered proprietor of the land.

#### **On-site Sewerage Management System – Application and Approval**

- 6 Prior to the issue of any construction certificate for works subject of this consent an application is to be submitted to and be approved by Council pursuant to the provisions of Section 68 of the Local Government Act 1993 with respect to the installation and operation of the on site sewerage management system proposed to treat and dispose of effluent from the development.

#### **Machinery Shed - Design**

- 7 A suspended slab is to be used in the construction of the machinery shed in order to reduce the impact on trees. Details are to be shown on structural plans submitted for approval as part of the Construction Certificate.

## PRIOR TO COMMENCEMENT AND DURING WORKS

### Approved Plans

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

### Demolition

- 9 Building demolition work is to be carried out in accordance with the requirements/provisions of the AS2601-2001 - The Demolition of Structures.
- 10 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/or 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.

### Erosion and Sediment Control

- 11 The provision of soil erosion and silt controls on the site in accordance with Council's Policy E1 - Erosion and Sediment Control from Building Sites and Development Control Plan 2005, Chapter 67 – Engineering Requirements for Development and the approved development plans prior to any works commencing on the site. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 12 Sand and other materials that could potentially be washed off the site during rain periods are to be stored behind the silt control barrier. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 13 The provision, where appropriate, 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 prior to commencement of works. The build up of silt and debris must be removed from the site on a daily basis during construction. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 14 The display of an appropriate sign to promote the awareness of the importance of the maintenance of sediment control techniques on the most prominent sediment fence or erosion control device, for the duration of the project. **Note: On-the-spot fines may be imposed by Council for non-compliance with this condition.**
- 15 Prior to commencement of works 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.**
- 16 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

- 17 The minimum floor level of all habitable rooms is to be RL6.31 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.**

### Site Requirements

- 18 Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer; or
  - have an on-site effluent disposal system approved under the LGA 1993, or be a temporary chemical closet approved under the LGA 1993 supplied by a licensed contractor.
- 19 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.**
- 20 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.
- 21 Waffle pods used in the construction of the building are not to be delivered to the site unless wrapped or securely tied. The waffle pods are to remain secured on site until they are used to prevent damage by wind and to prevent broken portions of the pods being blown from the site. Immediately upon positioning the pods in the construction of the building, off cuts and unused pods must be wrapped in plastic or a similar material. The remaining pods and off cuts are to be removed from the site within 24 hours.
- 22 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.
- 23 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.

### Swimming Pools

- 24 Prior to the pool being filled with water, the swimming pool safety barriers and gates being installed in accordance with the approved plans and specifications and the Swimming Pools Act 1992, Swimming Pools Regulations 2008 and AS1926.1-2007 including the display of an approved sign regarding pool safety and resuscitation techniques that contains all of the following:
- “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL”;
  - “POOL GATES MUST BE KEPT CLOSED AT ALL TIMES”;
  - “KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900mm CLEAR OF THE POOL FENCE AT ALL TIMES”; and
  - A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults).

### Trees

- 25 Pier holes are to be dug by hand to locate and avoid structural roots greater than 50mm. Upon location of roots greater than 50mm it is required to move the pier hole to an alternative location. Any work within the SRZ to be undertaken by hand and any work within the TPZ to be kept to a minimum and using smaller machinery such as a mini excavator to minimise root compaction. It is recommended to place down 200mm layer of mulch if heavier equipment is required within the TPZ only with rumble boards placed over the top. This is a temporary measure only and is to be removed upon completion of works or dispersed into the garden bed areas of the retained trees to 100mm.
- 21 Trees 1, 2, 3 & 5 will require a root investigation to determine the direction and extent of the root plate towards the proposed building. Non destructive root exploration is recommended within the affected SRZ (structural root zone) & TPZ (tree protection zone) to ascertain the location of the root plate. Upon completion of these works it is recommended to place the sections of the proposed house/machinery shed on pier and beam on suspended slab system to the extent of the TPZ radius of the tree as indicated within the arborist report.
- 22 All retained trees must have 1.8 metre chain wire protection fencing that is to be in place before commencement of works and is to be maintained during all works. All fencing is to be located outside of the SRZ and a preferred 5 metre distance. No stockpiling or any materials or waste is to be placed within the fenced area.

### Waste Management

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

## PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

### Building Code of Australia

- 27 Compliance with the relevant provisions and requirements of the Building Code of Australia prior to the issue of an Occupation Certificate..

### Flooding

- 1 All electrical circuits below the 1% flood level are to have a residual current device installed.

### On-site Sewerage Management System – Final Inspection

- 28 Prior to the issue of any interim or final occupation certificate for works subject of this consent a satisfactory final inspection to be undertaken by Council.

### Plumbing and Drainage

- 29 Prior to the issue of an Occupation certificate 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.
- 30 Prior to the issue of an Occupation certificate 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.
- 31 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.

### Trees

- 23 Prior to the issue of an Occupation Certificate removed trees must be replaced on a 1:1 basis. The replacement trees are to be Eucalyptus pilularis (100 litre) and Syncarpia glomunifera (100 litre).

## ONGOING OPERATION

### Swimming Pools

- 32 All swimming pool plant being sited in accordance with the approved plans, or where necessary, it is to be sound insulated so as to minimise the noise to adjoining properties. Under the provisions of the Protection of the Environment Operations Regulations 2000, (Noise Control), a person must not cause or permit a swimming pool or spa pump to be used on residential premises if noise is audible within a habitable room of any other residential premises;

- before 8.00am or after 8.00pm on any Sunday or public holiday, and
- before 7.00am or after 8.00pm on any other day.

**Date:** 1 April 2011  
**Responsible Officer:** Peter Meloy  
**Location:** 93 Alison Road, WYONG NSW 2259  
Lot 2 DP 1067114  
**UBD Reference:**  
**Owner:** Mrs B J Lusted and Mr M J Lusted  
**Applicant:** Mr M J Lusted and Mrs B J Lusted  
**Date Of Application:** 11 November 2010  
**Application No:** DA/1340/2010  
**Proposed Development:** Demolition of existing structures, removal of six trees & construction of dwelling, machinery shed & inground pool  
**Land Area:** 5030.00  
**Existing Use:** XXXX

### **Reasons for Refusal**

- 1 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 2 of State Environmental Planning Policy 71 (Coastal Protection) in the following manner:
  - a The proposed development fails to satisfy Aim 2(1)(j) in that it does not accord with the precautionary principle by proposing to site a dwelling in a high hazard flood area.
  - b The proposed development fails to satisfy Aim 2(1)(j) in that it does not promote inter-generational equity by proposing to site a dwelling in a high hazard flood area that may result in damage to the dwelling and injury or loss of life to future occupants.
  - c The proposed development fails to satisfy Aim 2(1)(k) in that it proposes to inappropriately locate a dwelling in a high hazard flood area which exposes the dwelling to damage and future occupants to danger.
  - d The proposed development fails to satisfy Aim 2(1)(k) in that the proposed development includes the excavation of 300m<sup>3</sup> of which does not protect or improve the natural scenic quality of the surrounding area through removal of an unknown number of trees.
  - e The proposed development fails to satisfy Aim 2(1)(l) in that the proposed development does not encourage a strategic approach to coastal management by proposing to site a dwelling in a high hazard flood area in disregard for the Lower Wyong River Floodplain Management Plan which provides strategic advice on the development potential of land within the Lower Wyong River catchment. This Plan identifies this site as unsuitable for buildings or structures.
- 2 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 8 "Matters for consideration" of State Environmental Planning Policy 71 (Coastal Protection) in the following manner:
  - a The proposed development fails to satisfy Matters for consideration 8 (a) because it does not satisfy Aims 2(1)(j), 2(1)(k) and 2(1)(l) as explained 1 above.

- b The proposed development fails to satisfy Matters for consideration 8(d) because it proposes to site a dwelling house in a high hazard flood area.
  - c The proposed development fails to satisfy Matters for consideration 8(g) because the development proposes the excavation of 300m<sup>3</sup> of soil from the site with insufficient information provided to determine that plants and animals are being conserved.
  - d The proposed development fails to satisfy Matters for consideration 8(i) because the development proposes the excavation of 300m<sup>3</sup> of soil from the site with insufficient information provided to determine the impact on wildlife corridors.
  - e The proposed development fails to satisfy Matters for consideration 8(j) because the development proposes to site a dwelling where the likely impact of coastal processes (flooding) on the proposed dwelling and future occupants is classified as “high hazard” under the Lower Wyong River Floodplain Management Plan”.
  - f The proposed development fails to satisfy Matters for consideration 8(m) because the development proposes the excavation of 300m<sup>3</sup> of soil from the site with insufficient information provided to determine the impact on potential acid sulphate soils and ground water.
- 3 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Wyong Local Environmental Plan 1991 Clause 2(g)(ii) because the proposed development seeks to locate a dwelling house in a flood prone area where it is likely to suffer damage and obstruct floodwaters.
- 4 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with the zone objectives (a), (b) and (c) of the 1(c) (Non Urban Constrained Lands Zone) in Clause 10 of Wyong Local Environmental Plan 1991:
- a The proposed development by proposing to site a dwelling in a high hazard flood area will not limit the development of the land.
  - b The proposed development by proposing to site a dwelling in a high hazard flood area and to excavate 300m<sup>3</sup> of soil from the site is likely to prejudice the future environmental quality of the land.
  - c The proposed development by proposing to site a dwelling house in a high hazard flood area does minimise the risk from the hazard and by proposing to excavate 300m<sup>3</sup> of soil from the site may detract from the scenic quality of the land through the removal of an unknown number of trees.
- 5 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 15 of Wyong Local Environmental Plan 1991 in that the proposed development proposes the excavation of 300m<sup>3</sup> of soil from the site and there is uncertainty to the impact on potential acid sulphate soils because no details of this excavation or its potential impact have been provided.

- 6 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 16(1) of Wyong Local Environmental Plan 1991 in that the proposed development proposes the erection of a dwelling house on land with an area of less than 40 hectares and strict compliance with the development standard has not been agreed as being unreasonable or unnecessary in the circumstances pursuant to the Applicant's SEPP 1 objection.
- 7 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 19(a) and (b) of Wyong Local Environmental Plan 1991 in that the proposed development proposes the excavation of 300m<sup>3</sup> of soil from the site and there is uncertainty to the impact on water quality because no details of this excavation or its potential impact have been provided in regards to potential acid sulphate soils and ground water interception.
- 8 Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Clause 28(4)(b) of Wyong Local Environmental Plan 1991 in that the proposed development proposes the excavation of 300m<sup>3</sup> of soil from the site and there is uncertainty to the impact on vegetation because no details of this excavation or its potential impact have been provided in regards to loss of trees.
- 9 Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Development Control Plan 2005: Chapter 100 Quality Housing Clause 3.8.3.b because the proposed development is inconsistent with Council's Floodprone Lands Development Policy which , in this area, is based upon the Wyong River Lower Floodplain Management Plan which identifies the site as unsuitable for buildings or structures.
- 10 Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposal is inconsistent with Development Control Plan 2005: Chapter 100 Quality Housing Clause 5.2.2 because the proposed development proposes to site the dwelling less than 40 metres from the bank of the Wyong River thus siting the dwelling further from areas of rescue. .
- 11 Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act, 1979 the development is at risk of flooding; would have a negative social and economic impact; does not respond to the specific site attributes and would contribute to the cumulative adverse impact on the environment by way of its unsuitable design for flood prone land.
- 12 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 adequately consider the impacts of flooding including the potential damage to the structure and the potential danger to future occupants and rescuers, and the development will set an undesirable precedent for the future.
- 13 Having regard to the above reasons of refusal, the proposal is contrary to the objectives of the Environmental Planning and Assessment Act 1979, as specified in Section 5(a) therein which requires the orderly and proper development of land and the siting of a dwelling in a high hazard flood area does not satisfy this objective.





### **3.3 Adoption of Comprehensive Local Environmental Plan 2012 and Pecuniary Interests**

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TRIM REFERENCE: F2010/00500 - D02594651

MANAGER: Martin Johnson; Manager, Land Use Planning Policy Development

#### **SUMMARY**

Reporting on the requirement for Councillors to make application for pecuniary interests exemption to the Minister for Local Government under Section 458 of the Local Government Act 1993 and to outline the process in obtaining that exemption.

#### **RECOMMENDATION**

- 1 That Council note the content of this report.**
- 2 That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister of Local Government under Section 458 of the Local Government Act, 1993.**

#### **BACKGROUND**

The introduction of standardised Local Environmental Plans throughout NSW has led to an increase in the number of Councillors and Councils wishing to make pecuniary interest exemption applications to the Minister for Local Government under Section 458 of the Local Government Act 1993 (LGA)

Section 458 of the LGA provides:

*"458 Powers of Minister in Relation To Meetings:*

*"The Minister may conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or Committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:*

- a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or*
- b) that it is in the interests of the elector/er of the area to do so."*

### 3.3 Adoption of Comprehensive Local Environmental Plan 2012 and Pecuniary Interests (contd)

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#### LEGISLATIVE REQUIREMENTS

In respect of pecuniary interests, the LGA outlines the following provisions:

- A “pecuniary interest” is defined in Section 442 of the LGA as “*an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to that person*” but does not include an interest that is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in Section 448 of the LGA.
- Section 448 of the LGA sets out a long list of interests that are not pecuniary interests, do not have to be disclosed and/or which there is no requirement to be absent from any meeting where such interests are considered by a meeting.
- Section 448 of the LGA is quite lengthy but in the context of interests arising from the making of the LEP 2012, Section 448 (g) is the most relevant, an extract of which is below:

*“an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:*

- i land in which the person or a person, company or body referred to in Section 443 (i)(b) or (c) has a proprietary interest, or*
- ii land adjoining, adjacent to or in proximity to land referred to in sub paragraph (i).*

*(note: CLEP 2012 is such an “Environmental Planning Instrument”)*

All Councillors have now submitted updated pecuniary interest forms.

- A Councillor who has a “pecuniary interest” in any matter that the Council is concerned with must disclose that pecuniary interest and must not be present or in sight of any meeting where that matter is considered, discussed or voted upon (ss 451(1) and 451(2) of the LGA).
- A Councillor does not breach this obligation where the Councillor did not and could not reasonably be expected to know that the matter being considered was one where he or she had a pecuniary interest (s 457 of the LGA).
- A Councillor has a pecuniary interest in a matter if the pecuniary interest is one the Councillor holds personally, or, if the Councillor’s spouse/defacto/employer/business partner holds the interest, or if a company or other body which the Councillor or Councillors defacto/Councillors spouse/Councillor’s employer/Councillor’s business partner is a member of (s 443(1) of the LGA).

## **DISCUSSION**

To ensure the delivery of the CLEP 2012 in accordance with the timeframes proposed by the Department of Planning and Infrastructure (DoP&I) it is imperative that Section 458 applications be submitted to the Division of Local Government (DLG) as soon as possible.

Section 458 of the LGA acknowledges that there are occasions and circumstances where the business of a Council is impeded if Councillors are required to take no part in the discussion or determination of significant planning matters. The LGA therefore acknowledge that situations exist where pecuniary interest exemptions are necessary. The CLEP 2012 is such a case.

The DLG has issued guidelines for circumstances where Councils wish to apply for pecuniary interest exemptions under Section 458 of the LGA.

The guideline provides that

- 1 Applications should be co-ordinated by the General Manager of the Council on behalf of affected Councillors and must include inter alia:
  - Demonstration that Council cannot form a quorum without the participation of the Councillors that would otherwise be excluded from considering or voting on the CLEP 2012 because of pecuniary interest obligations.
  - It is in the interests of the electors for the Minister to grant the exemption.
- 2 A signed application must be lodged by each Councillor applying for an exemption. The application must include:
  - Full name and address of the applicant Councillor;
  - Address(es) lot(s) and deposit plan number(s) of all of the Councillor's properties likely to be affected by the Councillor's consideration;
  - Details (including property identification where known) of any associated person(s) affected by the Councillor's participation in a meeting considering or voting on CLEP 2012;
  - Details of the type of pecuniary interest that the Councillors may have; and
  - Copy of the Councillors current return of interests as required by Section 449 of the LGA.

Councillors should note that exemption under Section 458 of the LGA can only be granted at the Minister's discretion.

## **OPTIONS**

It has been suggested that Council may wish to consider other options for decision making relating to the CLEP 2012 such as the delegation of certain decisions in relation to the CLEP 2012 to the General Manager. It should be noted that if these decisions were delegated, Councillors would have the ability to make written submissions to the decision maker as part of the LEP process, secure in the knowledge that they would be in compliance with the LGA by not participating in the final decision in relation to the matter.

### 3.3 Adoption of Comprehensive Local Environmental Plan 2012 and Pecuniary Interests (contd)

Another option which has been utilised by other Councils would be to split the CLEP 2012 into sections, thereby allowing Councillors who do not hold a pecuniary interest in the selected part to consider and determine the matter.

Neither of these options is supported due to the following reasons:

- 1 All Councillors should be involved in discussions on, and decisions associated with the review and making of CLEP 2012.
- 2 Time constraints do not allow for the “splitting” of the CLEP 2012 into sections for consideration.
- 3 CLEP 2012 is the most significant Land Use Planning Instrument for Wyong Shire and its community, a decision which should not be delegated.
- 4 Splitting the CLEP 2012 into sections would deny certain Councillors the opportunity to take part in discussion and decision-making on a particular section of the CLEP 2012.
- 5 Splitting the CLEP 2012 into sections does not guarantee that Council would be able to form a quorum to consider the matter on a particular night.

Therefore, it is recommended that a Council resolution to seek an exemption under Section 458 of the LGA be sought.

#### STRATEGIC LINKS

Nil Impact

#### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	Nil Impact	Nil Impact
A More Sustainable Economy	Nil Impact	Nil Impact
A More Sustainable Environment	Nil Impact	Nil Impact
Infrastructure	Nil Impact	Nil Impact
Organisation	Nil Impact	Nil Impact

#### Contribution of Proposal to the Principal Activity

Nil Impact

## Link to Shire Strategic Vision

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	Nil Impact
<b>Travel</b> - 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
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil Impact
<b>Education</b> - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.	Nil Impact
<b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Nil Impact
<b>Telecommunications</b> - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.	Nil Impact
<b>Natural Areas</b> - 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

### 3.3 Adoption of Comprehensive Local Environmental Plan 2012 and Pecuniary Interests (contd)

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Environmental Programs -</b> There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.	Nil Impact

#### **Financial Implications**

Nil Impact

#### **Principles of Sustainability**

Nil Impact

#### **CONSULTATION**

Nil Impact

#### **GOVERNANCE**

Seeking pecuniary interest exemptions from the Minister for Local Government will assist in the smooth, efficient and timely delivery of the CLEP 2012.

#### **CORPORATE RISKS**

Should the Minister for Local Government not grant the pecuniary interest exemption, there is a potential for this major project to be delayed as a result of having to split the CLEP 2012 into manageable parts for the purpose of ensuring there is Council quorum on a particular matter on a particular night.

#### **CONCLUSION**

It is recommended in light of the pecuniary interests declarations received from Councillors that Council lodge a pecuniary interest exemption application to the Minister for Local Government in order to ensure that the business of the Council, in this case, the consideration and voting on the CLEP 2012 is not impeded.

#### **ATTACHMENTS**

*Nil.*

#### **4.1 Classification of Land - Lot 51 DP 1154778 Bay Village Road, Bateau Bay**

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TRIM REFERENCE: F2010/02048 - D02565509

AUTHOR: Simone Barwick; Officer

MANAGER: Bronwyn Rumbel; Manager Economic & Property Development

#### **SUMMARY**

Authority is sought to classify Lot 51 DP 1154778, Bay Village Road, Bateau Bay as Operational Land.

#### **RECOMMENDATION**

- 1 That Council classify Council land Lot 51 DP 1154778, Bay Village Road, Bateau Bay as Operational Land.**
- 2 That Council adopt the classification if no adverse submissions are received from the statutory exhibition period.**

#### **BACKGROUND**

Council resolved in December 2005 and November 2007 to:

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

- "1 That a draft Local Environmental Plan be prepared to rezone part Lot 514 DP 729979, Bateau Bay from Zone No 5(a) Special Uses (Clubs and Community Purposes) to Zone No. 3(b) Centre Support under Wyong Local Environmental Plan, 1991.*
- 2 That the Department of Planning be advised of the decision within 28 days.*
- 3 That the Department of Planning be further advised that Council's delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act 1979.*
- 4 That upon issue of the Section 65 Certificate, the draft Local Environmental Plan be advertised for 28 days in accordance with the NSW Department of Planning's "LEPs and Council Land: Best Practise Guidelines, January 1997" and referred to the appropriate authorities for comment.*
- 5 That should no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.*

**4.1 Classification of Land - Lot 51 DP 1154778 Bay Village Road, Bateau Bay (contd)**

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- 6 *That a Deed of Agreement be prepared between the NSW Department of Lands (The Crown) and Wyong Shire Council that transfers in fee simple part of Lot 514 to Council, at no cost, for the development of an Integrated Library and Customer Service centre.*
- 7 *That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.*
- 8 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Agreement between Wyong Shire Council and the NSW Department of Lands (The Crown).*
- 9 *That Development Control Plan 2005 be amended and exhibited to guide future development on Lot 514 DP 729979, Bateau Bay.*
- 10 *That the applicant be requested to submit a detailed traffic report prior to the draft Local Environmental Plan and Development Control Plan being placed on public exhibition.*
- 11 *That Council's Section 149 Certificates be noted.*

In November 2007:

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

- "1 That Council rescind item 7 of resolution 615 of 14 December 2005 for preparation of Draft LEP Amendment No. 172 to Wyong Local Environmental Plan (WLEP) 1991 as follows:*
  - 7 That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.*
  - 2 That the land to be transferred from the Department of Lands to Council be transferred in fee simple (as part of the Deed of Agreement between The NSW Department of Lands and Wyong Shire Council) and be transferred into Council ownership after Gazettal of dLEP Amendment No. 172, or the site being sold (being the date of exchange of contracts), whichever occurs first."*

The Deed of Agreement for Potential Rezoning, entered into on 18 September 2008, requires the State of NSW to transfer part of Lot 514 adjacent to the Library and former child care centre building at Bay Village Road, Bateau Bay.



4.1 **Classification of Land - Lot 51 DP 1154778 Bay Village Road, Bateau Bay (contd)**

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The State of NSW has now transferred Lot 51 DP 1154778 in accordance with the condition of the agreement requiring the transfer to Council. Lot 51 is 1,800 m<sup>2</sup> and is zoned 3(b) Centre Support.



**THE PROPOSAL**

It is proposed to classify Lot 51 DP 1154778 as Operational Land.

Land owned by Council for future development purposes should be classified as Operational Land.

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

### **STRATEGIC LINKS**

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

### **Financial Implications**

There is no cost to Council for classifying the land. Transfer of the land to WSC pursuant to the Deed of Agreement for Potential Rezoning entered into on 18 September 2008 is at no cost to Council.

### **GOVERNANCE**

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

### **CONCLUSION**

Lot 51 DP 1154778 has been transferred to Council's ownership and requires classification as Operational Land in accordance with Local Government Act 1993 (Chapter 6, Part 2, s.25-34).

### **ATTACHMENTS**

*Nil.*

## **4.2 Proposed Telstra Telecommunications Facility and Lease at Lot 1 DP 598579, Yuruga Avenue, San Remo**

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TRIM REFERENCE: F2010/01369 - D02590837

AUTHOR: Julie Tattersall; Officer

MANAGER: Bronwyn Rumbel, Manager Economic and Property Development

### **SUMMARY**

KAW Consulting and Aurecon Australia Pty Ltd, on behalf of Telstra Corporation Ltd, have requested that WSC, as the land owner endorse a development application to construct a mobile telecommunications tower and associated equipment shed.

To accommodate any approval that may be granted to erect the telecommunications facility, Telstra has requested a lease of Council land.

### **RECOMMENDATION**

- 1 That Council approve a lease of Part of Lot 1 DP 598579 at Yuruga Avenue, San Remo to Telstra Corporation Ltd subject to development consent being granted for the construction of a telecommunication facility.**
- 2 That Council approve the terms of the lease as:**
  - a a period comprising four consecutive five year leases for a period up to 20 years**
  - b an annual rent commencing at \$28,875 with annual 5% increases over the period and market reviews every five years.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between Wyong Shire Council and Telstra Corporation Ltd.**
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**
- 5 That Council endorse, as owner of Lot 1 DP 598579 at Yuruga Avenue, San Remo, a development application by KAW Consulting and Aurecon Australia Pty Ltd, on behalf of Telstra Corporation Ltd to construct a telecommunication facility on the land.**
- 6 That Council note, for the public record, that its endorsement of the Development Application (as the landowner) cannot be interpreted in any way whatsoever as support or otherwise for the determination of the Application by Council.**

**BACKGROUND**

KAW Consulting and Aurecon Australia Pty Ltd, on behalf of Telstra Corporation Ltd (Telstra), have requested that Council, as the owner of Lot 1 DP 598579 at Yuruga Avenue, San Remo (the land), endorse a development application for the construction of a mobile telecommunications base station incorporating a 40 metre high monopole, antennas and an equipment shelter adjacent to the pole to house electronic equipment.

The new facility is required to improve the depth of coverage in the San Remo area in response to customer complaints.

Telstra, as a licensed telecommunications carrier, must operate under the provisions of the Telecommunications Act, 1997 and the Telecommunications Code of Practice, 1997. The 1997 Act requires Telstra to submit a development application in circumstances where the facility is deemed high impact. Telstra may, however, apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by Council.

Agreement has been reached with Telstra to accept the standardised lease previously agreed between Council and Telstra with a base rental of \$28,875 per annum, annual 5% increases and five yearly market reviews for a term up to 20 years comprising four consecutive five year leases.

The land is zoned 6 (a) Open Space and Recreation and is the site of Doyalson Reservoir.

The NSW Police Force presently operates its Police Radio Network at the site from a 15 meter high tower. This lease expires on 31 December, 2019.

**THE PROPOSAL**

It is proposed WSC lease the land to Telstra for use as a mobile telecommunication base facility - subject to development consent being granted upon planning application being made.

The lease will require Telstra to be responsible for maintenance of the facility and to provide public liability insurance in addition to paying rent commencing at \$28,875 per annum.

Telstra has agreed to enter into Council's standard lease agreement for telecommunication base facilities. The rent and lease-term are consistent with agreements with other telecommunication carriers using other Council land.

The lease will only be activated if development consent is granted. An application for development may only be made with the consent of the owner. WSC is the owner of the land in this case.

Council's endorsement of the DA as the owner should in no way be interpreted as the application being viewed favourably by Council. The development application will require a comprehensive assessment under Section 79C of the Environmental Planning & Assessment Act which will also include public notification.

## **OPTIONS**

- Option 1 Authorise a lease for the use of the land and endorse the making of a development application as the owner of the land.

Authorisation of the lease will allow the construction of the mobile telecommunication base facility on terms favourable to Council.

- Option 2 Not authorise a lease and refuse to grant owner's consent to the making of a development application. Telstra has the option to apply for a Facility Installation Permit from the Australian Communications Authority if it is not satisfied with the determination by WSC of the development application, refusal of a lease and/or failure to grant owner's consent to the making of development application.

Refusal would not prevent the construction of the facility and would mean use of the land would possibly not be governed by a lease with terms favourable to WSC.

## **STRATEGIC LINKS**

### **Annual Plan**

Provision of mobile telecommunication base facilities is linked to Council's objective to provide communication technology to the Shire.

### **Link to Shire Strategic Vision**

Council is committed to the development of a National Broadband Network. Mobile telecommunication base facilities are also necessary to be consistent in providing services throughout the Shire.

### **Financial Implications**

Increased income for Wyong Shire.

The construction of the mobile telecommunications base station will be totally funded by Telstra. Telstra will be required to pay rent and will be responsible for maintenance and insurance of the facility.

### **Principles of Sustainability**

Approval of a lease and the endorsement of owner's consent for a development application will enable the development approval process to proceed ensuring an ecologically sustainable development.

## **CONSULTATION**

Telstra has requested a lease of the land if its development application is approved. The development application process will invite public consultation

## **GOVERNANCE**

The Local Government Act 1993, authorises council to lease land in accordance with its functions.

**CORPORATE RISKS**

Nil Impact.

**CONCLUSION**

Council uses a widely accepted standard lease agreement for telecommunication company applications of this nature.

Telstra has requested use of the land on terms acceptable to Wyong Shire Council.

Telstra has the ability to circumvent Council's decisions if the company does not agree that reasonable terms are offered.

Agreement to lease "subject to" does not pre-empt the outcome of any Council consideration of a development application for the construction of the tower.

Council's best advantage is to ensure lease arrangements remain under its own control.



**ATTACHMENTS**

*Nil.*

## **5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years**

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TRIM REFERENCE: CPA/159634 - D02581742

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer

MANAGER: Daryl Mann; Manager Water & Sewerage

### **SUMMARY**

Evaluation and selection of schedule of rates tenders for Contract No. CPA/159634 for the Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years.

### **RECOMMENDATION**

- 1 That Council accept tender CPA/159634 from Coregas Pty Ltd for a period of up to 5 years commencing from the date of acceptance by the tender.**
- 2 That Council note the estimated annual expenditure against this contract of \$443,755.00 (excl GST). Actual expenditure may vary significantly over time with fluctuations in demand and CPI cost adjustment.**
- 3 That Council approve a contingency sum of \$225,000.00 (excl GST) for the period of the contract over 5 years.**

### **BACKGROUND**

Wyong Shire Council operates an extensive sewerage system. This system collects sewage from contributing properties and transfers it via a network of gravity pipelines, sewage pumping stations and associated sewage rising mains (pressure pipelines) to a number of sewage treatment plants. For larger and longer sewage rising mains the sewage remains in the rising mains for extended periods of time resulting in the sewage becoming septic. Septic sewage produces hydrogen sulphide gas that is the principal cause of odour complaints, accelerated deterioration within the sewerage system and treatment problems.

One method of addressing this problem in larger sewerage systems is to inject oxygen into the rising mains. Oxygen is injected into the system at a number of locations to control sewage septicity, potential odours and system corrosion problems associated with septic sewage.



The contract includes:

- The supply, delivery and storage of oxygen at various sewerage sites located throughout the Shire for a period up to 5 years commencing from the date of Acceptance of the Tender.
- The supply, installation, maintenance, operation and repair on a rental basis of Oxygen Storage systems including all associated equipment including all labour and materials required to maintain the supply of oxygen to the injection system.
- The supply, installation, maintenance, operation and repair of suitable Oxygen Injection Systems for each site.
- The response to breakdowns and failures of any of the components of the oxygen storage and injection systems.
- Provision of Technical Support to the Principal.
- Establishing and maintaining a system to obtain data relating to the operation and performance of the system.
- Establishing a system for providing the Principal access to gas consumption and financial data.
- Monitoring the performance of the system and optimising the operations of the systems to meet performance requirements.
- Coordination of the installation and or removal of oxygen storage systems and injection systems between the existing or new oxygen supply contractor.
- Removal of the oxygen storage systems at completion of the contract.

The supply and delivery of bulk liquid and gaseous oxygen is a specialised industry with only about three to four companies within Australia that can provide this service. Set-up costs for new installations are high and take time given the need for any new tenderer to obtain or have cryogenic oxygen storage tanks manufactured. As such supply costs can be generally high due to the need for the tenderer to recover the cost of tank manufacture and set-up. As a result existing contractors have an advantage of having established sites and infrastructure that often provides a disincentive for some companies to tender.

Coregas Pty Ltd (previously Linde Gas Pty Ltd) is the current supplier of bulk liquid and gaseous oxygen to various sewerage facilities within the Shire of Wyong and has been supplying oxygen to Wyong Shire Council since 1995. The existing contract with Coregas expired in 2006. Although the oxygen supply rates remained conforming to that tender the tender renewal process was not adequately pursued due to the retirement and resignation of a number of key staff responsible for its renewal. The rate for oxygen supplied by Coregas during this period remains below that offered by the second lowest tenderer BOC Pty Ltd. The product quality, price and the service supplied throughout this time has been professional and meet the required standards of Wyong Shire Council. There were minor administrative issues with invoicing between Council and Coregas Pty Ltd with both Council and Coregas improving their internal systems and procedures which rectified the problems. Maintenance to existing facilities has been completed in a timely and professional manner.

## **5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years (contd)**

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Procedures have now been implemented to ensure that, in the future, term contracts such as this one are renewed before they expire.

Gosford City Council (GCC) and Wyong Shire Council (WSC) currently utilise both oxygen and ferric chloride in their water and waste water treatment process. Contract CPA/159634 provides for the inclusion of additional sites as required under the contract. As part of the joint tendering arrangements between GCC and WSC this provision will be available to GCC as required.

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 7 September 2010 and the Central Coast Express Advocate on 8 September 2010. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 2pm on Thursday 30 September 2010.

The invitation documents called for the schedule of rate tenders, based on a detailed specification.

A compulsory pre-tender meeting was held at the Council Chambers on Thursday 14 September 2010 to allow tenderers to become familiar with the requirements of the contract. The pre-tender meeting also included visits to all the existing site facilities.

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

1. Addenda 1 was issued on 22 September 2010 to all tenders to extend the closing time by 4 weeks (2pm on Thursday 28 October 2010) to provide Council sufficient time to clarify numerous issues raised at the pre-tender meeting on 14 September 2010;
2. Addenda 2 was issued on 1 October 2010 and included additions to the specification including ES01 Standard Specifications for Electrical Assets and numerous sewage pumping station plans and details;
3. Addenda 3 was issued on 20 October 2010 to all tenders to extend the closing time by 2 weeks (2pm on Thursday 11 November 2010) due to additional issues raised by the tenderers following the pre-tender meeting; and
4. Addenda 4 was issued on 26 October 2010 and included minutes of the pre-tender meeting held on 14 September 2010, additional issues raised by the tenderers after the pre-tender meeting and to extend the closing time by 1 week (2pm on Thursday 18 November 2010).

Tenders closed at Council Chambers at 2pm on Thursday 18 November 2010.

### **EVALUATION OF TENDERS**

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

Threshold Criteria:

1. Compliance with the Conditions of Tendering.

## 5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years (contd)

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2. Satisfactory Completion and submission of all required Tender documents.
3. Assessed ability to manage Occupational Health and Safety Risks.
4. Assessed ability to manage Environmental and Financial risks.

Weighted Criteria:

1. Local Content.
2. Price.
3. Ability to deliver the requirements of the specification assessed as follows:
  - a. Company Experience
  - b. Performance.
4. System offered for providing invoices and access to electronic data associated with oxygen delivery and consumption.

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents and related correspondence, referees, and previous past experience with the Tenderer.

The evaluation was conducted according to the following process.

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

### **Assessment of Receipt**

Council called for tenders based on an estimated usage amount of 755,000m<sup>3</sup> of liquid oxygen and 43,000m<sup>3</sup> of gaseous oxygen per annum. Tenderer No 3 (Odour Control Systems Aust Pty Ltd) submitted their tender for the use of ferric chloride at an estimated usage rate of 567,000 litres per annum.

Table 1 below shows the tenders received and the total estimated value of the contract over period of 5 years excluding cost adjustment. The estimated gas consumption and contract total may change to that estimated due to population growth, new industry and general system demand over the contract period.

5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years (contd)

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Table 1:

Tender No	Tender	Total Estimated Value for a Period of 5 years (excl GST)	Status
1.	BOC Pty Ltd	\$3,733,342.02	Submitted on time
2.	Coregas Pty Ltd	\$2,218,774.18	Submitted on time
3.	Odour Control Systems (Aust) Pty Ltd	\$4,811,961.82	Submitted on time

The above total estimated value includes the supply and delivery of bulk liquid and gaseous oxygen costs, equipment rental charges, planned maintenance and repair costs, installation, commissioning, removal and ancillary costs.

A copy of the breakdown of the total estimated value for the 5 year period is on file.

The contract allows for the tenderers to include the costs for supply and installation of the storage tanks and also for the removal of the same should they be unsuccessful in retaining the contract at the end of the five year period. As such any successful tender is to be adjusted with the value of work required to remove the storage tank of the incumbent contractor. That is should BOC or Odour Control Systems be awarded this contract an additional cost of \$34,000.00 (excl GST) will be incurred by Council and be an added cost in the tender assessment (Coregas's storage vessel removal costs of their existing contract).

#### Assessment of Conformance

Tenders were assessed for conformance with the general tender requirements, including the specification. Both Tender No 1 (BOC Pty Ltd) and Tender No 2 (Coregas Pty Ltd) involve departures or qualifications to the Conditions of Contract and matters that required clarification. The panel sought clarification from the lowest tenderer Coregas Pty Ltd. Coregas replied with responses that were acceptable to the panel.

The legal assessment of Coregas's Pty Ltd departures, qualifications and clarification replies undertaken by Council General Council found that.

Tender No 3 (Odour Control Systems Aust Pty Ltd) submitted a non-conforming tender based on the use of ferric chloride. Although ferric chloride is widely used for septicity control in some sewerage systems it does not provide oxygen residuals as prescribed within the tender documents and as such was not acceptable. Since the tenderer cannot supply a complying oxygen injection system the tender was eliminated for further consideration. This tenderer was also the third lowest of the three tenders received.

#### Weighted Evaluation

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

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

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

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

Tender No.	Tender	Total Estimated Value for a Period of 5 years (excl GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
2.	Coregas Pty Ltd	\$2,218,774.18	82.0
1.	BOC Pty Ltd	\$3,733,342.02	52.9

**2 – Scoring Post Application of Local Preference Policy**

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

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Goods
Method to Determine Financial Impact Limitations	0.5% above price component of Most Competitive Offer, with a maximum of \$20,000.00 applicable to this category of contract
Price Component of Most Competitive Offer	\$2,218,774.18
Financial Impact Limitation To Be Applied to Preferred Offer	\$11,093.87

The following summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
			Most Competitive Offer		Preferred Offer
2.	Coregas Pty Ltd	\$2,218,774.18	82.0	\$30,270.00	82.1
1.	BOC Pty Ltd	\$3,733,342.02	52.9	\$1,028,280.00	55.6

### **Due Diligence**

Tender No 2 (Coregas Pty Ltd) was the highest rank tenderer. The evaluation panel members agree that, on balance, this tender represents the best value for money for Council. Coregas Pty Ltd has an "in-house" documented Occupational Health Safety and Rehabilitation Management and Environmental Management systems.

The financial assessment undertaken by Council's independent financial assessor Kingsway Financial Assessments confirmed that Coregas Pty Ltd is a wholly-owned subsidiary of Wesfarmers Limited and is party to a Deed of Cross Guarantee. The company is highly profitable but like many larger companies has low working capital. Notwithstanding the results of Kingsway's financial assessment that was lower than expected it is considered that there is a low, but manageable risk associated with Coregas's Pty Ltd financial situation. On the basis of the information provided by the tenderer and independent referees, it is considered that Coregas Pty Ltd possesses all of the technical, financial and managerial resources necessary to satisfactorily complete the works.

Coregas Pty Ltd is a Sydney and Newcastle based contractor and has demonstrated a proven ability to perform the work. It has a history of satisfactorily executing contracts similar in nature to Brisbane City Council, Bluescope and Hydro Aluminium.

The amount tendered by Coregas Pty Ltd is lower than their current supply rate to Wyong Shire Council and is within 5% of Council's pre-tender estimate. This is considered to be a reasonable price for the contract works.

### **PROCESS REVIEW**

This evaluation process and recommendations has been subjected to a probity review. Due to staffing matters previously mentioned a probity plan was never developed for this contract. Notwithstanding this the appointed probity Officer has endorsed the evaluation process and recommendation and a copy of the probity report is on file.

### **RISK ASSESSMENT**

#### **General**

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

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

**Contract Risks**

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

**Generic Risks**

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

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

**Specific Risks Leading to Contract Variations**

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

- Increased costs associated with a change in law or regulations (carbon tax). Mitigated with a contingency sum.
- Increase in manufacture costs of oxygen and the supply of services under the contract. Risk mitigated with annual cost adjustment to be applied to the tendered rates.
- Supply quantities under the contract are greater/lesser than pre-award estimates leading to variation claims by the contractor. Risk mitigated under Section 3.3 of the Conditions of Contract that advises the tenderers that no adjustments will be made to the tendered schedule of rates or become payable on account that the actual quantity of works carried out over the life of the contract are lesser or greater than the quantities estimated by the Principal in pre-contract stage.
- Breach of security including vandalism access to sites monitored. Risk mitigated with the Contractor responsible for third party equipment damages at secure sites.
- Contract default - staff resources allocated to manage the Contract.

## **5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years (contd)**

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- Contractor Bankruptcy - Contract payment timetable maintained.
- Equipment failure - Contractor to have Incident Management Plan (IMP) in place. Contractor to provide a sample of IMP for equipment failure as part of the tender. Risk mitigated with telemetry to be provided at all liquid oxygen sites.
- Failure to keep oxygen storage vessels full - Contract to provide for remedy including utilisation of alternate supplier on poor performance. Risk mitigated with telemetry to be provided at all liquid oxygen sites.
- Industrial dispute - Dispute resolution process in place.
- Cost exceeds budget - Staff resources allocated to manage the Contract, oxygen usage reviews and projections.
- Completion time exceeds target - Monitoring systems in place.

### **Risk Contingency**

The above risks are considered to be medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$225,000.00 (excl GST) representing approximately 10.14% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated there is a high probability that the contract budget of \$2,443,774.18 (excl GST), which incorporates the contingency allowance will not be exceeded.

### **BUDGET**

The total estimated value of the contract for a period of 5 years is \$2,218,774.18 (\$443,755.00 per annum) excl GST. The actual value will depend on usage rates and demand and will vary over the life of the contract.

The rates and prices tendered are subject to cost adjustments and shall be fixed for a period of 12 months from the date of acceptance by the tender. On each 12 month anniversary, rates shall be adjusted accordingly based on the rise and fall formula in the consumer price index for all Sydney groups.

Project funds are available from the Water and Sewerage Operations and Maintenance Programme.

### **TIME-FRAME**

This contract will commence from the day of acceptance of tender for a period of 5 years.

### **APPROVALS**

No approvals are required.



## **CONCLUSION**

Both Tender No 1 (BOC Pty Ltd) and Tender No 2 (Coregas Pty Ltd) have the capacity to supply a quality product to various sewerage sites within the Shire of Wyong.

Tender No 2 from Coregas Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender has met Council's requirements over the current period and represents the best value-for-money for Council. It is recommended that Coregas Pty Ltd be awarded the contract.

## **ATTACHMENTS**

*Nil.*

## **5.2 Cancellation of Tender - Hire of Casual Labour CPA/182360.**

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TRIM REFERENCE: CPA/182360 - D02491407

AUTHOR: Gordon Prior; Coordinator Plant Pool

MANAGER: John Barnard, Manager Plant, Fleet and Depots

### **SUMMARY**

This report recommends that no contract be awarded in relation to the tenders received for contract CPA/182360 Hire of Casual Labour.

### **RECOMMENDATION**

- 1 That Council decline to accept any of the tenders received for contract CPA/182360 Hire of Casual Labour in accordance with sub-clause 178 (1)(b), Local Government (General) Regulation 2005.**
- 2 That Council thank the tenderers for their interest.**

### **BACKGROUND**

Due to the nature and diversity of its operations, Council frequently finds it necessary to externally hire casual labour for such purposes as general labouring and traffic control. Casual labour hire is coordinated by Council's Plant Pool in response to requests from the relevant operational Units of Council. Casual labour hire requirements have historically been sourced through a Council Tender (Hire of Casual Labour). The most recent Contract expired in July 2010 with Council obtaining a commitment from each supplier to continue to provide services at the rates under the expired contract. A new Tender was called, however the focus of the Service Delivery Review subsequently challenged how Units using this tender would reduce reliance on external service providers. As a result, a more appropriate sourcing strategy has been implemented.

It is recognised that there will be an ongoing need to source short term labour requirements and the most appropriate means of doing so is via the Local Government Procurement LGP808 Contract which:

*"has been established to provide a fully integrated procurement service to councils in NSW. It is a company formed by the Local Government and Shires Associations of New South Wales on behalf of its members to create a procurement operation dedicated to meeting the specific needs of the Local Government Sector."*

*"Local Government Procurement (LGP) has been prescribed under s55 of the Local Government Act, allowing councils to utilise supply arrangements coordinated by LGP without the need to go to tender in their own right. LGP and the Department of Commerce's State Contracts Control Board are the only two NSW entities who have this legislative requirement." "LGP establishes "Standing Deed" arrangements with suppliers, following a tender process. In essence this means that LGP has established long term supply arrangements that LGP customers can utilise."*<sup>1</sup>

<sup>1</sup>*Extract from Local Government Procurement Buyers Guide.*

Suppliers under the LGP808 contract must conform to the Conditions of Contract including those WSC would impose if WSC were to run the tender process. The LGP808 contract also offers a higher degree of probity due to the *hands off approach* that this contract provides.

Benchmarking of the LGP808 contract against industry standards ensure that WSC is receiving value for money with a lower administrative cost burden to Council.

### TENDER PROCESS

The tender for the Hire of Casual Labour CPA/182360 was invited by way of public invitation. This was advertised in both local and metropolitan newspapers. The tender was also placed on the NSW Governments E-Tendering system on 21 September 2010.

Tenderers were required to submit tendered hourly rates (normal time and overtime) for General Labourers and Traffic Controller/Labourers nominated in the tender document. Tenderers were also required to submit details of insurances and policy/management systems in the areas of Occupation Health Safety and Rehabilitation, training and industrial relations.

One addendum was issued on 1 October 2010 to prospective tenderers which read as follows:

***“Section 3.29 Casual Labour Qualifications and requirements.***

*The column marked **Qualifications** for **Labourer/Traffic Controller** should read as follows:*

*For civil works, RTA approved training course in traffic control. General Induction to Construction”*

The tender closed at Council Chambers and on the e-Tender website at 2.00 pm on Thursday 14 October 2010.

### EVALUATION OF TENDERS

Twelve tenders were received by the closing date and time. No late tenders were received. Details of the tenderers only (in alphabetical order) are tabled below. Tendered amounts have not been included as disclosing details of the comparative bids in a public forum may prejudice Council's interests and that of the Tenderers if fresh tenders are called for the services.

Tender	Status
1 Busicom Solutions	Submitted on time
2 Challenge Recruitment	Submitted on time
3 Complete Staff Solutions	Submitted on time
4 Dialtone Traffic Solutions	Submitted on time

5 Drake Australia	Submitted on time
6 Global Group of Companies	Submitted on time
7 GTE Australia	Submitted on time
8 Integrated Group Limited	Submitted on time
9 Labourco Council Services	Submitted on time
10 Manpower Services	Submitted on time
11 Recruit Now	Submitted on time
12 Spinifex Now	Submitted on time

Should Council resolve to decline to accept any of the tenders, as recommended, sub-clause 178(3), Local Government (General) Regulation 2005 requires that Council, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) carry out the requirements of the proposed contract itself. "*

In this instance, option "a", cancellation of the contract, is recommended.

## **CONCLUSION**

In accordance with sub-clause 178 (1)(b) Local Government (General) Regulation 2005 a Council can accept or reject a tender. Given there is no economical advantage to Council in accepting any offer for the hire of casual labour it is recommended that Council decline to accept any of the tenders. In accordance with Clause 178(3)(a) it is recommended that Council cancel the contract. Instead WSC will continue to source casual labour via the Local Government Procurement LGP808 contract.

## **ATTACHMENTS**

*Nil.*

### **5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks**

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TRIM REFERENCE: CPA/193253 - D02572069

AUTHOR: Reg Norris, Engineer Contract and Project Management

MANAGER: Mike Long; Contract and Project Management

#### **SUMMARY**

Evaluation and selection of tenders for Contract CPA/193253 - Provision of Improvement Works 2010/2011 including:

\*Construction of Camp Kitchen and Barbecue Shelter, Canton Beach Holiday Park

\*Construction of a Barbecue Shelter, Toowoon Bay Holiday Park.

#### **RECOMMENDATION**

- 1 That Council accept the alternative tender from Garard Moulded Pre-Cast Pty Ltd in the lump sum amount of \$199,000.00 (excl GST) for Contract CPA/193253 – Provision of Improvement Works 2010/2011 including the Construction of Camp Kitchen and Barbecue Shelter, Canton Beach Holiday Park and the Construction of a Barbecue Shelter, Toowoon Bay Holiday Park.**
- 2 That Council approve a contract budget of \$219,000.00 (excl GST) for Contract CPA/193253 that provides for a contingency amount of \$20,000 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

#### **BACKGROUND**

A Business Development Strategy for Councils Central Coast Holiday Parks was developed in October 2007 by Integrated Site Design to guide the future development and management of its four Holiday Parks. The strategy outlines the actions required to give the Parks the capacity to deliver appropriate financial outcomes to Council on an ongoing basis. The strategy is based on a realistic informed view of the quality and potential of each Holiday Park. The Development Application for this five year strategy (2006-2011) was adopted by Council at the Ordinary Meeting of 12 December 2007. The strategy was practical, financially achievable and made good business sense. At the same time the targeted business outcomes have been placed within the context of achieving ecological sustainability, intergenerational equity and identifiable public benefits.

The Business Development Strategy proposed that Council commit \$4.659M in capital investment over a five year period for improvements to the Holiday Parks. The new facilities that have been and/or will be added to the Parks over the five year period (to 2010/11) include:

**5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

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- Shade structures to all children's playgrounds
- Camp kitchens to service the requirements of guests and encourage greater use of the Parks by new market target groups
- Recreational pools at Toowoon Bay and Norah Head to cater for adults and children within recreational facility precincts
- Additional barbecue shelters, and
- Active recreational facilities.

The specific upgrade works to be implemented for 2010/2011 are:

- Construction of new Camp Kitchen at Canton Beach Holiday Park; and
- Construction of two Barbeque Shelters, one at Canton Beach Holiday Park and the other at Toowoon Bay Holiday Park.

Attachment 1 shows a marked up site plan of the proposed Camp Kitchen and Barbeque shelter at Canton Beach Holiday.

Attachment 2 shows a marked up site plan for the Barbeque Shelter at Toowoon Bay Holiday Park.

This report details the tender process undertaken to procure these facilities.

### **Tender Process**

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 15 February 2011 and the Central Coast Express Advocate on 16 February 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 10 March 2011

The invitation documents called for a lump-sum tender based on detailed plans and specifications.

There was no compulsory pre-tender meeting called for the proposed construction works and no Addenda to the tender documentation were issued.

Tenders closed at Council Chambers at 2:00pm on Thursday 10 March, 2011.

### **EVALUATION OF TENDERS**

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

#### Threshold Criteria

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

**5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

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Weighted Criteria

- 3 Assessed level of Local Content -mandatory
- 4 Conformity with Brief/Specification
- 5 Proposed methodology/construction programme
- 6 The tendered price and structure, as well as any other potential costs to Council that may be identified
- 7 Past Performance in respect to past projects
- 8 Past Performance with projects of a similar nature.

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

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

The evaluation was conducted according to the following process:

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

**Assessment of Receipt**

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

<b>Tender No</b>	<b>Tender</b>	<b>Tendered Lump Sum (Ex. GST)</b>	<b>Status</b>
1	Bilas Knight Pty Ltd	\$334,631.82	Submitted on time
2	Garard Moulded Pre-Cast Pty Ltd	\$199,000.00 Complying Tender \$199,000.00 Alternative Tender	Submitted on time
3	Glenryan Constructions P/L.	\$349,500.00	Submitted on time
4	G W Building Pty Ltd	\$242,600.00	Submitted on time
5	Inten Constructions Pty Ltd	\$ 401,534.00	Submitted on time
6	J.M.C. Building Pty Ltd	\$ 466,525.00	Submitted on time
7	Safety Build Pty Ltd	No tendered amount was provided	Submitted on time

5.3 **Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

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All tenders were progressed to an assessment of conformance.

**Assessment of Conformance**

Tenders were assessed for conformance with the general tender requirements including the specification. Tender No 7 from Safety Build Pty Ltd failed to supply a tendered amount in Attachment 1 – Returnable Forms and Schedules. This firm made contact with Council and advised that they had insufficient time to complete their tender. This tender was eliminated from further consideration. The remaining tenders conformed to all requirements and were progressed to the next stage of evaluation.

**Short listing**

Tenders were shortlisted against Criteria No 6 - the tendered price.

Tender No 2 from Garard Moulded Pre-Cast Pty Ltd and Tender No 4 from G W Building Pty Ltd provided the two most competitive tendered amounts and are within 12% of Council's pre-tender estimate for this work. These two tenders were progressed to a full weighted evaluation.

Tender No 1 from Bilas Knight Pty Ltd, being the third highest tender, submitted an amount of \$334,631.00. This amount was 68% higher than the lowest priced tender submitted by Tender No. 2 (Garard Moulded Pre-Cast Pty Ltd), and \$122,698.00 above Council's pre-tender estimate for these works. Tenders No. 3, 5 and 6 were all higher again than Tender No 1. A sensitivity analysis was undertaken and showed that regardless of how the balance of the tenders rated on non-price criteria, the substantial price difference between these four tenders and Tender No. 2 would make it impossible for these tenders to be competitive as the preferred option after a full weighted evaluation. These tenders were therefore eliminated to allow the panel to concentrate its assessment efforts on the two most competitive tenders, being Tenders No. 2 and 4.

**Weighted Evaluation**

Evaluation scoring was conducted in two stages i.e

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

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

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



Tender No.	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre application of Local Preference)
			Most Competitive Offer
2	Garard Moulded Pre Cast Pty Ltd	\$199,000.00	75.1
4	G W Building Pty Ltd	\$242,600.00	68.9

The most competitive offer after the weighted evaluation score was undertaken was from Tender No. 2 (Garard Moulded Pre-Cast Pty Ltd). This company also provided the lowest price under Criteria 6 – the tendered price. This company provided a complying tender as well as an alternative offer that is acceptable under the terms of the contract. The alternative relates to the prefabrication of floor structure, wall panels and columns off site at the company's factory in Liverpool and then transported to site for erection onsite. The prefabricated panels are manufactured from reinforced concrete as opposed to masonry brickwork specified in the complying tender. The period for construction is reduced with this type of approach. The building life of both the complying and the alternative tenders is unlikely to be different. The weighted evaluation score for Garard Moulded Pre-Cast Pty Ltd remains unchanged whether the complying or alternative option is chosen.

## 2 – Scoring Post Application of Local Preference Policy

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

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

*(Refer to clause E.7 of policy)*

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Works
Method to Determine Financial Impact Limitations	3% above price component of Most Competitive Offer, with a maximum of \$15000 applicable to this category of contract
Price Component of Most Competitive Offer	\$199,000.00
Financial Impact Limitation To Be Applied to Preferred Offer	\$5,970.00

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Pre-application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (Post application of Local Preference)
					Preferred Offer
2	Garard Moulded Pre Cast Pty Ltd	\$199,000.00	75.1	\$85,600.00	79.4
4	G W Building Pty Ltd	\$242,600.00	68.9	\$164,000.00	75.7

Following assessment of Local Content, there was no change to the order of ranking for tenders i.e. the most Competitive Offer of Tender No. 1 from Garard Moulded Pty Ltd was assessed as the Preferred Offer and was therefore progressed to the due diligence stage of the evaluation.

#### **Comparison of Complying and Alternative Tenders by Garard Moulded Pre-Cast**

The following table provides a comparison between the complying cavity brick design and the alternative (pre-cast concrete ) offer provided by Tender No 2 (Garard Moulded Pre-Cast Pty Ltd)..

Description	Complying Tender	Alternative Tender	Comments
Lump Sum tendered	\$199,000.00	\$199,000.00	Neutral-no advantage to either option
Appearance of external surface	Specification called for brickwork to be bagged	Includes the provision of a rendered surface over concrete panels	The appearance of a rendered surface is superior to bagging. Could only be achieved with brickwork as a variation. Acceptable.
Duration of construction	55 Days	38 days	Reduced time overall potentially means facility available for patrons at an earlier date. Acceptable.
On-site disruption to Park residents	Baseline	Less time on-site	As formed sections and components of the structure will be pre-fabricated offsite and transported, there will be less on-site disruption time.

**5.3****Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

			Acceptable.
Local Content nominated	\$85,160.00	\$85,600.00	Neutral - no advantage to either method.
Impact/damage resistance	Baseline	Greater advantage	The alternative tender with concrete wall panels will have a greater resistance to accidental impact damage compared to that of brickwork. Acceptable.

Concrete pre-fabrication is the core method of construction for Garard Moulded Pre-Cast Pty Ltd at their Liverpool factory. The above comparison table demonstrates that there are definite advantages to Council accepting the "Alternative Tender" rather than the complying one for both the construction of the Camp Kitchen and the two Barbeque shelters.

**Due Diligence**

Tender No 1 (from Garard Moulded Pre-Cast Pty Ltd) was subjected to a financial assessment, an in-house safety/environment system assessment and referee checks.

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

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

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

**RISK ASSESSMENT****General**

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

### **5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

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

#### **Contract Risks**

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

#### **Generic Risks**

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

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

#### **Specific Risks Leading to Contract Variations**

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

- The quality of the design is sub-standard resulting in additional costs during the construction phase. Mitigated by appropriate technical reviews by others to ensure design meets requirements.
- Sub-surface ground conditions differ significantly from assumptions, leading to amendment of documented works, and associated additional cost. Mitigated by geotechnical investigation undertaken prior to tenders being called
- Sub-surface services not previously determined may need to be relocated from new works areas, and associated additional cost. Mitigated by services being located prior to tenders being called.

**5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks (contd)**

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**Risk Contingency**

The above risks are considered to be medium for this contract given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$20,000.00 (excl GST) representing approximately 10% of the contract sum be approved.

Based on previous experience with contracts of this nature and analysis of the risks involved, it is estimated that there is a high probability that the contract budget of \$219,000.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

**BUDGET**

This engagement is of the nature of a one-off contract. Progress payments will be funded from an allocation of pre-arranged loans from the Crown and from restricted assets generated from Holiday Park income. The tender sum submitted is a fixed lump sum that may increase or decrease depending upon variation claims that may arise during the course of the works. Provision of funding the project has been made in Management Plan line item 5.2.6.

**TIME-FRAME**

The works are proposed to commence in May 2011 and need to be completed prior to the school holidays in September/October 2011. The anticipated completion date is August/September 2011. This duration is greater than the timeframe required by Garard Moulded Pre-Cast Pty Ltd as nominated in their Tender.

**APPROVALS**

Development Approval for the Upgrade Works was granted in December 2007 (DA 1339/2007) and a Construction Certificate has been issued for the nominated works. In addition the Crown has given their approval for these works as part of the Business Development Strategy for the Central Coast Holiday Parks.

**CONCLUSION**

Tender No 1 (from Garard Moulded pre Cast Pty Ltd) is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the alternative tender using pre-cast concrete components be accepted.

**ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Canton Beach Holiday Park Camp Kitchen BBQ | D02588116 |
| 2 | Toowoon Bay Holiday park BBQ               | D02588119 |

Not For Construction

Attachment 1

Location of Proposed Camp kitchen

Location of Proposed Barbeque

1  
01 Plan - Site Plan  
Scale: 1:2000  
Notes:

NO	DATE	AMENDMENT
1	07/25/11	Initial

NO	DATE	AMENDMENT

NO	DATE	AMENDMENT

NO	DATE	AMENDMENT

ARCHITECTURE  
INTERIORS  
URBAN DESIGN  
HERITAGE  
SUSTAINABLE

inspire create enjoy

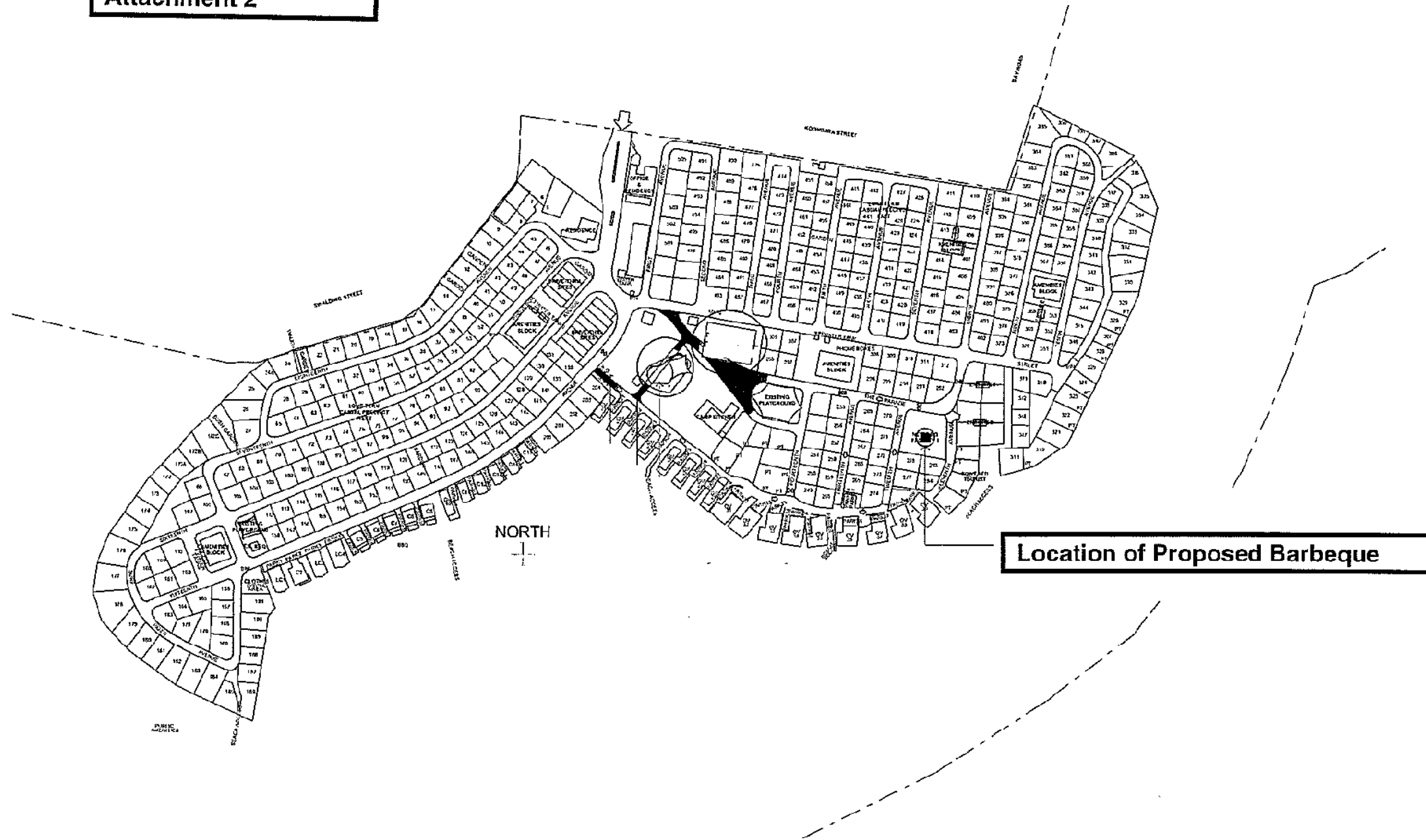
K I  
W O L L O N G O N G  
N O W R A  
S A T E M A N S J A Y  
S H A N G H A I

PROJECT	Holiday Park Upgrade Works 2010-2011	DATE	AS NOTED	SHEET	1
SITE	Montgomery Ave Canton Beach NSW 2263	DATE	06/20/2008	SHEET	7
CITY	Wyong Shire Council	DATE	06/20/2008	SHEET	7
PROJECT	Canton Beach Tourist Park - Site Plan	DATE	06/20/2008	SHEET	7
PROJECT	Canton Beach Tourist Park - Site Plan	DATE	06/20/2008	SHEET	7

Tender Issue 2010-2011

Not For Construction

**Attachment 2**



**Location of Proposed Barbeque**

**1** Plan - Site Plan  
Scale: 1:2000  
Notes:

**NOTE**  
1. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE.  
2. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.  
3. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.  
4. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.  
5. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR INVESTMENT DECISIONS.

NO	DATE	AMENDMENT	NO	DATE	AMENDMENT

**ARCHITECTURE**  
**INTERIOR**  
**URBAN DESIGN**  
**HERRAGE**  
**SUSTA NABLI**

*muspa wacale enay*

**K. I. A. M. A.**  
K. I. A. M. A.  
ALEXANDRIA  
WOLLONGONG  
N. S. W. P. A.  
BATEMANS BAY  
S. A. S. T. R. A. L. I. A.

**Issue for Tender 2009-2010**

PROJECT: Holiday Park Upgrade Works 2009-2010	SCALE: AS SHOWN	SHEET: 1
SITE: Kongara Street Toowoomba Bay NSW 2261	DATE: Nov 2008	DRAWN: 14
BY: Wyong Shire Council	DESIGNED: MS	DATE: 22/10/2008
DRAWING: Toowoomba Bay Tourist Park - Site Plan		
REF: 5477-CTD-TB09-01		

## **5.4 Contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill**

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TRIM REFERENCE: CPA/181554 - D02582597

AUTHOR: Norm Yeend, Project Manager

MANAGER: Mike Long, Manager Contracts and Project Management

### **SUMMARY**

This report deals with the evaluation and selection of tenders for Contract CPA/181554 – Detailed Design and Documentation for Remediation of Former Mardi Landfill.

### **RECOMMENDATION**

***That Council accept the tender from SMEC Australia Pty Ltd for the lump sum amount of \$264,186.00 (excl GST) for Contract CPA/181554 – Detailed Design and Documentation for Remediation of Former Mardi Landfill.***

### **BACKGROUND**

#### **Mardi Landfill**

The former Mardi Landfill site is located off McPherson Road, Mardi, east of the F3 Freeway. It is bounded to the east by the rear boundaries of residential properties on Riveroak Drive Mardi; to the north by McPherson Road and to the south and west by vacant Council-owned land. The landfill occupies a footprint of approximately 8.5 hectares in area and is fully fenced for site security and safety. Attachment 1 shows the landfill site and the surrounding area.

Mardi Landfill is on the site of a previous sandstone quarry and was operated as a landfill for disposal of waste from the 1950s until the opening of Buttonderry Waste Management Facility in 1989. Waste placement on the site resulted in a final landform comprising a high, uneven plateau with several tiers of waste up to approximately 15m deep, surrounded by steep batters to the vacant land in the northwest, west and southwest. Attachment 2 shows the landform of the site.

The proposed professional services contract CPA/181554 that is the subject of this report will provide the detailed design and documentation required for site remediation works, as well as the end use recreation facilities proposed for the former landfill site.



### **Remediation Stages**

The Mardi Landfill site is one of seven former landfills within the Shire that have been identified by Council for remediation and is included in Council's Annual Plan and Rolling Works Program. Remediation of former landfills is undertaken under the provisions of the Contaminated Land Management (CLM) Act 1997. The process for remediation is set out in guidelines under the CLM Act, issued by the NSW Environmental Protection Authority (EPA) and administered by the NSW Office of Environment and Heritage (OEH), formerly the Department of Climate Change and Water (DECCW).

The EPA guidelines set out the following four broad stages for the management of contaminated sites:

- 1 Preliminary site investigation (PSI)
- 2 Detailed site investigation (DSI)
- 3 Site remedial action plan (RAP)
- 4 Site validation and ongoing monitoring.

Council has completed the first three stages required under the guidelines for the remediation of Mardi Landfill. This has included review by an independent EPA Accredited Site Auditor at the end of each stage, as also required by the EPA guidelines.

The design, approval and construction of the site remediation works may now be undertaken. These functions lie between Stages 3 and 4 of the remediation process.

### **End Use of Site**

Consideration of the proposed end use of contaminated land during the remediation investigation and in the preparation of a RAP is a provision of the EPA guidelines. The proposed end use impacts on the final remediation treatment and the performance criteria to be adopted for ongoing validation monitoring of site emissions following remediation.

At the Ordinary Meeting of Council held on 24 January 2007, in a report on open space and recreation areas in and around Mardi Council was informed that the areas available exceed Council's standard for these facilities and that more open space area would be created with the restoration of the former Mardi Landfill. On consideration of the report, Council resolved unanimously on the motion of Councillor Forster and seconded by Councillor Rose:

- "1 That the report be received and the information noted.*
- 2 That, in planning for restoration of the Mardi Tip site, consideration be given in design to the provision of further open space areas including possibility of an oval."*

The Mardi Landfill site is Zoned Open Space 6(a). The adjoining Council owned property to the west and southwest is Zoned Rural1(c), a Zone within which recreation facilities are permitted.

The site remediation investigations, the RAP and the associated concept design have been undertaken on the basis of providing recreation and open space areas on the site following remediation. Provision of a playing field on the site has been examined as detailed site investigation information has become available and the remediation concept design has progressed. As a result of the investigations, construction of a playing field is not proposed as part of the final facilities to be provided on the landfill site. Factors contributing to this outcome include:

- Varying tiers and levels on the landfill surface would require excavation and relocation of large volumes of waste material to create a single platform suitable for a playing field;
- A playing field would be located within 25m of residential properties to the east and adjacent to steep high batters to the west, requiring protection fencing (6m to 8m high) along both sides of the field for safety and protection of amenity;
- The depths, variability and lack of compaction of the underlying waste would result in significant, long term consolidation and settlement of the surface levels with the need for ongoing corrective treatment and maintenance of the playing surface with the associated recurring costs;
- Lack of a suitable location and higher cost for construction of an amenities building on the waste emplacement within reasonable proximity to playing field;
- Significantly higher cost for landfill remediation works in preparation for a playing field and higher cost for construction of a playing field on a landfill platform;
- Suitable alternative land for possible construction of playing fields is available immediately to the west of the landfill site.

The final combination and arrangement of open space and recreation facilities provided on the site will be determined during the detailed design process from the outcomes of stakeholder and community consultation. Facilities that may be considered for incorporation onto the site include:

- Walking paths
- Exercise circuit/stations
- Stairways
- Cross country/multi-use running trail
- Mountain bike trail
- Dog exercise area;
- Nature-based adventure playground
- Open space areas
- Landscaping treatment
- Seating, shelter and resting areas
- Vehicle and services access and car parking
- Public amenities
- Security lighting
- Perimeter/security fencing
- Drinking water stations.

### **Scope of Work**

Work under this proposed professional services engagement will include detailed design and documentation for the site remediation works and the end-use recreation facilities. It will include all further design investigations and studies necessary for the detailed design and for lodgement of application for consent for the remediation works and recreation facilities.

The documentation to be produced will include design drawings, construction specifications, investigation and study reports, environmental assessment report, site management plans including those for environmental, safety and quality as well as a validation and ongoing monitoring plan. It includes all documentation required for approval and for the invitation of tenders for construction.

The extent of the work required for some elements of the engagement will be dependent upon the outcomes of consultation, the results of the further design studies and investigations as well as any conditions of consent that may be applied to the remediation works and recreation facilities. This uncertainty has been taken into account in the tender and contract documentation as far as reasonably possible. This is likely to result in the need for variations to the scope of works during the engagement. This eventuality is further addressed later in this report.

### **Tender Process**

Tenders for the work were invited by selective invitation from a list of 15 recognised contractors (consultants) previously adopted following public advertisements and an expression of interest (EOI) process undertaken in 2010. All fifteen companies adopted from the EOI process were invited to tender for this contract via Council's eTender website. The advertised closing date was Thursday 3 March 2011.

The invitation documents called for lump sum tenders based on a detailed brief defining the scope of work. Due to the complexity of the design and the possible range of design options that may be incorporated in the final site remediation, tenderers were advised to be clear on the scope or limit of the work included in their tender. Tenderers were also advised to be aware that the tender still had to conform to the requirements of the tender documents in other respects.

During the tender period three of the invited companies advised that they would not be submitting tenders.

A compulsory pre-tender meeting and site inspection were held at the former landfill site on 16 February 2011 to allow tenderers to become familiar with site conditions and to address questions raised by tenderers. Representatives of eight of the 15 invited companies attended the meeting and inspection.

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

- 1 Change of venue for mandatory pre-tender meeting (issued on 8 February 2011);
- 2 Minutes of pre-tender meeting (issued on 17 February 2011).

Tenders closed at Council Chambers at 2:00 p.m. on 3 March 2011. Tenders were received from six companies.

**EVALUATION OF TENDERS**

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

Threshold Criteria:

- 1 Conformance with the requirements of the tender documents including lodgement on time and supply of the specified documents.
- 2 Ability to manage safety risk.

Weighted Criteria:

- 1 Assessed level of Local Content (MANDATORY).
- 2 The tendered price and structure, as well as any other potential costs to Council that may be identified.
- 3 Experience of the company and nominated project team in the specific field.
- 4 Company past performance in the specific field.

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

To assess tenders against the evaluation criteria, the panel used information obtained from the tender documents, related correspondence, referees and information available from Council’s own previous involvement with the tenderers.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Shortlisting of tenders.
- Detailed weighted evaluation of shortlisted tenders.
- Due diligence checks on preferred tenderer.

**Assessment of Receipt**

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

<b>Tender No</b>	<b>Tender</b>	<b>Tendered Lump Sum (Ex. GST)</b>	<b>Status</b>
1	Applied Ecology / Browns Consulting / Douglas Partners (AEBCDP)	\$712,990.00	Submitted on time
2	Coffey Environments Australia Pty Ltd (Coffey)	\$275,318.00	Submitted not in accordance with tender requirements. Not considered

**5.4 Contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill (contd)**

3	GHD Pty Ltd (GHD)	\$379,720.00 <u>\$382,720.00</u> adjusted*	Submitted on time
4	Golder Associates Pty Ltd (Golder)	\$579,560.00	Submitted on time
5	SEMF Pty Ltd (SEMF)	\$454,206.00	Submitted on time
6	SMEC Australia Pty Ltd (SMEC)	\$264,186.00 <u>\$300,686.00</u> adjusted*	Submitted on time

\* See Assessment of Conformance below.

Tender No 2 (from Coffey) was submitted by insecure means in an email direct to Council and not via the secure eTender system or by hard copy delivered to the tender box. The tender instructions and Clause 173 (2) of the Local Government Regulation (General) 2005 are clear on the required method for lodgement of tenders by electronic means. In addition, the method of delivery prevented the tender being received in the manner prescribed by the Regulations before the advertised closing time. The tender was therefore deemed to be non-conforming and was not considered further in the evaluation process.

All other tenders were progressed to the next stage of evaluation.

**Assessment of Conformance**

The remaining five tenders were assessed for conformance with the requirements of the tender documents. Details of that assessment are presented below.

Tender No 1 (from AEBCDP) conformed fully to all requirements and was progressed to the next stage of evaluation.

Tender No 3 (from GHD) contained limitations and assumptions relating to the scope of work on which the tender was based. This was acceptable under the provision of the tender documents and the limitations and assumptions provided for a scope of work that would fulfil the requirements of the brief. Arising from one of the limitations, an adjustment of \$3,000.00 was added to the tender price, to provide the same extent of field work for pre-design investigation (test pit excavation) as provided in the other tenders. The tender was fully conforming in all other respects and was progressed to the next stage of evaluation.

Tender No 4 (from Golder) contained proposed qualifications in the form of minor amendments to several of the conditions of contract relating to limits of liability, indemnification of the client and intellectual property rights. The evaluation panel considered the qualifications to be minor and able to be satisfactorily resolved prior to finalisation of evaluation if the tender were to become the recommended tender. The tender was fully conforming in all other respects and was progressed to the next stage of evaluation.

Tender No 5 (from SEMF) contained some limitations and assumptions that were acceptable in accordance with the provisions of the tender documents, however, other limitations, assumptions and qualifications were significant and not acceptable. The tender was submitted as a part lump sum and part estimate of cost tender. This was substantially outside the conditions of tender (the tender documents required submission of a lump sum tender for the works) and did not permit comparison of the tender price with other tenders received. The tender also contained several qualifications to the conditions of contract that were of a significant nature, imposed substantially greater business risk and liability on Council and some of which would have a financial impact on Council not identified in the tender. The tender was considered to be non-conforming and was eliminated from further consideration.

Tender No 6 (from SMEC) contained limitations and assumptions relating to the scope of work on which the tender was based. This was acceptable under the provision of the tender documents and the limitations and assumptions provided for a scope of work that would fulfil the requirements of the brief. In addition, the tender included prices for several provisional sum items that may be required as part of the scope of work; again, this was acceptable under the provisions of the tender documents.

Some of the works identified within the tender of SMEC, for which provisional sum amounts were supplied, had been included within the tendered scopes of work and tendered amounts in other companies' tenders. Those provisional sum items were:

- Tree assessment and report by an arborist
- Traffic and transport impact assessment and report
- Crime and safety assessment report
- Disability access assessment report
- Acid sulphate management plan
- Acoustic assessment and report.

In order that the tender of SMEC could be considered on an equal basis with other tenders, an adjustment of \$36,500.00 (being the total of the provisional sum amounts for the above items as provided in the tender schedules of SMEC) was added to the lump sum tender to assess the total cost to Council. The tender was fully conforming in all other respects and was progressed to the next stage of evaluation.

### **Shortlisting**

Tenders were shortlisted against Weighted Criterion No.2 (Price).

The Tender No 1 (from AEBCDP) has a tendered amount almost 60% higher than the pre-tender estimate of \$460,000 for the contract and almost 140% higher than the lowest priced tender. Regardless of how Tender No 1 rated on non-price criteria the substantial price difference would make it impossible for this tender to rate as the preferred option after a full weighted evaluation. A sensitivity test undertaken on the tender confirmed this by assigning assumed values of 100% for the non-price criteria. The tender was eliminated after shortlisting to allow the panel to concentrate its assessment efforts on the remaining tenders.

The remaining shortlisted tenders were progressed to full weighed evaluation.

**Weighted Evaluation**

Evaluation scoring was conducted in two stages i.e:

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

**1 Scoring - Before Application of the Local Preference Policy**

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

Tender No.	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Before Application of Local Preference)
			Most Competitive Offer
6	SMEC	\$300,686.00 (adjusted)	75.0
3	GHD	\$382,720.00 (adjusted)	72.5
4	Golder	\$579,560.00	49.3

The past experience and performance of GHD, Golder and their respective project teams ranked more highly than those of SMEC. However, all three companies and/or their project teams had demonstrated past experience and satisfactory performance in design of contaminated site remediation works and recreation facilities. The differences in the scores for the non-priced evaluation criteria were not sufficient to outweigh the price advantage offered by the tender of SMEC. Tender No 6 from SMEC was therefore the most competitive offer.

**2 Scoring - After Application of Local Preference Policy**

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

The application of the Local Preference Policy to this tender imposed the following criteria in relation to the financial impact in considering a Preferred Offer:

Policy Criteria	Criteria Applied to Tender Assessment
Category of Contract	Services
Method to Determine Financial Impact Limitations	5% above price component of Most Competitive Offer, with a maximum of \$25,000 applicable to this category of contract

**5.4 Contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill (contd)**

Price Component of Most Competitive Offer	\$300,686
Financial Impact Limitation To Be Applied to Preferred Offer	\$15,034

GHD has a local office and would coordinate all work under the engagement from that office. The company proposes only minor subconsultant or subcontracting works not from within the local area. Golder and SMEC have offices in Sydney and Newcastle respectively and both propose the use of locally sourced subconsultants or subcontractors to a minor extent only.

The following table summarises scoring for the assessed value of Local Content. Tenders are listed in descending order of **Preferred Offers** following assessment.

Tender No	Tender	Tendered Lump Sum (Ex. GST)	Weighted Evaluation Score (Before Application of Local Preference)	Value of Assessed Local Content (Ex. GST)	Weighted Evaluation Score (After Application of Local Preference)
			Most Competitive Offer		Preferred Offer
3	GHD	\$382,720.00 adjusted	72.5	\$330,720	81.1
6	SMEC	\$300,686.00 adjusted	75	\$7,000	75.2
4	Golder	\$579,560.00	49.3	\$14,000	49.5

Following assessment of Local Content, the order of rankings changed i.e. Tender No. 3 from GHD became the Preferred Offer. The financial impact of the Preferred Offer under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$15,034**
- Actual financial impact of Preferred Offer: **\$82,034** (i.e. \$382,720 - \$300,686)

The financial impact to Council in accepting the tender of GHD is above the financial limitations set by the Local Preference Policy. The Preferred Offer of Tender No. 3 from GHD therefore cannot be accepted. As a result, the Most Competitive Offer of Tender No 6 from SMEC (which is also the 2<sup>nd</sup> ranked Preferred Offer) was progressed to the due diligence stage of evaluation.



### **Due Diligence**

Further referee checks were undertaken into the past performances of the company's project director and environmental planner proposed for the engagement. The contacts confirmed skilled, reliable and cooperative previous performance on remediation and recreation planning works.

The amount tendered by SMEC is less than Council's pretender estimate of \$460,000 and is considered to represent a reasonable price for the contract works. In addition, the hourly rates supplied in the tender by SMEC are lower than those tendered by the next ranking tender, confirming that the tender of SMEC would continue to be the best overall value to Council should variations be required to the scope of work and hence the contract.

### **RISK ASSESSMENT**

#### **General**

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

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

#### **Contract Risks**

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

#### **Generic Risks**

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

- Completion time exceeds target leading to delays and damage to Council's reputation. Mitigated through close supervision and prompt directions where required.
- Liability for injury and/or damage to people, property and the environment. Mitigated through on-going validation of contractor's insurances, safety and environmental management systems, together with close supervision including site audits.

## **5.4 Contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill (contd)**

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- Contract dispute over rights and obligations of the parties. Mitigated through use of Australian Standards General Conditions of Contract, which include dispute resolution mechanisms.

### **Specific Risks Leading to Contract Variations**

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

- The quality of the previous environmental site investigations being sub-standard, resulting in additional costs during the design phase. Mitigated by appropriate technical and independent reviews by others to confirm investigations meet benchmark standards and by requiring design consultant to examine and identify data gaps early in the design process.
- Changes to regulatory requirements resulting in design changes and additional costs. Mitigated by using latest information in tender documents, minimising delays in award of contract and independent review of design at all stages to verify compliance.
- Changes in results from ongoing environmental monitoring of site emissions resulting in the need to expand or alter the scope of work to address the changes. Mitigated by continued routine monitoring and review of results for early identification of any emission changes and limit the impact of design amendments through early intervention.
- The outcomes from stakeholder and community consultation identifying changes to the scope of work covered within the brief with resulting additional design costs. Mitigated by pre-tender preliminary planning for the scope and nature of facilities, combined with consultation being undertaken early in the options planning process of the engagement to limit the impact or extent of variation to the scope through early intervention and by provision of appropriate contingency allowance in the contract budget.
- The results from site investigations and studies in the early part of the engagement revealing unforeseen outcomes not previously forecast and requiring changes to or increases in the scope of work with resulting additional design costs. Mitigated by extensive pretender site investigations, ongoing management of project scope and costs throughout the engagement and provision of appropriate contingency allowance in the contract budget.
- Potential variability in the process for approval / consent for the works and the scope of works involved in design and documentation for compliance with conditions of consent. Mitigated by obtaining independent advice on statutory requirements, maintaining liaison with consent authorities and provision of appropriate contingency allowance in the contract budget.
- Brief does not adequately cover all required work and additional investigations are found to be necessary during the consultancy. Mitigated by preparation of comprehensive Brief and peer review of documentation prior to inviting tenders.

**Risk Contingency**

The above risks for this are considered to be high given the value of the contract and the nature of the work. Accordingly, it is recommended that a contingency sum of \$66,000 (excl GST) representing approximately 25% of the contract sum be approved.

In the circumstances of this contract, the recommended tender of SMEC has identified certain works that would be additional to its lump sum amount and, within the tender Schedules, included provisional sum prices for those works detailed above in this report. Those works are considered likely to be required to fulfil the requirements for consent application documentation and for detailed design. It is therefore proposed that a further amount of \$36,500 (excl GST) be added to the contract budget to cover the cost of those additional works should they be required.

Based on previous experience with contracts of this nature, assessment of the tenders submitted and analysis of the risks involved, it is estimated that there is a high probability that a contract budget of \$366,686 (excl GST), which incorporates the contingency allowance and provisional sum allowance, will not be exceeded.

**BUDGET**

The total estimated cost for remediation of Mardi Landfill will cover site cleanup, vegetation clearing and control, security fencing, asbestos removal, access provision, preliminary and detailed site investigations for remediation and preparation of site remedial action plan and is included in the 2011/2015 Strategic Plan.

**TIME-FRAME**

Work on the design contract will commence in June 2011 with all design documentation programmed for completion by July 2012, subject to there being no un-programmed extended delays through the approval process for the proposed works.

If this program is maintained, tenders for the remediation works would be invited during the second half of 2012, with completion of the site remediation by mid 2014.

**APPROVALS**

There are no approvals required for the works involved under this contract.

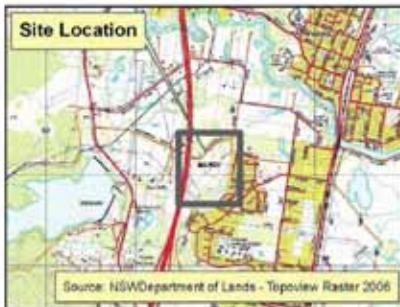
Approvals will be required for the remediation works and recreation works arising from the design documentation provided under this contract. Those approvals will be outcomes from works under this contract and not requirements for award of the contract.

**CONCLUSION**

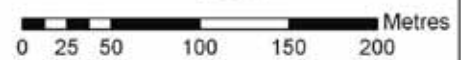
Tender No 6 from SMEC Australia Pty Ltd is the highest scoring tender and meets all of Council's requirements for this contract. On balance, this tender represents the best value-for-money for Council. It is recommended that the tender be accepted and that an appropriate allowance be made for provisional works and a contingency sum within the contract budget.


**ATTACHMENTS**

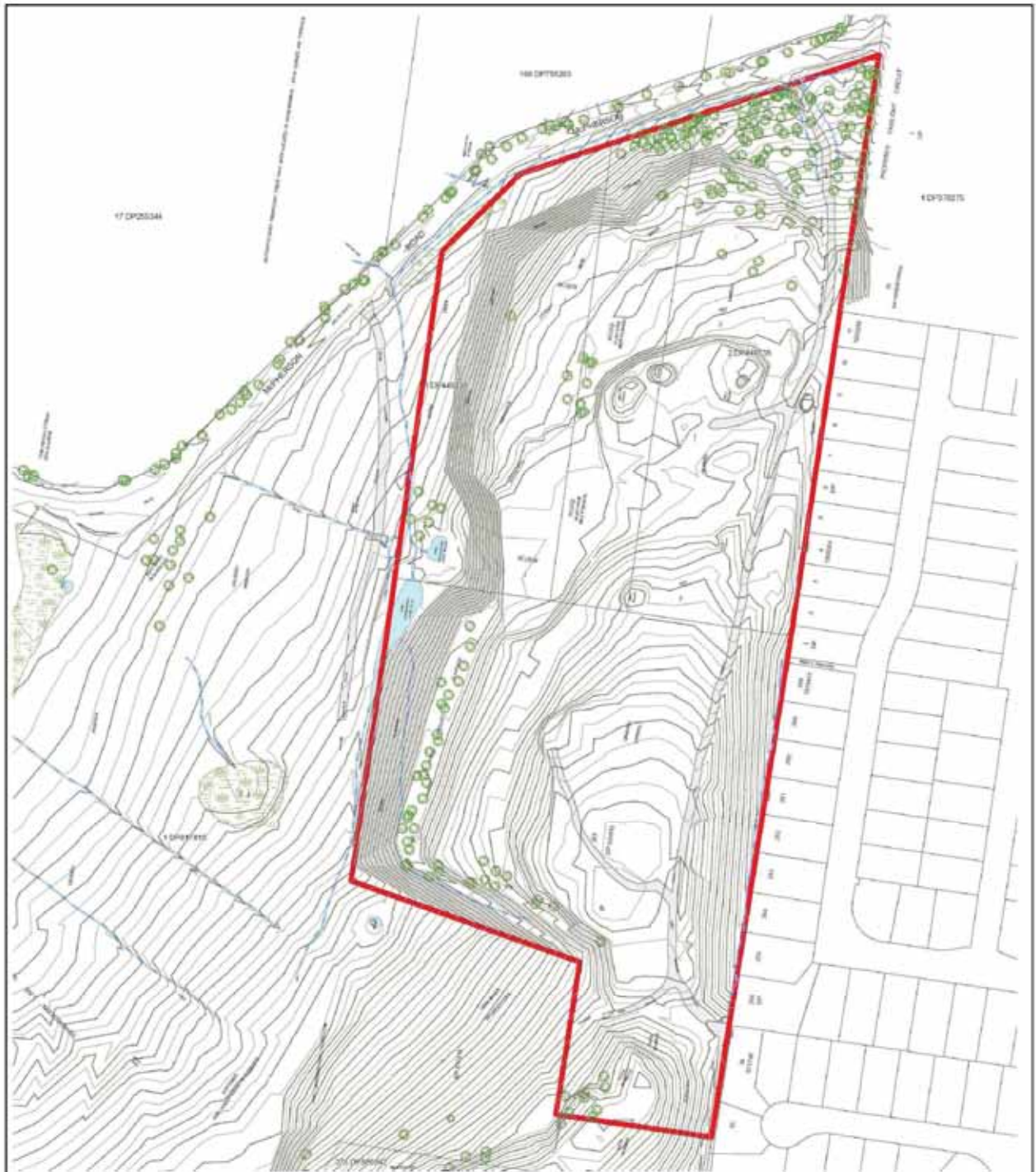
- |   |                                |           |
|---|--------------------------------|-----------|
| 1 | Mardi Landfill Site Plan       | D02597796 |
| 2 | Mardi Landfill Site Topography | D02597798 |



- Legend**
- Site Boundary
  - Pond
  - Swamp
  - Road
  - Drainage



	<b>Site boundary and features</b>	
	Location: Mardi, New South Wales	
Client: Wyong Shire Council	Job number: 109011	
Drawn by: CM	Scale: 1:2500 on A3	Source: 109011_Fig2.mxd
Proj Man: NP	Date: 11 June 2009	<b>Figure 2</b>



- Legend**
- Site Boundary
  - Pond
  - Swamp
  - Road



	<b>Site Topography</b>	
	Location: Mardi, New South Wales	
Client: Wyong Shire Council	Scale: 1:1900 on A3	Job number: 109011
Drawn by: CM	Date: 11 June 2009	Source: 109011_Fig3.mxd
Proj Man: NP		<b>Figure 3</b>

## **6.1 2011/2012 Wyong Shire Council Rural Fire Fighting Fund Estimates**

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TRIM REFERENCE: F2009/01592 - D02521513

AUTHOR: Gordon Prior; Coordinator Level 2

MANAGER: John Barnard; Manager Plant Fleet Depots

### **SUMMARY**

2011/2012 Rural Fire Fighting Fund Estimates.

### **RECOMMENDATION**

- 1 That Council note the proposed Wyong Rural Fire Service's proposed budget.**
- 2 That Council confirms continuance of financial support of the Wyong Rural Fire Service in accordance with s.111 of the Rural Fires Act 1997.**

### **BACKGROUND**

Wyong Shire Council (WSC) is responsible for exercising the functions conferred or imposed by the Rural Fires Act (the Act) s.7, in respect of the rural fire district constituted under s.6 of the Act.

Primarily the Act requires Council to pay a Rural Fire Brigade contribution of 11.7% (s.111 (5)) of the Minister's determination of the budget for the local Rural Fire District (Wyong). The amount approved by The Minister is typically lower than the amount requested by the Wyong District RFS.

The NSW Rural Fire Service (NSW RFS) provide the fire services and Wyong District RFS prepare their budget estimate "bid" each financial year to cover local operational costs plus capital funding requirements.

Historically the bid has been provided to WSC for endorsement by the General Manager, before application for final approval from the Minister for Emergency Services - despite there being no current legal requirement for endorsement.

There has been a perception in WSC that to comply with the Act Council has been partially off-setting the shortfall in the RFS budget caused by the Minister's determination being lower than asked for – up to \$360,000 p.a. in addition to the statutory 11.7%. This additional payment has been at Council's consideration of costs that are non-claimable through the Rural Fire Fighting Fund.

WSC is also required to contribute 11.7% of the cost of the NSW RFS Volunteer and Statewide Support budget – commonly between \$110,000-\$160,000 in recent years but dependent on the level of preventative bushfire maintenance undertaken at the discretion of the Minister.

**6.1 2011/2012 Wyong Shire Council Rural Fire Fighting Fund Estimates  
(contd)**

The payment is automatically reimbursed to WSC through Grant Funding the following year and is shown in the table below as “reimbursable items”.

In previous years, the General Manager has endorsed the Wyong District RFS bid, however it is considered that this endorsement be sought from Council into the future.

**THE PROPOSAL**

It is proposed that Council comply with the requirements of the Act and provide the required 11.7% of the funding determined by the Minister in response to the local RFS submissions as detailed below and in the Attachments.

<b>WYONG RURAL FIRE SERVICE PROPOSED BUDGET 2011-2012</b>		
<b>Item</b>	<b>Detail</b>	<b>Proposed Budget</b>
Annual Maintenance and Repairs	Includes maintenance of station sheds, pumps and vehicles	\$ 412,623.00
Appliances	Includes 2 additional fire fighting units	\$ 482,500.00
Second Hand Appliances		\$ -
Other Vehicles	Includes catering vehicle and utility	\$ 287,000.00
Equipment	Includes personal protective equipment, and fire fighting equipment	\$ 273,500.00
Brigade Stations	Includes security upgrade and works to Mannering Park, Berkeley Vale and Ourimbah Stations	\$ 337,340.00
Reimbursable Items	Reimbursement for WSC support to RFS and Volunteer state wide support budget	\$ 108,419.10
Hazard Reduction	Approximately 100 proposed hazard reduction activities	\$ 123,272.00
District Staff Estimation	Support services and equipment for District Staff.	\$ 275,790.00
Volunteer & State Wide Support	Insurances + Other Support	\$1,180,000.00
<b>TOTAL</b>		<b>\$3,483,104.00</b>

\* Note the Volunteer and State Wide Support contribution is an estimate based on previous year’s allocations and acknowledgement of RFS and Council Liaison.



Based on the Minister approving the above amount as the RFS budget, WSC's liability under the Act would be \$408,000.

### **FINANCIAL IMPLICATIONS**

As discussed above, the Council's contribution is 11.7% of the bid plus a typical additional contribution of \$330,000. In addition, Council receives a reimbursement from the RFS for a portion of its expenses spent in the previous year. For 2011/12 Council expects a reimbursement of approximately \$170,000.

Based upon the anticipated bid approved by the Minister, the 2011/2012 financial year net funding of the RFS operation by Council will be in the order of \$550,000 to \$600,000. Until the bid is approved by the Minister, staff are unable to be more precise regarding WSC's actual contribution.

### **CONCLUSION**

The Rural Fires Act 1997 determines that local authorities shall provide funding support for local Rural Fire Services based on an annual budget determined by the Minister for Police and Emergency Services.

Council's shall be required to provide 11.7% of the approved budget.

The Minister may apportion the total amount of capital expenditure among relevant Council as he/she sees fit (s.103).

There is no requirement in the Act for Council to have any say in the preparation of budgets however previous co-operative practice between the local RFS and Council has provided the opportunity for WSC input – as is the case this year.

### **ATTACHMENTS**

- 1 2011-12 Rural Fire Fighting Fund Estimates for WSC GM sign D02587718



## 2011/2012 Rural Fire Fighting Fund Estimates

1st July 2011 to 30th June 2012

## Annual Repairs and Maintenance

## WYONG SHIRE COUNCIL

<b>Maintenance Stations Sheds</b>		\$52,782.00
<b>Maintenance Vehicles</b>		\$77,500.00
<b>Maintenance Pumps</b>		\$0.00
<b>Maintenance Radio</b>		\$10,000.00
<b>Maintenance Petrol Oil</b>		\$50,000.00
<b>Maintenance Other</b>		\$45,333.00
Fire Extinguisher M&R	\$3,833.00	
First Aid Kit M&R	\$4,500.00	
Caba M&R & Refills	\$10,000.00	
Cleaning Fire Control Centre	\$18,000.00	
Brigade Subsidy M&R	\$9,000.00	
<b>Freight Cartage</b>		\$1,000.00
<b>Telephone Rental</b>		\$5,000.00
<b>Telephone Calls</b>		\$10,471.00
<b>Electricity</b>		\$24,346.00
<b>Insurance Vehicles</b>		\$23,400.00
<b>Insurance Sheds</b>		\$11,500.00
<b>Insurance Other</b>		\$0.00
<b>First Aid Training</b>		\$0.00
<b>Training Subsidy Brigade</b>		\$3,000.00
<b>ERS Paging Subsidy</b>		\$0.00
<b>Other Total</b>		\$98,291.00
GRN Charges	\$56,925.00	
Incident Coordination Expenses	\$4,842.00	
RFS Core & Specialised Training Expenses	\$10,000.00	
Community Safety & Risk Management	\$11,924.00	
Driving Licence Assessments	\$9,000.00	
BA Medicals	\$5,600.00	
<b>Total Section B</b>		<b>\$412,623.00</b>

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2011/2012 Rural Fire Fighting Fund Estimates WYONG SHIRE COUNCIL

Listing of Appliances Ordered [by Description]

Item No	Item	Price	Stock No	Item Description	Quantity	Extended Cost
307020	APPLIANCE - CAT 7 CREW CAB	\$189,000.00		FOUR WHEEL DRIVE (4 X 4) CREW CABIN APPLIANCE INCORPORATING 1050 LITRE TANK, 2 FULL SIZE LOCKERS, 1 AND HALF HEATSHIELDS, CLASS 2 DIESEL PUMP, 1 X 30 METRE HOSE REEL, PVC DELIVERY HOSE, NOZZLE, LIGHTS, SIREN, FOAM PROPORTIONER, PUMP CONTROLS IN CABIN, AUXILIARY PUMP CONTROLS FITTED IN WORK AREA, RING CABIN SPRAY PROTECTION, RADIATION CURTAINS, SIX FIRE BLANKETS AND HOLDER GRN/PMR RADIO FITTED. CLASS 6 PORTABLE PUMP, AIR CONDITIONED CABIN. MAXIMUM CREW 6	2	\$378,000.00
307210	APPLIANCE - CAT 7 DISPOSAL - SINGLE CAB - 6 TO 10 YRS OLD	-\$58,000.00		THIS IS A CATEGORY 7 SINGLE CAB UNIT AGED BETWEEN 6-10 YEARS OF AGE THAT YOU WISH TO DISPOSE OF. THE TANKER MUST BE A UNIT THAT WAS BUILT THROUGH THE SERVICES APPLIANCE CONSTRUCTION PROGRAM. IT MUST BE IN REASONABLE CONDITION AND CONTAIN ALL EQUIPMENT THAT WAS ORIGINALLY PROVIDED WITH THE UNIT.	2	-\$116,000.00
309000	APPLIANCE - CAT 9 STRIKER / MOP UP UNIT	\$110,250.00		INITIAL ATTACK / MOP UP UNIT - VEHICLE BASED ON MODIFIED 79 SERIES LANDCRUISER WITH A 3500KG GYM CARRY 600-630 LITRES OF WATER. SUPPLIED WITH LIGHTS, SIRENS, CLASS 1 DIESEL PUMPSET WITH CONTROL PANEL AND FOAM PROPORTIONING SYSTEM, 30M HOSE REEL WITH PVC DELIVERY HOSE AND NOZZLE, RING CABIN SPRAY PROTECTION, RADIATION CURTAINS, 2 FIRE BLANKETS, GRN/PMR RADIO FITTED. CLASS 6 PORTABLE PUMP, AIR CONDITIONED CABIN, MAX CREW OF 2.	2	\$220,500.00
<b>Total of Equipment items</b>						<b>\$482,500.00</b>

2011/2012 Rural Fire Fighting Fund Estimates

Second Hand Appliances

WYONG SHIRE COUNCIL

Brigade Name	Vehicle Make Model	Additional or Replacement	Source	Amount
			Total	#Error

## 2011/2012 Rural Fire Fighting Fund Estimates

## Other Vehicles

## WYONG SHIRE COUNCIL

Brigade Name	Vehicle Make Model	Additional, Replacement or New	Source	Amount
Catering RFB	Catering Vehicle - 2 Wheel D	Replacement	Department	\$250,000.00
Group Vehicle	Ford Ranger Utility Crew cab	Replacement	Department	\$37,000.00
			<b>Total</b>	<b>\$287,000.00</b>

## 2011/2012 Rural Fire Fighting Fund Estimates

## Equipment

## WYONG SHIRE COUNCIL

Pumps .....	\$2,000.00
PPE .....	\$85,000.00
Enhancements	
Community Safety .....	\$10,000.00
DeContamination Services .....	\$1,500.00
Fire Fighting Equipment .....	\$175,000.00
	<hr/>
Total	\$273,500.00
	<hr/>

## 2011/2012 Rural Fire Fighting Fund Estimates

## Brigade stations

## WYONG SHIRE COUNCIL

Brigade Name	Category of Brigade Station	Amount
Station Security Upgr	Other	\$30,000.00
Mannering Park RFB	Category 2B	\$50,000.00
Berkeley Vale RFB	Amenities for existing s	\$48,000.00
Brigade Station ADSL	Other	\$12,000.00
Ourimbah Station	Category 3C	\$200,000.00
<b>Total</b>		<b>\$340,000.00</b>



## 2011/2012 Rural Fire Fighting Fund Estimates

## Reimbursable Items

## WYONG SHIRE COUNCIL

Description	Quantity	Cost	Amount
Other Programs L/G 11.7% C	1	\$108,419.10	\$108,419.10
		<b>Total</b>	<b>\$108,419.10</b>

## 2011/2012 Rural Fire Fighting Fund Estimates

## District Estimates

## WYONG SHIRE COUNCIL

Approved Staff No. ....	8
Current Staffing Level.....	8
Salaries .....	\$0.00
<hr/>	
Travel .....	\$3,000.00
Telephones .....	\$4,822.00
Equipment General .....	\$40,930.00
Equipment Computers .....	\$9,146.00
Network Provision .....	\$21,623.00
IS Services .....	\$81,669.00
<hr/>	
Approved No Of Vehicles .....	6
Est. No.Of Changeovers .....	3
Changeover Cost .....	\$45,000.00
Vehicle Maintenance .....	\$69,600.00
New Vehicles .....	\$0.00
<hr/>	
Other District Staff Items	\$0.00
<hr/>	
Total	\$275,790.00
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## 2011/2012 Rural Fire Fighting Fund Estimates

## Hazard Reduction Applications

## WYONG SHIRE COUNCIL

ID	Activity Name	Type	Applicant	Date	Bid Amount
72	1 Passage Rd - 25-47 Bataan Ct, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$1,142.40
39	10-12 Freemans Glen, 3-17 Mathew Cr, 12-20 Joseph Esp, Mardi, 2259	HRM	Colleen Rogers	16/12/2010	\$4,651.20
21	10-24 Elsinor Avenue, Chain Valley Bay, 2259.	HRM	Colleen Rogers	16/12/2010	\$478.40
19	10-28 Illawong Rd, Summerland Point, 2259.	HRM	Colleen Rogers	16/12/2010	\$540.60
17	10-48 Anchorage Circuit and 80&102 Yeramba Rd, Summerland Point, 2259.	HRM	Colleen Rogers	16/12/2010	\$371.20
74	1-13 Shelly Beach Rd, 1-9 Kirrang St, 1-2 Phillip St, 12-14 Earl St, 8-11 Viscount Ct, & Baptist Church, Shelly Beach, 2261	HRM	Colleen Rogers	16/12/2010	\$1,734.00
47	113-127 Britania Dve, 1-2 Argyle St, Watanobi, 2259	HRM	Colleen Rogers	16/12/2010	\$608.00
27	11-44 Birriga Road, Toukley, 2263.	HRM	Colleen Rogers	16/12/2010	\$1,526.40
5	1-15 Wallaby Rd, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$518.40
11	1-17 Mercator Ct, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$729.60
44	1-19 The Ridge, Wadalba, 2259	HRM	Colleen Rogers	16/12/2010	\$1,326.00
15	1-2 Weonga Pl, 28 Yurunga San Remo, 2262.	HRM	Colleen Rogers	16/12/2010	\$518.40
12	1-21 Denman St, Doyalson, 2262.	HRM	Colleen Rogers	16/12/2010	\$806.40
67	12-21 Lady Penrhyn Ct, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$873.12
41	1-23 Merinda Ave, Charmahaven, 2263.	HRM	Colleen Rogers	16/12/2010	\$192.00
78	1-25 Moisten Ave, 5-8 Wendie Ct, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$1,184.00
42	128-166 Dudley Street, Lake Haven, 2263	HRM	Colleen Rogers	16/12/2010	\$364.80
23	1-31 Ivy Avenue, Chain Valley Bay, 2259.	HRM	Colleen Rogers	16/12/2010	\$480.00
84	147-161 Pacific Highway Ourimbah, 2258	HRM	Colleen Rogers	16/12/2010	\$172.80
48	1-5 Carmen Ct, 75-27 Fishburn Cres, Watanobbi, 2259	HRM	Colleen Rogers	16/12/2010	\$2,692.80
16	1-6 Scribbly Gum Close, San Remo, 2262.	HRM	Colleen Rogers	16/12/2010	\$182.40
46	161-171 Britania Drive, watanobbi, 2259	HRM	Colleen Rogers	16/12/2010	\$374.40
82	17 Eastern Rd to Tumbi Road, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$163.20
61	1-75 Lancaster Pde, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$3,345.60
13	18-34 Ermu dr, San Remo, 2262.	HRM	Colleen Rogers	16/12/2010	\$489.60
63	1-9 Gwydir St, 9-14 Rishmond Ct, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$636.48
54	1-9 Pavitt Cr, North Wyong, 2259	HRM	Colleen Rogers	16/12/2010	\$384.00
36	2 Woolmers Cres, 153-173 Woodbury Park Dr, Mardi, 2259	HRM	Colleen Rogers	16/12/2010	\$806.40
80	21-41 Eastern Rd, 1-11 Highview St, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$1,305.60
40	2-18 Kanimbla Ave, Charmhaven, 2263.	HRM	Colleen Rogers	16/12/2010	\$192.00
53	220-246 Pollock Avenue (North) Wyong, 2259	HRM	Colleen Rogers	16/12/2010	\$460.80
6	2-24 Kemira Rd, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$5,385.60
4	22-42 Pinehurst Way & 1 Birdwood Dr, Blue Haven, 2262.	HRM	Colleen Rogers	16/12/2010	\$1,564.00

## 2011/2012 Rural Fire Fighting Fund Estimates

## Hazard Reduction Applications

## WYONG SHIRE COUNCIL

ID	Activity Name	Type	Applicant	Date	Bid Amount
43	23 Kanowna Rd, 30 & 39 Wyreema Rd & 52 Warnervale Rd, Warnervale, 2259	HRM	Colleen Rogers	16/12/2010	\$1,305.60
28	23-27 Pandora Pde, 21-46 Birriga, Noraville, 2263.	HRM	Colleen Rogers	16/12/2010	\$2,073.60
75	2-34 Bundeena Rd, 1-5 Glade Court, 2-6 Bilgola Pl, 45-39 Bomaderry Cr, 5-7 Bermagui Pl, 19-3 Bomaderry Cr, and 88-98 Bundeena Ave Glenning Valley, 2261	HRM	Colleen Rogers	16/12/2010	\$5,814.00
10	2-34 Harding Avenue, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$2,570.40
86	2-4 Broлга Way and 1 Peacock Ave, Jilliby, 2259	HRM	Colleen Rogers	16/12/2010	\$537.60
22	2-40 Teragin Drive, Chain Valley Bay, 2259	HRM	Colleen Rogers	16/12/2010	\$1,428.00
3	2-42& 128-166 Birdwood Dr, 1-13 Penguin, Blue Haven, 2262.	HRM	Colleen Rogers	16/12/2010	\$5,202.00
55	25-33 Crystal Cl and 6-8 Page Cl, Wyong, 2259.	HRM	Colleen Rogers	16/12/2010	\$364.80
64	26-28 Rotherham Street 1-2 Jett Pl, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$2,080.80
57	26-32 George Street, and 31 Wakehurst, Wyong, 2259	HRM	Colleen Rogers	16/12/2010	\$278.40
69	2-7 Charlott Cl, 23-79 Sir Joseph Banks DR, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$2,937.60
68	2-8 Murrumbidgee Cr and 2-26 Hawksbury Cl, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$1,697.28
2	29-53 Allambee Cres, Blue Haven, 2262.	HRM	Colleen Rogers	16/12/2010	\$777.60
65	30-32 Rotherham St, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$201.60
31	3-19 View Rd, 15-21 Soldiers Point Dve, Norah Head, 2263.	HRM	Colleen Rogers	16/12/2010	\$4,025.60
79	3-33 The Avenue, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$1,346.40
51	33-59 Golflinks Dr, 7-2 Augusta Cl, Watanobbi, 2259	HRM	Colleen Rogers	16/12/2010	\$4,166.40
38	34-72 Riveroak Dv, Pl and 6-8 Eliza Cl, Mardi, 2259	HRM	Colleen Rogers	16/12/2010	\$1,876.80
62	37-47 Belford Ave, 7-8 Tower St, 9-17 Promenade Ave, 27-35 Anglers Dve, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$510.00
52	395-433 Pacific Highway, Cnr Pollock Ave, Wyong, 2259	HRM	Colleen Rogers	16/12/2010	\$1,478.40
30	4,5 Geraldton Cl, 1-5 Kiora Cl, 1-10 Virmiera Cl, Norah Head, 2263	HRM	Colleen Rogers	16/12/2010	\$1,876.80
70	41 Keats, 2,4,6 Kipling Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$530.40
29	412 Main Rd, 2-10 Birriga Rd, Toukley, 2263.	HRM	Colleen Rogers	16/12/2010	\$864.00
81	45-76 Morgan Ave, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$566.72
45	587 Pacific HWY, Wadalba, 2259	HRM	Colleen Rogers	16/12/2010	\$134.40
58	58-76 Wolseley Ave, Tacoma, 2259	HRM	Colleen Rogers	16/12/2010	\$1,881.60
73	6 Yakalla St, 6-13 laird Cl, Highschool, Shelly Beach, 2261	HRM	Colleen Rogers	16/12/2010	\$825.60
26	61 Renolds Rd, 10-40 Nicholson, 25-61 Palomar Pde, Toukley, 2263.	HRM	Colleen Rogers	16/12/2010	\$4,521.60

## 2011/2012 Rural Fire Fighting Fund Estimates

## Hazard Reduction Applications

## WYONG SHIRE COUNCIL

ID	Activity Name	Type	Applicant	Date	Bid Amount
66	6-10 Grandis Pl, 2-11 Redgum C, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$441.60
50	6-16 Forster Ave, Watanobbi, 2259	HRM	Colleen Rogers	16/12/2010	\$2,016.00
83	7-18 Holand Place, 8-18 Marlio Place, Tumbi Umbi, 2261	HRM	Colleen Rogers	16/12/2010	\$691.20
25	7-59 Reynolds Rd, Toukley, 2263.	HRM	Colleen Rogers	16/12/2010	\$2,101.20
14	80-98 Richardson Rd, 27-41 83-113 Eyre Cres & Wandewoi Ave, San Remo, 2262.	HRM	Colleen Rogers	16/12/2010	\$1,900.80
56	8-13 Cohen and 26 Wakehurst Dr, Wyong, 2259	HRM	Colleen Rogers	16/12/2010	\$412.80
59	8-13 Gretel Ct & 58 Tonkiss St, Tuggerah, 2259	HRM	Colleen Rogers	16/12/2010	\$326.40
37	8-22 Treeview Pl, Mardi, 2259	HRM	Colleen Rogers	16/12/2010	\$652.80
35	8-9 Coachmans Pl, 20 - 11 Clementine Pl, Mardi, 2259.	HRM	Colleen Rogers	16/12/2010	\$2,448.00
76	9, 8, 6 Ashwood Cl - 10, 9 Torrellia Way, Glensing Valley, 2261	HRM	Colleen Rogers	16/12/2010	\$1,296.00
24	9-15 Houston Ave, 1-11 Findlay Ave, Chain Valley Bay, 2259	HRM	Colleen Rogers	16/12/2010	\$230.40
65	9-32 Hillgrove Cl, 6-8 Penny Pl, Ourimbah, 2258	HRM	Colleen Rogers	16/12/2010	\$499.20
49	98-64 Casey Dr, Watanobbi, 2259	HRM	Colleen Rogers	16/12/2010	\$768.00
34	Barton St, South Road Reserve extension, 18 Mathew St, 22 Barton St, 37 Victoris St, Norah Head, 2263.	HRM	Colleen Rogers	16/12/2010	\$512.00
7	Colongra Bay Rd to Koradji Avenue, 10 colongra, 13&18 Budgeree, 21&26 Koradji Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$3,060.00
20	Gamban Road, Gwandalan, 2259.	HRM	Colleen Rogers	16/12/2010	\$902.40
71	Hilltop Rd Reserve 69-78 Rikard St, Bateau Bay, 2261	HRM	Colleen Rogers	16/12/2010	\$230.40
8	Lakes Estate, Off Elizabeth Bay Dr, 750A Pacific Hwy, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$960.00
33	Legacy Hostel - 14 Victoria St, 101 Bungary Rd Norah Head, 2263.	HRM	Colleen Rogers	16/12/2010	\$358.40
32	Norah Head Tourist Park - Victoria Street, Soldiers Point Rd, Norah Head, 2263.	HRM	Colleen Rogers	16/12/2010	\$985.60
18	Rear of Summerland Point Tennis Club Summerland Rd, Summerland Point, 2259.	HRM	Colleen Rogers	16/12/2010	\$960.00
77	Roberta St - Ruskin Row- Northumberland Way, Bligh Cl, Mackay Killarney Vale, 2261	HRM	Colleen Rogers	16/12/2010	\$7,248.80
9	Senior Citizens Centre, Acacia Avenue, Lake Munmorah, 2259.	HRM	Colleen Rogers	16/12/2010	\$264.96
87	South Tacoma Rd, South Tacoma, 2259	HRM	Colleen Rogers	16/12/2010	\$5,136.00
1	Tirriki Cl, 26-34 Maneela Rd, Buff Point, 2262.	HRM	Colleen Rogers	16/12/2010	\$448.80
60	Warner Ave, 307-319 Tuggerawong Rd, 2259	HRM	Colleen Rogers	16/12/2010	\$345.60
<b>Hazard Reduction Total</b>					<b>\$123,272.00</b>

2011/2012 Rural Fire Fighting Fund Estimates

Priority Listing

WYONG SHIRE COUNCIL

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Priority 1:	PPE	Priority 11:
Priority 2:	Replacement Tan	Priority 12:
Priority 3:	General Equipmen	Priority 13:
Priority 4:	Trainee Wages (Di	Priority 14:
Priority 5:		Priority 15:
Priority 6:		Priority 16:
Priority 7:		Priority 17:
Priority 8:		Priority 18:
Priority 9:		Priority 19:
Priority 10:		Priority 20:

**2011/2012 Rural Fire Fighting Fund Estimates****Administrative Details****WYONG SHIRE COUNCIL**

Delivery Name NSW Rural Fire Service  
Delivery Address The Lakes Team  
(Delivery Address) 105 Arizona Road  
Delivery Town Charmhaven  
Delivery Post Code 2263  
Delivery Enquiry Name Kristen Peace  
Delivery Enquiry Title Business Officer  
Delivery Enquiry Phone 0243936222  
Delivery Enquiry Fax 0243933507  
EMail Address thelakes.team@rfs.nsw.gov.au

## **6.2 Formation of New Precinct Committee at Norah Head**

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TRIM REFERENCE: F2011/00039 - D02533150

AUTHOR: Bev Davis; Precinct Committees Liaison

MANAGER: Julie Vaughan; Manager Community & Cultural Development

### **SUMMARY**

This report seeks Council approval for the establishment of a new Community Precinct Committee at Norah Head.

### **RECOMMENDATION**

***That Council establish a Precinct Committee for the Norah Head Community.***

### **BACKGROUND**

The residents of Norah Head held a public meeting in the Community Hall on Monday 7 February 2011 to discuss issues that are affecting their community and have put forward a recommendation for the formation of a Community Precinct Committee (CPC).

A CPC is established by resolution of Council after receiving a recommendation from a public meeting called for the express purpose of considering the formation of such a body. Wyong Shire Council's requirements for the establishment of CPCs require that:

- A minimum of 40 potential members must be in attendance at such meeting
- In urban areas the boundary of the CPC must conform to one or more suburb boundaries and be populated with at least 5,000 people in densely populated suburbs and 1,500 people in outlying suburbs.

At a public meeting held on 7 February 2011, 54 members of the Norah Head community were present thus fulfilling the necessary requirement. At the Ordinary Meeting of Council 12 August 2009, Council resolved unanimously to classify the Norah Head area as an outlying suburb for the purpose of creating a precinct committee to serve that area if the local community so desired.

The recommendation is put forward in accordance with the requirements set out in the Wyong Shire Council Community Precinct Committee Information and Guidelines and is a result of demonstrated community support for a CPC to be formed and operated under WSC CPC Charter.

### **THE PROPOSAL**

At the community meeting on 7 February 2011 it was recommended that Council appoint a new Community Precinct Committee to serve the Norah Head area.



## OPTIONS

- Establishment of the new CPC.
- Consider an alternate structure for the community's interests to be met.
- Decline to establish a new CPC.

## STRATEGIC LINKS

### Annual Plan

There will be a minor impact on administration costs however these have been considered when projecting budgets.

### Contribution of Proposal to the Principal Activity

The proposal of a Precinct Committee at Norah Head is one of Council's primary mechanisms for public participation in decision-making under its commitment to 'open government'.

### Link to Shire Strategic Vision

The proposed Precinct Committee at Norah Head is consistent with the principle of community involvement underlying the Shire Strategic Vision and Annual Plan. i.e. *Government is conducted with openness and transparency involving the community in decisions that affect it.*

<b>Priority Objective</b>	<b>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</b>
<b>Communities</b> - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	A Precinct Committee provides another avenue for the community to connect with Council regarding local issues such as amenities, travel, the environment, etc. It is also an opportunity to influence Council decision-making and to encourage and enhance neighbourhood connections and civic pride.

### Financial Implications

This is the thirteenth CPC in Wyong Shire and the fifth Precinct in the last two years. Following the Service Delivery Review a staff resource was employed to coordinate and support CPCs.

Funding of approximately \$500 per year per Precinct Committee for administrative functioning of the Committee has been considered when setting the Annual Budget.

### Principles of Sustainability

The CPC structure encourages input from key community stakeholders into Council's decision making processes.

**CONSULTATION**

Consultation occurred between Council's Director of Corporate Services, the Manager of Governance and Administration, Precinct Liaison Officer, interested Councillors and representatives of the Norah Head community prior to the public meeting regarding the formation of a precinct committee at Norah Head.

**GOVERNANCE**

Community Precincts operate as an advisory function of Council in accordance with Section 355 [c] of the Local Government Act.

**CORPORATE RISKS**

*Nil.*

**CONCLUSION**

Formation of the Norah Head Community Precinct Committee fulfils the community's wishes to have a local focal point for managing local issues. The process is in accordance with Council's Community Precinct Committee Information and Guidelines Booklet.

**ATTACHMENTS**

*Nil.*

### **6.3 Electricity Prices - Response from the Minister's Office**

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TRIM REFERENCE: F2009/01592 - D02560888

AUTHOR: Robert Fulcher; Manager Asset Management

MANAGER: Greg McDonald, Director Infrastructure Management

#### **SUMMARY**

This report informs Council on the response by the Minister's Office and Energy Australia (now TRUenergy and Ausgrid) to Council's resolution concerning increasing electricity prices and recommends that further approaches be made to the new government on this matter.

#### **RECOMMENDATION**

- 1** *That Council note the response from the Office of the Minister for Energy regarding electricity prices.*
- 2** *That Council formally request the Minister for Energy to inform Council of the Government's plans to manage electricity prices.*
- 3** *That Council note the planned briefing by Energy Australia (now TRUenergy and Ausgrid) in response to Council's request for a formal briefing on electricity pricing.*

#### **BACKGROUND**

Council at its meeting held on 13 October 2010, it was resolved on the motion of Councillor Best and seconded by Councillor Wynn, as follows:

- "1 That Council note with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.*
- 2 Further that Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.*
- 3 That Council, as an advocate on behalf of our residents and rate payers, seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.*
- 4 That staff report to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.*
- 5 That staff report to Council on the affect on energy bills of installation of smart meters."*

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

Council wrote to the Minister for Energy, on 9 November 2010, and the following is an extract included in the document:

*"The matter of electricity pricing was considered by Council at its meeting held on 13 October 2010. Council resolved to note its great concern about the alarming escalation of electricity prices and the financial impact this is placing on our residents and ratepayers.*

*Council further resolved, as an advocate on behalf of our residents and ratepayers, to request you to establish an independent investigation into the conduct of the energy industry and the agencies concerned that has resulted in the recent massive price increases.*

*It would be appreciated if you would formally consider Council's request so that electricity pricing factors can be better understood."*

It also wrote to Energy Australia, on the same date, as follows:

*"The matter of electricity pricing was considered by Council at its meeting held on 13 October 2010, when it noted its great concern at the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.*

*Council resolved to seek, as a matter of urgency, a formal briefing from EnergyAustralia regarding the recent price increases for residents and ratepayers within the Shire. Council would also like to obtain advice from EnergyAustralia as to what effective energy efficiency options are available to reduce usage and price.*

*A particular issue in this regard is the use of "smart meters". Council has been advised that some residents and ratepayers have experienced a substantial increase in the cost of electricity with the installation of these meters. With assistance from EnergyAustralia, Council would like to be in a position to provide expert advice to residents and ratepayers on the options they have to minimise this increase in cost.*

*Council proposes a formal briefing at Wyong Civic Centre. I request that you liaise with Mrs Karina Curtis (Tel: 4350 5468) to organise a suitable time for such a briefing, at which time Council will arrange for appropriate participation by Councillors and senior staff."*

A response to Council's letter to Energy Australia was delayed, as a result of the correspondence not getting to their relevant officers. In the meantime, on 1 March 2011, TRUEnergy acquired the EnergyAustralia retail customer base. The NSW Government's sale did not sell the electricity network assets (poles, wires and substations). These remain government owned and the electricity network business formerly known as EnergyAustralia has been renamed Ausgrid. A follow up letter has resulted in the requested briefing being scheduled to take place on 22 June 2011. A report to Council on options available to residents and ratepayers and the best use of smart meters may then be necessary depending on the outcome of the proposed briefing by TRUEnergy and Ausgrid.

The Minister's Office has replied by letter dated 24 January 2011. A copy of that letter is included as an attachment.

Council needs to consider its response to the Minister's Office, particularly in light of the newly elected state government and new Minister for Energy.

**THE PROPOSAL**

The proposal is that council seek a response from the newly elected state government on this matter.

It is also proposed to follow up any further action depending on the outcome of the scheduled briefing by TRUenergy and Ausgrid.

**OPTIONS**

Council could note the Minister's response and take no further action. This option does not match the level of concern about electricity pricing that Council's resolution expresses. The election of a new state government presents the opportunity for Council to obtain its views on this matter and any plans it has to deal with the impact of prices on vulnerable customers.

**STRATEGIC LINKS**

Not directly related.

**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>
<b>Employment</b> - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.	Managing increasing electricity prices will assist the viability of energy dependant businesses

**Financial Implications**

The proposal itself does not involve associated direct expenditure by council.

Council is a large electricity consumer itself and increasing energy costs do affect its own operations.

**Principles of Sustainability**

Better understanding the capacity of smart meters and reducing energy consumption is in line with the principles of sustainability.

**CONSULTATION**

Not applicable.

**GOVERNANCE**

Not applicable.

**CORPORATE RISKS**

Not applicable.

**CONCLUSION**

The reply from the Minister's Office addresses some of Council's concerns but does not address its request for "an independent investigation into the conduct of the energy industry and the agencies concerned".

EnergyAustralia has replied to Council's letter requesting a formal briefing and a briefing has been scheduled.

Both matters require further consideration by Council and that further action is recommended.

**ATTACHMENTS**

- 1 Response - Electricity Price Increases - Pau Lynch MP D02501427



The Hon Paul Lynch MP

Minister for Industrial Relations  
Minister for Commerce  
Minister for Energy  
Minister for Public Sector Reform  
Minister for Aboriginal Affairs

EA1622261  
MF10/7076

Mr Robert Fulcher  
Manager Asset Management Systems  
Wyong Shire Council  
PO Box 20  
WYONG NSW 2259

24 JAN 2011

Dear Mr Fulcher

Thank you for your letter of 9 November 2010 to the Minister for Energy regarding electricity prices. The Minister has asked that I respond on his behalf.

The NSW Government is concerned about the impact of energy price increases on customers and we are taking action to provide support for those who need it most.

To reduce the impact of price increases on the most vulnerable, the NSW Government will spend more than \$800 million over five years to assist low income households adjust to rising energy prices. To coincide with the price rises, from 1 July 2010 the NSW Government's Energy Rebate was increased to \$145. From 1 July 2011, it will increase again to \$161 per year. These increases are in line with the average percentage increase in regulated retail prices over this period, which equate to 10 per cent from 1 July 2010 and 11 per cent from 1 July 2011.

Also from 1 July 2010, the Energy Rebate was expanded to all Health Care Card holders. One in three NSW households are now eligible for this direct financial assistance which helps vulnerable customers cope with increasing energy prices. The increase in the Energy Rebate in line with average increases in energy prices and expansion of the eligibility criteria was strongly supported by a number of peak consumer representative bodies in NSW.

There are a number of other programs and rebates available to assist customers including a Life Support Rebate and Medical Energy Rebate, Energy Accounts Payment Assistance vouchers, retrofit programs to save money on bills and home saver rebates. I have provided more details about these measures in the enclosed attachment and would encourage you to investigate these options further.

In making its price determination, the Independent Pricing and Regulatory Tribunal (IPART) undertook an open and transparent public consultation process. IPART invited interested stakeholders to review the draft proposal and submit comments and suggestions. The NSW Government also made a submission to IPART in relation to this pricing determination. This process is independent and the NSW Government has no discretion to amend IPART's determination.

- 2 -

All small customers in NSW are able to choose between being supplied electricity on regulated prices from their standard retailer (EnergyAustralia, Integral Energy or Country Energy depending on where they live), or entering into a negotiated contract with a retailer of their choice. This means you can shop around and select the best deal for your circumstances.

IPART has launched a price comparison website that allows small customers (households and small business) to easily compare prices between electricity and gas retailers.

The price comparison website enables customers to compare energy prices and key terms and conditions of available energy offers, free of charge. More information can be found at [www.myenergyoffers.nsw.gov.au](http://www.myenergyoffers.nsw.gov.au). Customers with limited access to the internet or customers who require translation services can also use the price comparison service by calling the Energy Information Line on 1300 136 888 (select Option Two). TTY services are also available on 1300 603 845.

These services are supported by strengthened price disclosure requirements on retailers, introduced by the Government in July 2010. These requirements ensure customers are able to access key information about an energy offer (including prices) before entering a contract, without having to provide personal information, which will improve transparency in the NSW retail energy market.

The Government will also provide up to \$600,000 over two years for qualified counsellors to help people better manage their energy bills and other expenses. This funding will deliver training to about 80 counsellors across NSW over the next two years, which will help even more customers manage their finances and access the support they need.

The increased financial assistance and information measures outlined above are supported by a robust consumer protection framework. For example, retailers are required to offer customers experiencing financial difficulty two payment plans in 12 months before considering disconnection. The Government has also set up a formal inquiry to investigate options to reduce or defer network charges within the existing regulatory frameworks and independent regulatory pricing processes.

Thank you for raising your concerns regarding electricity prices in NSW.

Please be assured the NSW Government has increased and expanded its financial assistance measures so as to better help customers pay their energy bills. The NSW Government will continue to review these measures to ensure the best assistance is available to those who need it most.

Yours sincerely



Lylea McMahon  
**Parliamentary Secretary**

Encl.





## Measures to Assist Household Energy Customers

The NSW Government has established a robust regulatory framework in order to ensure that the community enjoys a reliable, safe, low cost and environmentally sustainable energy supply. The NSW Government has one of the strongest consumer protection frameworks in the country. This framework recognises that electricity is an essential service. The Government has specifically introduced a range of policies and programs to protect vulnerable customers.

### Energy Rebate

The NSW Government's \$145 a year Energy Rebate is available to customers with health care cards. Health care cards are issued to those who receive certain income support payments from the Commonwealth. The rebate will automatically increase to \$161 per year from 1 July 2011. The NSW Government has recently increased and expanded the rebate, which is now available to one in three NSW households.

The Energy Rebate is available to all electricity account holders who hold:

- A Pensioner Concession Card issued by either Centrelink or the Department of Veterans' Affairs (DVA) or
- A Gold Card issued by the Department of Veterans' Affairs marked with:
  - War Widow or War Widower Pension
  - Totally and Permanently Incapacitated (TPI)
  - Disability Pension (EDA) or
- A Health care card issued by Centrelink as a result of receiving one of a number of income support payments from the Commonwealth.

Customers will be eligible to receive the rebate only as long as they continue to be eligible to hold one of the above cards and the electricity account is in their name. It is also available to long-term residents of caravan parks.

For further information visit [www.industry.nsw.gov.au/energy/customers/rebates](http://www.industry.nsw.gov.au/energy/customers/rebates).

### Life Support Rebate

The NSW Government's Life Support Rebate is available to customers who need to use approved energy-intensive medical equipment that is essential for supporting life such as home dialysis and ventilators. Customers need to apply to their electricity retailer and provide a certificate from their doctor confirming equipment is required.

The daily rebate rate applied on a customer's bill depends on the type of machine used by the customer and the amounts paid range from approximately \$20 to \$600 a year. The rebate is additional to any other rebate to which a customer may be entitled, is not means tested and is available to long-term residents of caravan parks.

The list of eligible equipment includes the following:

- positive airways pressure (PAP) devices
- enteral feeding pump
- phototherapy equipment
- home dialysis
- ventilators
- oxygen concentrator
- total parenteral nutrition machine
- external heart pump machine

For further information visit [www.industry.nsw.gov.au/energy/customers/rebates](http://www.industry.nsw.gov.au/energy/customers/rebates).



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### **Medical Energy Rebate**

The NSW Government's \$145 a year Medical Energy Rebate is available for eligible customers who are medically diagnosed with an inability to self-regulate body temperature. This means they have a significant loss of capacity to control their body temperature when exposed to extremes (hot or cold) of environmental temperatures. It may be associated with certain medical conditions such as Parkinson's disease and multiple sclerosis.

Eligibility for the rebate is based on the following criteria:

- Either the account holder or anyone residing at the residence must have an inability to self-regulate body temperature. This requires the completion of a signed form by the patient's treating medical practitioner of at least three months. The form is available from the electricity retailer; AND
- The account holder must have one of the following concession cards:
  - Pensioner Concession Card issued by either Centrelink or the Department of Veterans' Affairs (DVA)
  - Gold Card issued by the Department of Veterans' Affairs
  - Health care card issued by Centrelink as a result of receiving one of a number of income support payments from the Commonwealth.

The Medical Energy Rebate can be received in addition to other assistance such as the Energy Rebate, the Life Support Rebate and the Energy Accounts Payment Assistance (EAPA) scheme. The Medical Energy Rebate is available to long-term residents of caravan parks.

The Medical Energy Rebate will automatically increase to \$161 per year from 1 July 2011.

For further information visit [www.industry.nsw.gov.au/energy/customers/rebates](http://www.industry.nsw.gov.au/energy/customers/rebates).

### **Energy Accounts Payment Assistance (EAPA)**

EAPA is a NSW Government Scheme designed to help people who are experiencing difficulty in paying their home gas and/or electricity bill because of a crisis or emergency situation. The scheme is aimed at helping people in such situations to stay connected to essential energy services.

The EAPA scheme operates through a voucher system with each voucher worth \$30. EAPA vouchers are issued by participating Community Welfare Organisations (CWOs) such as St Vincent de Paul, Salvation Army and Anglicare. Those requiring assistance may apply to one of these organisations which will consider their claim and if appropriate, provide assistance.

The CWO assesses the customer's situation and determines each case based on individual circumstances. Customers can use EAPA vouchers at most Australia Post Offices, or by posting them to the respective retailer for processing. The retailer will credit the value of the voucher towards the bill.

A customer can find their nearest CWO from the list of participants available at <http://www.industry.nsw.gov.au/energy/customers/help> or by contacting the Energy Information Line on 1300 136 888.



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#### **Hardship Policies/Payment Plans**

All energy retailers are required to offer assistance to residential customers experiencing financial difficulties. This includes offering customers payment plans which are designed to give them a number of options for managing their bills during a period of financial difficulty. A payment plan allows customers facing financial difficulties to pay their account in regular instalments over an agreed period.

In addition, all energy retailers have voluntarily developed hardship charters as requested by the Minister for Energy. A hardship charter sets out how a retailer will assist customers facing financial hardship. Customers can access this charter by contacting their retailer or visiting their retailer's website. In many instances, retailers have established specialist areas separate from their billing centres, to assist customers.

The NSW Government has introduced new requirements and a strengthened framework for retailers' customer hardship charters and payment plans from 1 March 2010. These regulatory changes require energy retailers to develop, implement and publish detailed Customer Hardship Charters that identify customers in hardship and provide flexible payment options for such customers.

Retailers' Customer Hardship Charters must outline ways to identify a hardship customer, and also how hardship customers are to be notified of any appropriate Government concessions and financial counseling services.

Under the changes, residential customers experiencing financial difficulties must have been offered by their retailer two opportunities to enter a payment plan in any 12 month period prior to disconnection for non-payment.

For more information visit the I&I NSW website at [www.industry.nsw.gov.au/energy/customers/protection/hardship-regulatory-amendments](http://www.industry.nsw.gov.au/energy/customers/protection/hardship-regulatory-amendments)

#### **Price information requirements and price comparison service**

The NSW Government introduced new obligations on electricity and gas retailers on 1 July 2010, which require retailers to publish information about energy offers, including the price and any applicable fees and charges that are generally available to small customers. Under these obligations, retailers are required to publish this information on their website and provide this information to any person on request, free of charge.

These new obligations will improve transparency in the NSW retail energy market, as all small customers will be able to access information about available energy offers before entering into a contract for their electricity or gas supply, without having to provide any personal information.

An energy price comparison service has also been introduced to enable all small customers to compare energy offers and find the best available deal for their circumstances. The online service is operated by the Independent Pricing and Regulatory Tribunal (IPART) and is available at [www.myenergyoffers.nsw.gov.au](http://www.myenergyoffers.nsw.gov.au). A telephone service is also available to allow customers who have limited access to the internet, or who require translation services, to benefit from this service by calling the Energy Information Line on 1300 136 888 (select Option Two). TTY services are also available on 1300 603 845.

#### **Centrepay**

Customers who receive a payment through Centrelink may be able to use a service known as Centrepay to make payments towards particular bills. Centrepay works by making small deductions from each regular payment received by a customer and paying this into the customer's energy account. Most energy retailers in NSW can offer Centrepay to their customers, and this is a free service. For more information contact your electricity or gas retailer.

Customer Assistance Measures

28 October 2010



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### Energy and Water Ombudsman NSW (EWON)

Customers who need assistance with their energy bills should first contact their retailer or a community welfare organisation that can provide EAPA. If a customer is experiencing difficulty in dealing with their retailer they may be able to get help from the Energy and Water Ombudsman NSW (EWON).

EWON has been approved by the Government as an independent way of helping customers resolve disputes with energy providers. More information can be found at [www.ewon.com.au](http://www.ewon.com.au) or by telephoning 1800 246 545.

## Energy Efficiency Measures to Assist Energy Customers

### Save Power/Black Balloons Campaign

The NSW Government has developed a website which provides information on greenhouse gas pollution and how customers can reduce energy consumption and greenhouse gas emissions. This website can be visited at [www.savepower.nsw.gov.au](http://www.savepower.nsw.gov.au). As well as tips on energy savings, the site provides information on NSW Government and Commonwealth rebates available to help customers to purchase energy efficient appliances and insulation. Some tips for saving energy are:

Action	\$ saving (p/year)
Turning second fridge off for 6 months	\$110
Installing ceiling insulation	\$100
Shutting doors	\$65
Closing curtains	\$40
Switching from a one star to a three star rated showerhead (savings for family of 3)	\$90
Switch off your appliances and equipment at the power point instead of leaving them on stand-by.	\$110

### Climate Change Fund – Home Power Savings Program

This program helps vulnerable households save power and money on their bills. Through the Home Power Savings Program, 220,000 households will save up to 20 per cent a year on their power use and cut carbon pollution. The program is managed by the Department of Environment, Climate Change and Water (DECCW) as part of the NSW Energy Efficiency Strategy.

Households can take part in the program now by calling 1300 662 416.

For more information visit the Department of Environment, Climate Change and Water's website [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au) or [www.savepower.nsw.gov.au](http://www.savepower.nsw.gov.au).

### Climate Change Fund - Home Saver Rebates

The Department of Environment, Climate Change and Water administers this fund to help business, households, schools, communities and Government save water, energy and greenhouse gas emissions. For more information visit [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au).

## **6.4 Review of Investment Policy**

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TRIM REFERENCE: F2004/06602 - D02565988  
AUTHOR: Mellissa McKee; Corporate Planning Executive  
MANAGER: Cate Trivers; Chief Financial Officer

### **SUMMARY**

This report presents a revised Investment Policy for Council's approval.

### **RECOMMENDATION**

*That Council adopt the Investment Policy detailed in Attachment 1.*

### **BACKGROUND**

Legislation requires Council's to maintain an Investment Policy that complies with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the Ministerial Investment Order.

There is a need to modify existing policy to accommodate the Ministerial Investment Order of 12 January 2011, as advised to WSC by way of DLG Circular 11-01 17 February 2011. Refer Attachment 2.

Council wishes to reinforce its ongoing commitment to maintaining a conservative risk / return investment portfolio.

### **THE PROPOSAL**

WSC's Investment Policy sets the mandatory requirements for the management of WSC's cash and investment portfolio. The Policy is designed to safeguard WSC's cash and investments, achieve appropriate earnings and manage WSC's cash resources to ensure sufficient liquidity to meet WSC's business objectives over the long, medium and short term.

It is proposed to change the Investment Policy to include:

1. An updated list of authorised and prohibited investments
2. The removal of WSC's ability to make a deposit with the Local Government Financial Services Pty Ltd (LGFS). (N.B. WSC does currently have funds with LGFS which are covered by transitional arrangements- to be redeemed).
3. A condition that a the General Manager or other staff with delegated authority to invest funds on behalf of the Council, must do so in accordance with the adopted Investment Policy.

4. A condition that from time to time WSC may wish to seek the advice of an external investment advisor.

The legislative constraints on a council's investments have become stringent and the need for a permanent and ongoing partnership with an external investment advisor, no longer exists. WSC's former arrangement with CPG was discontinued in 2010 however the policy should allow appropriate flexibility should the GM require.

The proposed amendments are supported by separate WSC Investment Guidelines in relation to asset allocation, performance measurement and risk management. The Guidelines determine the operational management of WSC's surplus cash and investments in accordance with the Investment Policy.

The Guidelines consider WSC's current investment portfolio, financial position and financial commitments, current legislative requirements and the global investment environment. WSC's investment asset allocation guidelines, performance measurement and risk management guidelines are attached as Attachment 3 and 4.

## **OPTIONS**

The Local Government Code of Accounting Practice & Financial Reporting requires WSC to undertake an annual review (or as required in the event of legislative changes) of its Investment Policy and Investment Strategy.

The legislative requirements are such that the need to revise the Investment Policy is mandatory.

## **FINANCIAL IMPLICATIONS**

Investment earnings are a significant source of revenue for Council and it is important that returns are maximised, risk minimised and that Council's investments are made in accordance with the relevant legislation.

## **GOVERNANCE**

Legislation requires that councils must maintain an Investment Policy that complies with the Local Government Act, the Local Government (General) Regulation and the Ministerial Investment Order.

## **CORPORATE RISKS**

Council officers must act with the duty of care, skill, prudence and diligence that a prudent person would exercise when investing and managing their own funds. However, by the very nature of investments, there are some risks associated. WSC's internal controls are in place to ensure that assets are safeguarded.

**CONCLUSION**

A new Ministerial Order dated 12 January 2011 has been legislated.

A revised draft Investment Policy is required for Council's consideration.

**ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Policy on the Investment of Council Funds                           | D02576636 |
| <b>2</b> | Circular 11-01 and Revised Ministerial Investment Order             | D02584619 |
| <b>3</b> | Investment (Asset Allocation) Guidelines                            | D02576649 |
| <b>4</b> | Investment (Performance Measurement and Risk Management) Guidelines | D02576664 |

***Draft Policy  
on the  
Investment  
of  
Council Funds***

<b>POLICY No.</b>		
<b>Reviewed By</b>		<b>GAZETTE DATE</b> <hr/>
<b>Date</b>		
<b>Approved by General Manager</b>		
<b>Date</b>		



**A. POLICY SUMMARY**

- A.1 This policy defines the circumstances under which Wyong Shire Council (WSC) may invest Council funds not required for immediate and short-term operational purpose.
- A.2 It sets the risk profile, investment strategy and authorities to execute investment instruments.

**B. POLICY BACKGROUND**

- B.1 Council is given statutory functions, duties and powers under the Local Government Act. It is specifically required to conduct the affairs of the Council in accordance with its Charter s.8, operate particularly in accordance with Chapter 12 of the Act - and all other relevant requirements of the Act.
- B.2 All investments are to comply with:-
- B.2.1. Local Government Act 1993;
  - B.2.2. Local Government– Ministerial Order dated 12 January 2011;
  - B.2.3. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2); Local Government Code of Accounting Practice and Financial Reporting;
  - B.2.4. Local Government (General) Regulation 2005;
  - B.2.5. Division of Local Government Circular 11-01
  - B.2.6. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2); and
  - B.2.7. Australian Accounting Standards.
- B.3 The Department of Local Government releases guidance to Councils on investment management from time to time.

**C. POLICY OBJECTIVES**

- C.1. To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.
- C.2. While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the rate of return of the investment.

**D. DEFINITIONS**

- D.1. **Delegated Authority** - means any function, duty or power vested in the Council by the Act, that the Council may, within the terms of the Act, delegate to a Council member, Committee of the Council, General Manager, employee or person or class of persons approved for the purpose.
- D.2. **Delegation** - means any function, duty or power of the Council that has been delegated in accordance with this policy, and that is exercised in accordance with the requirements of the Act.
- D.3. **Policy** – a statement by the Council or General Manager that defines WSC's position or attitude toward any issue.
- D.4. **Council** – means the group of elected members that form the Wyong Shire Council governing body.
- D.5. **Wyong Shire Council (WSC)** – means the Body Politic organisation called Wyong Shire Council.

- D.6. **Investment** - means the placement of Council monies in any form of investment instrument that provides for returns by way of interest payments regardless of capital gain or loss. It does not include any investment made in capital assets, people or property. An investment must comply with Council's adopted Investment Policy.

## E. POLICY

- E.1. This policy covers all elected members of the Wyong Shire Council (WSC), all personnel employed by WSC, any person or organisation contracted to or acting on behalf of the WSC, any person or organisation employed to work on WSC premises or facilities and all activities of the WSC.
- E.2. This policy does not confer any delegated authority upon any person.
- E.3. Council will not instruct the General Manager in any manner that requires the General Manager to breach his/her statutory responsibilities in respect of investments.
- E.4. Subject to any functions, duties or powers conferred directly on a Council or General Manager by the Act, the Council will delegate to the General Manager, the power to make decisions relating to the effective and efficient management of investments in accordance with this policy.
- E.5. The General Manager may, in exceptional or emergency circumstances only, approve an action outside the requirements of this policy provided that any such variation to this policy is reported to Council within 14 days.
- E.6. Other investment acquisitions - the Council alone may approve the acquisition of land or holding of any shares or interests in a body corporate, partnership, joint venture or other association of persons; or settle, or be, or appoint a trustee of, a Trust.
- E.7. The Council will not delegate to any person the authority to raise capital or to specifically borrow money by any means, including options, swaps, or any other non balance-sheet items.
- E.8. The Director Corporate Services, Chief Financial Officer, and Manager Finance shall have delegated authority to invest surplus funds in accordance with this policy.
- E.9. Council will only allow investment for the purpose of achieving the effective and efficient on-going management of the Council organisation in accordance with the Act, Four Year Delivery Plan, Annual Plan, Long Term Financial Strategy and any other policy made by Council from time to time.
- E.10. Investments will be managed with the care, diligence and skill that a prudent person would exercise and officers shall not engage in activities that would conflict with the proper execution and management of Council's investment portfolio.
- E.11. Subject to functions, duties or powers conferred upon the General Manager by the Act, all delegated authorities must be exercised in accordance with relevant WSC policies and procedures set by the Council or General Manager from time to time.
- E.12. Variations, reviews or additions to this policy shall be approved by resolution of the Council.
- E.13. All investment securities must be denominated in Australian Dollars.
- E.14. New Investments shall be limited to (by statute):-
- E.14.1. Any public funds or securities issued by or guaranteed by the Commonwealth, any State or a Territory;
  - E.14.2. Any debentures or securities issued by a Council;
  - E.14.3. Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (ADI), as defined in the Banking Act 1959 (Cwth), but excluding subordinated debt obligations;

- E.14.4. A deposit with NSW Treasury Corporation or investments in a Hourglass Investment Facility of the NSW Treasury Corporation;
- E.14.5 Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australia prudential Regulation Authority.
- E.15 Council may not invest in suspended instruments formerly available but may retain such investments until maturity or sale, whichever is the sooner.
- E.15.1. Deposits in prescribed securities that either have a minimum long term credit rating of 'A' or short term rating of 'A1' from Standard & Poor's (S&P) or Fitch Ratings/Moody Investor Services (Moody's) equivalent (where not otherwise open – for example, where they are issued by a bank).
- E.15.2. Managed funds with a minimum long term S&P credit rating of 'A' or better, or Fitch/Moody's equivalent.
- E.15.3 Deposits with the Local Government Financial Services Pty Ltd (LGFS)
- E.16. This investment policy prohibits but is not limited to any investment carried out for speculative purposes including:
- E.16.1. Derivative based instruments;
- E.16.2 Principal only investments or securities that provide potentially nil or negative cash flow;
- E.16.3 Stand alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- E.16.4. The use of leveraging (borrowing to invest) of an investment.
- E.17. The Director of Corporate Services, in consultation with Council staff shall issue guidelines reviewed at least annually, for the management of the following risk classes:-
- Credit Risk Management** which must include:-
- E.17.1. Maximum portfolio weighting by total assets in an asset grouping.
- E.17.2. Maximum amount to be held with an individual institution within an asset grouping.
- Term to Maturity Framework**
- E.17.3. Asset groupings will be defined with reference to credit rating and whether or not they fall within the "closed to new investment" category detailed above.
- E.17.4. The amount of investment risk attached to a particular security is in part related to its term to maturity. Guidelines for the management of term to maturity risk shall at a minimum prescribe the maximum exposure by term to maturity groupings, as an example, percentage of portfolio maturing in three to four years.
- E.18. This policy is not dependent on the terms of any other policy or procedures except the Act or direct, lawful instruction under the terms of the Act.

**F. PROCEDURES**

- F.1. Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.
- F.2. Investment income must be recorded according to accounting standards, published reports may show a break down of its duly calculated investment returns into capital gains and losses, and interest.
- F.3. A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.
- F.4. From time to time financial assets may be acquired at a discount or premium to their face value. Discount or premium is to be taken into account in line with relevant Australian Accounting Standards.
- F.5. For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year.
- F.6. Every six months, the Director of Corporate Services, in consultation with council staff will approve an investment strategy document which, within this policy, will set the general direction for the purchase and sale of investment assets for the coming period and prescribe performance targets by asset category.
- F.7. Management of the risks associated with delegation of authority, and sub-delegated authority, shall be achieved by way of detailed regular reporting on the exercise of all functions, duties and powers delegated throughout the organisation and by the Council.
- F.8. The performance of the portfolio will be assessed against a benchmark set annually in the Annual Plan. To further manage performance Council's Internal and External Auditors will be also periodically review the adequacy of the Investment Policy, Strategy and management's internal controls to ensure compliance with this policy.
- F.9. From time to time, Council may utilise the services of a suitably qualified and experienced investment advisor for the purposes of achieving the aims of this policy.
- F.10. The Investment Policy will be reviewed annually or as required in the event of legislative changes.

**ENDS**

RE-ISSUED: Circular to Councils 11/01 - Revised Ministerial Investment Order

Page 1 of 1

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**From:** Department of Premier and Cabinet (Local Government) [DLG@dlg.nsw.gov.au]  
**Sent:** Thursday, 17 February 2011 2:51 PM  
**To:** DLG ECircular Recipients  
**Subject:** RE-ISSUED: Circular to Councils 11/01 - Revised Ministerial Investment Order  
**Attachments:** 11-01.pdf; 11-01 Investment Order.pdf

**Department of Premier and Cabinet (Local Government)**

**Circular to Councils 11/01**

**Revised Ministerial Investment Order**

This message includes an attachment containing a copy of Circular to Councils No. 11/01 in Acrobat PDF format.

To view the Adobe attachment you must have the Acrobat Reader program installed on your PC (Version 5.0 or higher recommended). This software can be downloaded free of charge from <http://www.adobe.com/prodindex/acrobat/readstep.html>.

If you have any problems using the Acrobat Reader software, please contact me by email at [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) or by phone on (02) 4428 4100.

Circulars to Councils are also available on Division's web page at <http://www.dlg.nsw.gov.au>

Stephen Keefe  
Business & Information Services  
Division of Local Government  
Department of Premier and Cabinet

<<11-01.pdf>> <<11-01 Investment Order.pdf>>

\*\*\*\*\*  
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\*\*\*\*\*

12/04/2011



Circular No. 11-01  
Date 17 February 2011  
Doc ID. A232163

Contact Finance Policy Section  
02 4428 4100  
dlg@dlg.nsw.gov.au

### REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

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## LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

### Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

### Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.


All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12<sup>th</sup> day of January 2011

  
 Hon BARBARA PERRY MP  
 Minister for Local Government

## Investment (Asset Allocation) Guidelines

Council is a risk-adverse investor. It is intended to maximise investment returns while maintaining the security of investments through the prudent management of risk.

### RISK MANAGEMENT

Detailed decisions on the purchase and sale of investment assets will be mindful of the following risk categories.

Risk	Mitigant
Risk of Capital Loss	Matching investment maturity dates to known cash outflows, investment strategy to buy and hold until maturity, diversification constraints and diligent product research.
Concentration risk ("all eggs in one basket")	Credit Risk management guidelines by individual investment (see table below).
Credit Risk	Credit Risk management guidelines by asset class (see table below).
Interest Rate (duration) risk	Term to Maturity Guidelines (see table below).
Market timing risk ("not getting a good price on the day")	Stagger investment dates, maintain spread of maturity dates.
Regulatory risk	Regulation embedded in Investment Policy. Portfolio actively managed to comply with Policy.
Product risk	Undertake rigorous product research.
Liquidity risk	Cash flow forecasting, allocation of investment funds to time horizons, maintenance of a "liquidity reserve" through conservative assumptions in cash flow forecasting.
Income risk	Conservative approach to investment income budgeting.
Fraud risk	Documented investment procedures, separation of responsibilities for investment decision making and transaction settlement, only one account for payment of redemption proceeds, use of licensed custodians or third party registries where applicable.
Safe keeping / Clear title risk	Documented investment procedures.



### ALLOCATION OF FUNDS

The Target Asset Allocation (TaR) will be determined from time to time having regard to the economic conditions that are prevalent. The table below headed “Target Asset Allocation and Return Expectations” outlines the TaR.

The TaR will be established between the minimum and maximum allocation range shown in the table below. The factors and/or information used to determine the TaR include, but are not limited to:

- Council’s liquidity requirements;
- The shape of the bank bill swap curve (yield curve);
- Term deposit spread curve (i.e. the rate financial institutions are paying above the relevant BBSW rate);
- Credit spreads; and
- Macro economic variables.

Investment Category	Investment Horizon	Minimum Allocation	Target Allocation	Maximum Allocation
Working capital funds	0-3 months	10.0%	See table below	100.0%
Short term funds	3-12 months	20.0%	See table below	100.0%
Short-Medium term funds	1-2 years	10.0%	See table below	70.0%
Medium term funds	2-5 years	0%	See table below	30.0%
Long term funds	5 years	0%	See table below	30.0%

In setting the strategic asset allocations, Council is relying upon assumptions of expected investment returns and market conditions.

### REBALANCING

Each investment category will be re-balanced back to the target asset allocation weight at least quarterly. The tolerance range outside of the target asset allocation is reflected in the table below.

Investment Category	Tolerance range outside of target asset allocation
Working capital funds	$\pm 10.0\%$
Short term funds	$\pm 10.0\%$
Short-Medium term funds	$\pm 7.5\%$
Medium term funds	$\pm 7.5\%$
Long term funds	$\pm 5.0\%$

### BENCHMARKING AND MONITORING

Each investment in the portfolio is to be evaluated and monitored against a performance benchmark appropriate to the risk and time horizon of the investment concerned. The objective is to ensure that all investments considered can deliver a level of return commensurate with their risk profile and that they are competitive with an appropriate peer group of alternative investment options. During the currency of this Strategy Document, no assets other than those listed will be eligible.

Compliance of the portfolio with this Investment Strategy shall be reported to the Director of Corporate Services semi annually.

### IMPLEMENTATION and AUTHORITY TO AMEND STRATEGY

This Investment Strategy sets out the intended approach to investments in the market conditions that are expected to prevail over the medium to long term investment horizon. However, there will be periods, sometimes sustained, where “normal” market conditions do not apply.

For example, periods where short term interest rates are higher than long term interest rates, or investments of similar credit quality offer different yields due to liquidity differences.

The Director of Corporate Services may approve a variation to this strategy if the investment is to the Council’s advantage or due to revised legislation.

### PROFESSIONAL ADVICE

Council may seek professional, external investment advice from time to time to provide assistance in Investment Strategy formulation, portfolio implementation and monitoring.

**D.J. Jack**

**Director Corporate Services**

**April 2011**

## TARGET ASSET ALLOCATION &amp; RETURN EXPECTATIONS

Investment Category	Investment Horizon	Target Allocation* %	Net Target Over Bank Bills	Suitable products
Working capital funds	0-3 months	30.0%	-0.20% - 0.50%	11am,, overnight call and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	45.0%	0.30% - 0.60%	TCorp Hour-Glass Strategic Cash, term deposits
Short-Medium term funds	1-2 years	10.0%	0.50% - 1.00%	Term deposits, senior ADI FRN's, short dated bonds
Medium term funds	2-5 years	7.5%	0.80% - 1.20%	Term deposits, senior ADI FRNs and bonds
Long term funds	5 years	7.5%	1.00% - 1.50%	"Grandfathered" investments
<b>TOTAL</b>		<b>100.0%</b>		

\* Council's Target Asset Allocation is derived from the expected funds available to invest in each nominated investment category. This will be reviewed every six months at a minimum. At times the actual allocation will differ from the target allocation until such times as normal investment conditions return. The rationale for any differences between actual and target allocation will be detailed in Council's semi annual portfolio reviews.

## APPROVED INVESTMENT TYPES &amp; BENCHMARKS BY INVESTMENT CATEGORY

Investment Category	Horizon (at purchase date)	Benchmark	Council specific considerations	Suitable Instruments
Working capital funds	0-3 months	Official cash rate + 10 basis points	Same day or following day access;	11am and cash A/Cs, short dated bank bills, TCorp Hour-Glass Cash Facility
Short term funds	3-12 months	Bank Bill Rate	Liquid enough to sell or redeem in one or two weeks if necessary without expressive buy-sell spread	TCorp Hour-Glass Strategic Cash, term deposits,
Short-Medium term funds	1-2 years	18 Month commonwealth bond yield +10 basis points	Council general maintains its holding in bonds and similar instruments in third part registries, e.g. Bank treasury section	Term deposits, senior ADI FRN's, bond, short dated bonds
Medium term funds	2-5 years	3 year commonwealth bond yield+10 basis points	As above	Term deposits, senior ADI FRNs and bonds
Long term funds	5 years	5 year commonwealth bond yield	Held by custodian	"Grandfathered" investments only

## Notes:

1. The eligibility of an investment is determined by the NSW Local Government Minister's Order dated 12 January 2011.

## Investment (Performance Measurement and Risk Management) Guidelines

### Measurement

The performance of each investment should be greater than or equal to the applicable benchmark.

Investment Category	Horizon (at purchase date)	Benchmark
Working capital funds	0-3 months	Official cash rate + 10 basis points*
Short term funds	3-12 months	Bank Bill Rate
Short-Medium term funds	1-2 years	18 Month Commonwealth bond yield +10 basis points
Medium term funds	2-5 years	3 year Commonwealth bond yield+10 basis points
Long term funds	5 years	5 year Commonwealth bond yield

- At the time of writing this spread was available on the market for 11 a.m. money with AA institutions. This benchmark needs regular review based on market experience.

### Credit Risk Guidelines – Managed Funds

The ability to invest in Managed Funds has now been suspended for new investments post the Cole Report of April 2008. Existing Managed Fund investments have been “Grandfathered” and can be continued to be held by Council.

### Credit Risk Guidelines – Direct Investments

Before entering into any investment transaction with a new institution there will be a diligent review of the creditworthiness of that institution. Council must form its own opinion of the risk attached to an institution and not merely rely on published credit ratings. Nevertheless, all investments will be at investment grade, namely Standard & Poor’s (S&P) BBB long term (or equivalent) or above.

Council will not invest in subordinate debt.

### Portfolio Credit Framework

The portfolio credit guidelines to be adopted will be based on the S&P ratings system criteria. The maximum available limits in each rating category are as follows:

Long Term Credit Ratings	Short Term Credit Ratings	Target Credit Weighting
AAA Category	A-1+	10%
AA Category	A-2	45%
A Category*	A-2*	30%
BBB Category*	A-3*	10%
Grandfathered & Unrated	Unrated*	15%

\* Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to authorised deposit-taking institutions.

### Counterparty/Institution Credit Framework

Exposure to individual counterparties/financial institutions will be restricted by their S&P rating so that single entity exposure is limited, as detailed in the table below:

Individual Institution Limits		
Long Term Credit Ratings	Short Term Credit Ratings	Direct Securities Maximum Limit
AAA Category**	A-1+	20%
AA Category**	A-1+	15%
A Category*	A-2*	10%
BBB Category*	A-3*	5%
Unrated Category*	Unrated*	Grandfathered investments only

\*Investments with counterparties below AA Category (Long Term) and below A-1 (Short Term) are to be restricted to authorised deposit-taking institutions.

\*\*The limit may be exceeded temporarily to the extent that the excess represents funds held on deposit awaiting reinvestment.

### Term to Maturity Framework

The investment portfolio is to be invested with the following term to maturity constraints:

Description	Maximum Exposure
<b>Portfolio allocation:</b>	
Portfolio % < 1Year	100%
Portfolio % > 1 Year < 3 Years	70%
Portfolio % >3 Years < 5 Years	30%
Portfolio % > 5 Years	30%
<b>Maturity of financial institution securities:</b>	
ADI issues rated A or above	10 years
ADI issues rated BBB to A-	3 years
ADI issues non-rated	nil

**Authorised: D.J.Jack**  
**Director Corporate Services**  
**April 2011**

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

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TRIM REFERENCE: C2011/01723 - D02566579

AUTHOR: Evelyn Duncan; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

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

### **RECOMMENDATION**

***That Council allocate an amount of \$35,172 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

**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**

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
<b>Communities</b> - 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.
<b>Facilities and Services</b> - 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.

**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 23/03/2011	5,975	6,783	7,050	9,209	5,738	4,063	1,650	7,557	6,650	6,050	60,725
Available allocation as at 23/03/2011	9,025	8,217	7,950	5,791	9,262	10,937	13,350	7,443	8,350	8,950	89,275
Proposed Allocations for 11 May 2011											
Berkeley Vale Public School (\$7000)	\$ 1,000.00	\$ 500.00		\$ 600.00	\$ 200.00		\$ 500.00				\$ 2,800.00
Budgewoi Bilbies Playgroup (\$1000)								\$ 650.00			\$ 650.00
Central Coast CC Australian Italian Friendship Society Inc (\$1750)		\$ 500.00									\$ 500.00
Central Coast Chinese Association (\$2,500)	\$ 500.00	\$ 1,500.00							\$ 500.00		\$ 2,500.00
Central Coast Watercolour Society Inc (\$2000)	\$ 200.00		\$ 500.00								\$ 700.00
Central Coast Volunteer Rescue Squad Inc (\$5000)	\$ 250.00		\$ 1,000.00								\$ 1,250.00
Horizons Central Coast Family Services Inc - Grandparents support group (\$860)	\$ 100.00	\$ 200.00		\$ 280.00	\$ 280.00						\$ 860.00

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Graham	Matthews	McBride	McNamara	Symington	Vincent	Webster	Wynn	SUB TOTAL
Proposed Allocations for 11 May 2011												
Lakes Singers (\$500)	To assist with members insurance, copyright printing and APRA license	\$ 100.00										\$ 100.00
Lions Club of Toukley (\$685)	Assist with payment of garbage removal	\$ 100.00							\$ 585.00			\$ 685.00
Long Jetty Hospital Auxiliary (\$5200)	Raising funds to purchase equipment for Long Jetty Hospital	\$ 500.00	\$ 1,000.00	\$ 1,000.00			\$ 500.00			\$ 1,000.00		\$ 4,000.00
Northern Women's Health Centre (\$720)	To provide a Yoga Nidra group for three terms over the course of 2011.	\$ 100.00			\$ 200.00	\$ 250.00						\$ 550.00
Queensland Disaster Relief (Council resolution 23/3/11 \$12,427)	Dollar for Dollar matching of funds raised by staff	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 1,242.70	\$ 12,427.00
The Benevolent Society (\$5000)	Assist with the cost of an outdoor setting and shelter	\$ 100.00			\$ 500.00	\$ 500.00						\$ 1,100.00
The Entrance Long Jetty RSL Sub-Branch (\$2000)	Chairs for Remembrance Functions by the RSL and for use by the Community.	\$ 200.00		\$ 500.00								\$ 700.00
Tuggerah Lakes Art Society (\$1500)	To offset costs to stage the 13th annual Fab Fakes Competition		\$ 300.00									\$ 300.00
Tuggerah Lakes District Band Inc (\$3500)	To provide funding for uniforms, in particular, shirts.	\$ 250.00	\$ 750.00	\$ 500.00			\$ 1,000.00			\$ 1,000.00		\$ 3,500.00
Tuggerah Lake South Paris (New Connections) (\$12,000)	To assist with operating costs of twice monthly social group for elderly isolated people	\$ 200.00										\$ 200.00
Wamervale Family & Community Centre (\$500) (Emergency payment approved by GM)	Assist with costs of catering for volunteer acknowledgement, recruitment and Open Day during National Volunteers Week								\$ 250.00			\$ 250.00
Wyong High School (\$2000)	To run a successful girls program which will help self esteem and lead to better student engagement.				\$ 500.00	\$ 200.00		\$ 500.00	\$ 300.00	\$ 500.00		\$ 2,000.00
2261 Out of the Box (\$2,500)	To assist with ongoing weekly activities and help support volunteer training		\$ 250.00			\$ 500.00		\$ 500.00	\$ 500.00	\$ 500.00		\$ 2,250.00
<b>Total Proposed Allocations for 11/05/2011</b>		<b>4,843</b>	<b>6,243</b>	<b>4,743</b>	<b>3,323</b>	<b>3,173</b>	<b>2,743</b>	<b>2,743</b>	<b>3,528</b>	<b>4,743</b>	<b>1,243</b>	<b>37,322</b>
<b>Total Accumulated Allocations as at 11/05/2011</b>		<b>10,818</b>	<b>13,026</b>	<b>11,793</b>	<b>12,532</b>	<b>8,911</b>	<b>6,806</b>	<b>4,393</b>	<b>11,085</b>	<b>11,393</b>	<b>7,293</b>	<b>98,047</b>
<b>Balance Uncommitted as at 11/05/2011</b>		<b>4,182</b>	<b>1,974</b>	<b>3,207</b>	<b>2,468</b>	<b>6,089</b>	<b>8,194</b>	<b>10,607</b>	<b>3,915</b>	<b>3,607</b>	<b>7,707</b>	<b>51,953</b>

## ATTACHMENTS

Nil.

## **6.6 Adoption of Confirmed Minutes of the Wyong Shire Governance Committee - 24 November 2010**

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TRIM REFERENCE: F2004/07245 - D02126408  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

To submit to Council the confirmed Minutes of the Wyong Shire Governance Committee Meeting held on 24 November 2010.

### **RECOMMENDATION**

***That the Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 24 November 2010 and confirmed by the Committee on 16 March 2011.***

### **BACKGROUND**

A meeting of the Wyong Shire Governance Committee meeting was held on 24 November 2010 and the Draft minutes of that meeting were adopted by Council on 9 February 2011. Due to lack of a quorum only a portion of the items listed on the Agenda were considered and resolved on 24 November 2010.

As a result, the following items were submitted for consideration at the next Governance Committee meeting on 16 March 2011.

- 1.1 Disclosure of Interest
- 1.2 Minutes of the Extraordinary Wyong Shire Governance Committee - 6 October 2010
- 2.2 Internal Audit Report
- 2.3 2010 -11 Annual Plan - September 2010 Quarter Review
- 2.4 Office of the Internal Ombudsman
- 2.5 Budget Process 2010 - 11
- 2.6 Chairman's Minute - Other Matters for Discussion
- 3.1 Progress of the Service Delivery Review Recommendations
- 3.2 Department of Local Government - Section 430 Investigation
- 3.3 Review of Dates and Revision of Agenda Items

A copy of the confirmed Minutes of the 24 November 2011 are below;

**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON 24 November 2010**  
**COMMENCING AT 9:30 AM**

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**PRESENT**

Mr David Holmes (Chairperson), Councillor D Eaton (arrived at 9.35am and departed at 11.30am), Mr Bruce Turner and Mr Jason Masters (independent members).

**IN ATTENDANCE**

General Manager, Internal Auditor, Senior Internal Auditor, Internal Ombudsman, General Counsel, External Auditor and one administration staff member.

The Chairperson, Mr David Holmes, declared the meeting open at 9.30 am

**APOLOGIES**

Apologies were received on behalf of Councillors Symington and Wynn.

**1.1 Disclosure of Interest**

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The external members confirmed the following disclosures:

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

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

David Holmes declared a non-pecuniary insignificant conflict of interest for the reason that he has minor shares with Capgemini and remained in the meeting.

**NO QUORUM REFERRED TO NEXT MEETING FOR ADOPTION**

**6.6 Adoption of Confirmed Minutes of the Wyong Shire Governance Committee - 24 November 2010 (contd)**

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**1.2 Minutes of the Extraordinary Wyong Shire Governance Committee - 6 October 2010**

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**NO QUORUM REFERRED TO NEXT MEETING**

The minutes of the previous meeting were noted prior to a quorum being present. Formal confirmation will be required at the 16 March 2011 meeting.

**1.3 Wyong Shire Governance Committee Action Plan - 6 October 2010**

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Councillor Eaton joined the meeting at 9.35 am during consideration of this item.

**COMMITTEE RECOMMENDATION**

*That the Committee confirm the action plan of the previous Governance Committee Meeting held on 6 October 2010.*

**2.1 Revised procedures for approval of Minutes of Governance Committee Meetings**

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**COMMITTEE RECOMMENDATION**

*That the Governance Committee endorse the procedure for approval and adoption of the minutes of its meetings.*

The Chairman summarised the new process as follows:

- Completed minutes circulated to all members in draft format for comment.
- Chairman confirms Draft Minutes
- Draft minutes submitted to Council meeting for information
- Draft minutes, as noted by Council, submitted to next Governance Committee for adoption.
- Minutes as adopted by Governance Committee submitted to Council for adoption (will be included on same report as Draft Minutes of the following Governance meeting).

**MEETING OF 24 NOVEMBER 2011 TERMINATED DUE TO LACK OF A QUORUM**

At this point Mayor Eaton left the meeting at 11.30 am, and so removed the necessary quorum. The meeting officially terminated and as a result, the unresolved items were resubmitted for consideration at the next Governance Committee meeting on 16 March 2011.

**ITEMS RESUBMITTED FOR CONSIDERATION AT 16 MARCH 2011.**

- 1.1 Disclosure of Interest
- 1.2 Minutes of the Extraordinary Wyong Shire Governance Committee - 6 October 2010
- 2.2 Internal Audit Report
- 2.3 2010 -11 Annual Plan - September 2010 Quarter Review
- 2.4 Office of the Internal Ombudsman
- 2.5 Budget Process 2010 - 11
- 2.6 Chairman's Minute - Other Matters for Discussion

**6.6 Adoption of Confirmed Minutes of the Wyong Shire Governance Committee - 24 November 2010 (contd)**

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- 3.1 Progress of the Service Delivery Review Recommendations
- 3.2 Department of Local Government - Section 430 Investigation
- 3.3 Review of Dates and Revision of Agenda Items

**2.2 Internal Audit Report**

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Mr Brian Glendenning, General Counsel, joined the meeting at 10.00 am, during consideration of this item.

**NO QUORUM REFERRED TO NEXT MEETING**

**2.3 2010-11 Annual Plan - September 2010 Quarter Review**

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**NO QUORUM REFERRED TO NEXT MEETING**

**2.4 Office of the Internal Ombudsman**

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**NO QUORUM REFERRED TO NEXT MEETING**

**2.5 Budget Process 2010 - 11**

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**NO QUORUM REFERRED TO NEXT MEETING**

**2.6 Chairman's Minute - Other Matters for Discussion**

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**NO QUORUM REFERRED TO NEXT MEETING**

**3.1 Progress of the Service Delivery Review Recommendations**

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**NO QUORUM REFERRED TO NEXT MEETING**

**3.2 Department of Local Government - Section 430 Investigation**

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**NO QUORUM REFERRED TO NEXT MEETING**

**6.6 Adoption of Confirmed Minutes of the Wyong Shire Governance  
Committee - 24 November 2010 (contd)**

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**3.3 Review of Dates and Revision of Agenda Items**

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**NO QUORUM REFERRED TO NEXT MEETING**

**THE MEETING OF 16 MARCH 2011 terminated at 12.50 pm.**

**ATTACHMENTS**

Nil



## **6.7 Draft Minutes of the Wyong Shire Governance Committee - 16 March 2011**

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TRIM REFERENCE: F2004/07245 - D02582413

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Reporting the Draft minutes of both the open and confidential sessions of the Wyong Shire Governance Committee meeting held on 16 March 2011. Reporting recommendations for Council's consideration emanating from that meeting.

### **RECOMMENDATION**

- 1 That Council receive the minutes of the Governance Committee meeting conducted on 16 March 2011.**
- 2 That Council adopt the following dates for the 2011 Governance Committee Meetings:**
  - a 29 June 2011**
  - b 21 September 2011**
  - c 5 October 2011**
  - d 7 December 2011**
- 3 That Council organise a Governance Committee Workshop, attended by the External Committee Members, all Councillors and Senior Executives of Council and that this workshop be convened by an independent facilitator.**
- 4 That Council request the External Members to provide a list of three (3) possible facilitators to the General Manager for submission to the Mayor to enable a facilitator to be selected for the proposed Workshop.**
- 5 That Council request staff to provide a report on Councils-on-line Review to the next meeting of the Governance Committee for consideration.**
- 6 That Council request staff to provide on the Chinese Cultural Theme Park to the next meeting of the Governance Committee.**
- 7 That Council authorise a workshop on Corporate Risk for Councillors, Senior Staff and the Governance Committee Members to be held at the inception of the Enterprise Risk Strategy project.**
- 8 That Council refer future finalised reports from Probity Advisors and External Auditors to the Governance Committee for information.**
- 9 That Council receive and note the resolutions contained in the Draft Confidential Minutes of the Wyong Shire Governance Committee Meeting held on 16 March 2011 (separate confidential enclosure).**

**BACKGROUND**

Submitted for information are the Draft Minutes of the 16 March 2011 meeting.

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**WYONG SHIRE COUNCIL*****DRAFT***

MINUTES OF THE

**WYONG SHIRE GOVERNANCE COMMITTEE OF COUNCIL**

HELD IN THE TONY SHERIDAN FUNCTION ROOM

WYONG CIVIC CENTRE, HELY STREET, WYONG

ON 16 March 2011

COMMENCING AT 9:30AM

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**PRESENT**

Mr David Holmes (Chairperson), Councillor W Symington, Cr S Wynn (arrived at 9.45am)  
Mr Bruce Turner and Mr Jason Masters (independent members).

**IN ATTENDANCE**

General Manager, Internal Auditor, Senior Internal Auditor, Internal Ombudsman, General Counsel, External Auditor and one administration staff member.

The Chairperson, Mr David Holmes, declared the meeting open at 9.30 am

**APOLOGIES**

Apologies were received on behalf of Councillor Eaton

**1.1 Disclosure of Interest**

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The external members confirmed the following disclosures:

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

*"I chose to continue to participate in this issue as the conflict has not influenced me in carrying out my public duty."*

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

Against Corruption and remained in the meeting and stated that:

*"I was approached and declined to propose for the Probitary Advisory for Councils On-Line (Parramatta, Lake Macquarie, Hornsby & Wyong) re-negotiation strategy. However, I chose to continue to participate in this issue as the conflict has not influenced me in carrying out my public duty."*

Mr David Holmes declared a non-pecuniary insignificant conflict of interest for the reason that he has minor shares with Capgemini and remained in the meeting. (awaiting submission of written disclosure)

#### **COMMITTEE RECOMMENDATION**

***That the Committee record the Disclosures of Interest made by the external Members relating to matters under consideration at this meeting.***

#### **1.2 Minutes of the Wyong Shire Governance Committee - 24 November 2010**

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#### **COMMITTEE RECOMMENDATION**

**1** ***That the Committee confirm the draft minutes of the previous meeting of the Wyong Shire Governance Committee Meeting held 24 November 2010 which were received at Council's Ordinary meeting of 9 February 2011 with the following amendments:***

***Item 3.3 - Review of Dates and Revision of Agenda Items***

- An additional report - Governance Committee Action Plan to be included in the required list of Standard Agenda Items.***
- Meetings will commence at 9.30am and finish at 12.30pm.***

**2** ***That the following dates be adopted for Governance Committee Meetings:***

***31 August 2011  
21 September 2011  
5 October 2011  
7 December 2011***

***and the Committee Chairperson and the General Manager consult to amend the date proposed for the second quarter meeting and Committee Members be advised.***

#### **BUSINESS ARISING FROM THE MINUTES**

There was no business arising.

1.3 Notice of Intention to Deal with Matters in Confidential Session

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**COMMITTEE RECOMMENDATION**

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

*Report No 4.1 - Internal Auditor's Contract*

- 2 *That the Committee note its reason for considering Report No 4.1 in confidential session is that discussion is anticipated which concerns personnel matters concerning particular individual (other than Councillors).*

1.4 Governance Committee Chairperson's Report - Governance Committee  
Review

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**COMMITTEE RECOMMENDATION**

- 1 *That Council and the General Manager; organise a Governance Committee Workshop, invite the External Committee Members, all Councillors and Senior Executives of Council to attend and that this workshop be convened by an independent facilitator.*
- 2 *That the External Members provide a list of 3 possible facilitators to the General Manager for submission to the Mayor to enable a facilitator to be selected for the proposed Workshop.*

Mr Holmes noted that he was disappointed with the lack of response from Directors to the questionnaire and noted that some responses received noted dissatisfaction with the Committee. In order to get clarification on the role of the Governance Committee, he agreed with the Mr Whittaker's suggestion that a meeting between the External Members, Councillors and senior staff should be organised. Mr Holmes stated that the External Members will have a meeting with the facilitator to brief him/her before the workshop.

Mr Whittaker stated that an essential element of any organisation is a Governance Committee with independents who, given their experience, can act as mentors and give advice. He noted that the Governance Committee provides the framework for dealing with issues and give best practice guidance to Council but should not be directly involved in resolving issues. Issues such as statutory requirements should be dealt with by management which has the biggest governance obligations, followed by Councillors. However Councillors and staff have to balance the aspirations of the Committee with the level of funding and resources available

2.1 Items from Governance Committee Meeting of 24 November 2010 required to be considered englobo

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**COMMITTEE RECOMMENDATION**

- 1 *That the Committee, with the with the exception of item numbers 2.6, 3.2 and 3.3, now adopt the following reports and recommendations contained therein;*
- 1.1 *Disclosure of Interest*
  - 1.2 *Minutes of the Extraordinary Wyong Shire Governance Committee - 6 October 2010*
  - 2.2 *Internal Audit Report*
  - 2.3 *2010 -11 Annual Plan - September 2010 Quarter Review*
  - 2.4 *Office of the Internal Ombudsman*
  - 2.5 *Budget Process 2010 - 11*
  - 2.6 *Chairman's Minute - Other Matters for Discussion*
  - 3.1 *Progress of the Service Delivery Review Recommendations*
  - 3.2 *Department of Local Government - Section 430 Investigation*
  - 3.3 *Review of Dates and Revision of Agenda Items*
- 2 *Item 2.6 Chairman's Minute - Other Matters for Discussion*
- 1 *That the Committee note the action of the General Manager in regards to the Proposed Incubator at Wyong and that a watching brief is being kept on this item which has now been included on the Risk Register.*
  - 2 *That the Committee note the recent DLG Guidelines which will be discussed at the proposed Governance Committee Workshop.*
- 3 *Item 3.2 Department of Local Government - Section 430 Investigation*
- That the Committee receive the report on the Department of Local Government (DLG) Section 430 Investigation and defer consideration of this item subject to the outcome of the DLG investigation.*
- 4 *Item 3.3 Review of Dates and Revision of Agenda Items*
- That the Committee adopt amendments to this item as requested by the Chairperson under item 1.2 of this Business Paper.*

Proposed Incubator at Wyong

Mr Whittaker gave an update on the current status of the Proposed Incubator at Wyong and advised that Ms D Dickson of the Major Projects Unit is managing this project. He advised that the Commonwealth Government had made a promise to provide \$2.7 m towards this project and stated that to date neither a draft agreement nor funding have been provided to Council. The General Manager gave an overview of Council's relationship with Central Coast Group Training and noted that this goes back over a period of twenty years. He also noted that if any Councillors declared a conflict of interest in this matter they would be excluded from any discussions on the item.

Department of Local Government – Section 430 Investigation

Mr Whittaker gave an update on the current status of the Department of Local Government - Section 430 Investigation into "Body Hire" arrangements. He noted that, with the exception of Contractors hired for the Mardi to Mangrove Project, all other body hire arrangements have now been dismantled and that it is proposed to finalise Body Hire personnel by the end of April 2011. This will allow for procurement and employment structures, which comply with regulations, to be put in place. This will form part of Council's response to the DLG investigator and should go a long way towards reconciling any concerns the DLG may have. Reports outlining the changes to Body Hire arrangements have been submitted to Council and adopted unanimously.

Mr Masters asked if any changes in Council's procedures for recording of documentation were now proposed as a result of this investigation. Mr Whittaker advised that as part of the Service Delivery Review changes are proposed to be made to Council's document management system which include:

Linking of all documentation to the property data base which would be the primary identifier  
Appointment of Data Manager to improve Council's data management processes and put systems in place for tighter controls.

Ms Charlton noted that, while Council is a high level user of technology, it is difficult to navigate through Council's records to find information required in response to investigations.

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**2.2 Office of the Internal Ombudsman**

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**COMMITTEE RECOMMENDATION**

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

Ms Charlton advised that the increase in the number of items now being reported for investigation should not be taken as an indication of increased non compliance as it was as a result of staff being more proactive in reporting matters and some matters are recurrences of items previously dealt with. Ms Charlton noted that referrals from external bodies such as NSW Ombudsman and ICAC increased the workload as these require independent reviews and also noted that summaries of some items listed in her report deliberately curtailed to protect the privacy and safety of staff involved.

Ms Charlton referred an item in her report regarding changes to the Protected Disclosures Act 1994 (NSW) in particular point 9 which relates to keeping the identity of the person who made the disclosure confidential. Ms Charlton noted that if a person voluntarily identifies him/herself this requirement will not apply.

Mr Turner asked Ms Charlton if she was the co-ordinator of protected disclosures and she replied that with the assistance of Ms Baker she was liaising with outdoor staff to raise awareness of governance issues in particular the Gift Register and giving advice on how to report matters through the proper channels. This means that she is performing a dual role of investigator and educator. Ms Baker suggested that perhaps a card giving instructions on how to report a matter for investigation could be drawn up and distributed to staff, however this could create an increase the already heavy workload. Ms Charlton stated that she would appreciate assistance with this workload. Mr Glendenning noted that Statutory Investigations are required to be completed within a specific timeframe.

## 2.3 Internal Audit Report

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### COMMITTEE RECOMMENDATION

#### ***That the Committee receive the Internal Audit Report.***

Mr Turner queried a statement on page 30 of the report which states that “*the Asset Management Manager is developing a process around the evaluation of projects which will incorporate a rigorous risk management component from the beginning of the project*”. Mr Whittaker responded that Council aims to have a corporate framework for project and risk management in place by next year.

In response to a query asking if there were any major risks with current projects Mr Simpson identified the Warnervale Town Centre as a major risk, due to its size, the numerous external agencies involved and the requirement for the Storm water harvesting and Storm water management works.

Mr Whittaker advised that this matter is now managed by the Major Projects Department which aims to get the project to a point where the two major barriers are removed. These being resolution on government funding for the access point and the rainwater harvesting scheme required to protect the catchment of Porter’s Creek. He stated that, by July 2011 the status of this project could move from a concept to a reality and will have appropriate controls in place to minimise risk.

In response to a query from Councillor Wynn, Mr Whittaker advised that each project is assigned to an experienced Project Manager who assess risk elements and develops a project plan, business case and risk plan. Staff are being up skilled to enable them to appropriately manage projects. Larger projects could have multiple risk plans and multiple project managers. In response to a query from Councillor Wynn who asked if WSC has the appropriate level of expertise to deal with such projects it was suggested that this information on Project Risk Management could be provided by adding additional information to the Corporate Risk Report table which would prioritise issues of concern and a comment could be added under status to flag issues of concern. Mr Whittaker agreed to this and added that he will provide a verbal update on the status of projects at the next meeting.

Mr Masters inquired if WSC had a Disaster Management Plan in place, Mr Whittaker confirmed that he has initiated a major project to investigate Council’s preparedness for emergencies. The Director Infrastructure Management has been allocated the task of working through Councils’ disaster management plan.

Councillor Symington requested clarification on what was meant by a “computer assisted audit” and was advised that access can be give to staff to use software called “i-ferret”, which is fraud detection software which allows the user to analyse mass data efficiently and identify recurring sequences of numbers which may relate to fraudulent activity.

#### 2.4 Budget Process 2010 - 11

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##### COMMITTEE RECOMMENDATION

***That the Committee note the progress Wyong Shire Council’s business planning and budget development.***

Mr Holmes remarked on the statement on this report which stated that “*it will take 2-3 years before a reasonable level of service/product costing and monitoring sophistication is reached*”. Mr Whittaker advised that we are currently operating at a statutory level of service but will require more time to evolve and perfect the system. He identified a need to produce simple reports to allow staff to manage individual expenses, run projects and cost them correctly.

#### 2.5 2010-11 Annual Plan - December 2010 Quarter Review

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##### COMMITTEE RECOMMENDATION

***That the Committee note the second Quarterly Review (Q2) report (October – December 2010) of Wyong Shire Council organisational performance which was adopted by Council at its Ordinary Meeting on 23 February 2011.***

Mr Whittaker made a presentation on this item and advised that the power point would be issued to all Committee members as an attachment to these minutes.

#### 3.1 Progress of the Service Delivery Review Recommendations

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##### COMMITTEE RECOMMENDATION

***That the Committee receive the report on Progress of the Service Delivery Review Recommendations.***

Mr Symington asked why Wyong Shire Council vehicles are not replaced until 120,000 kilometres and was advised that this was due to extended manufacturers warranties.



3.2 Major and Significant Project Update

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COMMITTEE RECOMMENDATION

*That the Committee receive the report on Major and Significant Project Update.*

3.3 Minutes of the Strategic Finance Committee 28 July 2010

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COMMITTEE RECOMMENDATION

*That the Committee note the minutes of the Strategic Finance Committee held on 28 July 2010 which were adopted, together with the Charter of the Strategic Finance committee, by Council at its Ordinary Meeting on 11 August 2010.*

3.4 Other Matters

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1 Councils-on-line Review

Mr Masters asked for an update on the outcome of the Council-on-line Review

COMMITTEE RECOMMENDATION

*That a report on Councils-on-line Review be considered at the next meeting of the Governance Committee.*

2 Chinese Cultural Theme Park

Mr Masters, who has personal experience of business dealings with China, expressed concern at the speed that this matter is progressing and asked for an update from Mr Whittaker.

Mr Whittaker advised that this matter was adopted via a Mayoral Minute submitted to Council. He has attended only one meeting with the proponents and requested that a professional proposal must be submitted for assessment. In order for Council to analyse whether or not this is a viable proposal for Council Mr Whittaker has requested proper development plans, staging plans, risk profiles and marketing plans would have to be submitted. These would then have to be screened by Treasury and the Department of Local Government. Mr Masters stated that the returns on any alternative uses of this land would also have to be considered as a comparison.

Councillor Symington advised that he felt uncomfortable with the fact that Council has entered into an agreement in principal without first giving all the Councillors an opportunity to either consider a report on this matter or inspect the proposed site.

Mr Whittaker advised that a report will be submitted to Council after a site inspection has been arranged. Currently the only issue being addressed is the request for the provision of:

- an access licence to enable investigations to be carried out and
- a letter of comfort/affirmation from Council.

Mr Masters advised that Council should adopt probity measures to supervise this project.

**COMMITTEE RECOMMENDATION**

*That a report on Chinese Cultural Theme Park be considered at the next meeting of the Governance Committee*

Corporate Risk Workshop

**COMMITTEE RECOMMENDATION**

*That the Governance Committee Members be invited to attend a Corporate Risk Workshop be held at the inception of the Enterprise Risk Strategy project.*

**4 Council Sponsorships**

Councillor Wynn queried Council's procedures on adopting sponsorships which appear to be considered on an "ad hoc" basis and was advised that Council has adopted Policies for Inward and Outward Sponsorships which deal with probity around Council's involvement in sponsorship agreements and the risks involved.

**5 Procurement**

Mr Masters noted in the Council's minutes the number of tenders and contracts that had been recently let and asked if Probity Advisors/Auditors had been used and if so, were reports by the Probity Advisor/Auditor had been provided.

Mr Whittaker advised that probity processes was incorporated into the procurement process however he noted that he had not seen any such reports and would review.

**Committee Recommendation**

*That reports from Probity Advisors/Auditors be provided to the General Manager and tabled at the next Governance Committee meeting after finalisation.*

The **Open Session Of The Meeting** closed at 12.50 pm.

**CONFIDENTIAL SESSION**

The Chairperson announced that the Open Session of the meeting was now closed but the meeting would resume in Confidential Session to discuss the following Agenda Item:

**4.1 Internal Auditor's Contract**

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**ATTACHMENTS**

- 1 Draft Minutes - Confidential Governance Committee Meeting - 16 March 2011 (D02560359 - distributed under separate cover) Enclosure

## **6.8 Update on the Provision of Project Management Services for the Mardi to Mangrove Link Project**

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TRIM REFERENCE: CPA/187074 - D02590777

AUTHOR: John Tennant, Engineer Contract and Project Management

MANAGER: Mike Long, Manager Contract and Project Management

### **SUMMARY**

Update on the Provision of Project Management Services for the Mardi to Mangrove Link Project.

### **RECOMMENDATION**

- 1** *That Council note the information contained in this report on the reduction of "Body Hire" staff on the project management team for the Mardi to Mangrove Link Project.*
- 2** *That Council endorse the extension of engagement of the current Project Manager and Project Property Manager, under the existing arrangements, until 30 June 2011.*
- 3** *That Council endorse the extension of engagement of the current Landholder Liaison Manager on a part time basis only until 30 June 2011.*

### **BACKGROUND**

In September 2010 public tenders were invited for the Provision of Project Management Services for the Mardi to Mangrove Link Project.

- "1 That Council decline to accept any of the tenders for the proposed contract.*
- 2 That Council cancel the proposal for the contract.*
- 3 That Council endorse the continuation of the current project management arrangements to Easter 2011 due to the material public benefit.*
- 4 That Council call for competitive quotes to deal with any outstanding contract/property matters."*

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

AGAINST: NIL

The purpose of this report is to update Council on the progress made in complying with Resolution No. 3 and to recommend the retention of appropriate levels of "Body Hire" project management staff until the scheduled project completion date of 30 June, 2011.

**Update on “Body Hire” Project Management Resources**

As the Mardi to Mangrove Link Project has progressed towards completion the required level of “Body Hire” staff resources has been reduced. As a consequence, the following reductions have been made to the Project Management Team:

- a) The “Body Hire” services of the Assistant Project Manager were terminated on 8 April, 2011. The Assistant Project Manager’s remaining duties are being undertaken by permanent Council staff;
- b) The “Body Hire” services of the Project Accountant were terminated on 1 April 2011. The Project Accountant’s remaining duties are being undertaken by permanent Council staff;
- c) The “Body Hire” services of the Landholder Liaison Manager were reduced from full time to part time (up to 2 days per week) from 4 April and will be finally terminated on 30 June 2011. The Landholder Liaison Manager’s remaining duties are being undertaken by the Project’s contract Environmental Officer who is engaged under a separate services contract.

**Project Management Staffing Up To Completion**

The remaining construction works and finalisation of outstanding property matters is scheduled for completion by 30 June 2011.

Given the short period of time remaining until project completion and the depth of experience, specialist skills and background knowledge held by the incumbent Project Manager and Property Manager, it is considered to be in Council’s and the Project’s best interest that the services of these two key personnel be retained until 30 June 2011.

With restoration still progressing on a number of the properties in the Yarramalong Valley, it is essential to maintain a degree of continuity with landholders especially during the critical period of restoration sign off by the landowners. As such the retention of the Landholder Liaison Manager is recommended on a part-time basis (up to 2 days per week) until the 30 June 2011.

By such time it is anticipated that any remaining tasks can be transferred to permanent Council staff.

**Conclusion**

As at the date of reporting the five “Body Hire” members of the Project Management Team have been reduced to two, with the Land Liaison Manager undertaking work on an as required basis only.

The remaining two “Body Hire” personnel are the incumbent Project Manager and the Property Manager. Given the short period of time remaining until project completion and the depth of experience, specialist skills and background knowledge held by the current incumbents it is recommended that their services be retained under their respective current arrangements until 30 June 2011.

**ATTACHMENTS**

*Nil.*

## **6.9 Conferences Attendance - National Investment for the Early Years and Centre for Community Child Health 2011 Conference**

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TRIM REFERENCE: F2004/06517 - D02596918

AUTHOR: Sonia Witt; TL Governance and Councillor Services

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Council has received information in regards to the National Investment for the Early Years (NIFTeY) and Centre for Community Child Health (CCCH) 2011 conference to be held on 28-29 July 2011 at Cockle Bay Wharf, Sydney.

### **RECOMMENDATION**

- 1 That Council authorise interested Councillor/s to attend the National Investment for the Early Years and Centre for Community Child Health 2011 conference.**
- 2 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

### **BACKGROUND**

#### **Conferences or seminars**

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, and subject to Council's prior approval, WSC will pay for attendance at a maximum of three conferences per year for each elected member and attendance at the annual NSW Local Government Association Conference.

The maximum number of elected members authorised to attend a conference or seminar is three.

#### **Training Courses**

WSC will pay for the attendance at training courses, subject to Council Resolution, for up to three Councillors per course, per year where the total expense for attendance of each councillor is less than \$5000.

Details of conferences, seminars and external training sessions are provided for determination of Councillor Attendance.

**THE PROPOSAL**

The NIFTeY/CCCH 2011 conference to be held on Thursday 28 July to Friday 29 July 2011 will be an opportunity for people and practitioners working with children and their families in government and non-government sectors to consider new and existing research, practice and policy evaluations and recommendations through presentations by international and numerous local experts focusing on "Children's place on the agenda... past, present and future".

The NIFTeY/CCCH 2011 conference will also mark NIFTeY's 10th anniversary and celebrate 10 years of successful conferences, of producing papers to assist governments providing latest evidence of research and practice, and giving children a voice in policy formation.

- Local and international ideas for consolidating "The Place of Children on the Australian Agenda" will be revealed and reviewed
- Past and present national research, policy and practice will be presented
- Innovative activities and avenues to influence the future status of Australia's children will be shared

The conference will provide valuable networking opportunities that should be an essential part of staff's professional development.

Councillor Matthews has expressed her interest in attending the conference.

**OPTIONS**

Nil Impact.

**STRATEGIC LINKS****Annual Plan**

Nil Impact.

**Contribution of Proposal to the Principal Activity**

Nil Impact.

**Link to Shire Strategic Vision**

The conference will enable Councillors to communicate with the community more effectively and also aid them in achieving positive outcomes that will in turn benefit the community.

### Financial Implications

The table below indicates the cost for attendance at the conference and associated travel expenses per Councillor:

NIFTeY – CCCH 2011	Councillor Fees
Registration (early bird by 20/5 \$550)	\$650
Guest / Partner options: - Happy Hour	
Travel (Council vehicle approx)	\$140
Accommodation (based on approx \$199 per night) at Conference Venue	\$597
Other disbursements (approx meals etc)	\$500
<b>Total - estimate</b>	<b>\$1,887</b>

### Principles of Sustainability

Nil Impact.

### CONSULTATION

This submission complies with Council's adopted Facilities and Expenses Policy for Councillors.

### GOVERNANCE

In accordance with the provisions of Council's Facilities and Expenses Policy for Councillors, Councillors are encouraged to attend external training sessions that will support their professional development as a Councillor. Reasonable expenses incurred in Councillors attending external training are met in accordance with that policy.

### CORPORATE RISKS

Nil Impact.

### CONCLUSION

The workshop, conference and summit listed would be of benefit to the professional development of Councillors and attendance is encouraged.

### ATTACHMENTS

- |  |           |
|--|-----------|
| 1 National Investment for the Early Years and Centre for Community Child<br>Health 2011 Conference Provisional Program | D02596940 |
|--|-----------|

This program is subject to change.

# PROVISIONAL PROGRAM



Thursday, 28 July 2011

0745 – 0845 **Registration and arrival tea and coffee**

0845 – 0920 Official Opening – **Professor Frank Oberklaid**

Welcome to Country

Welcome Address – TBA

0920 – 1020 **KEYNOTE PRESENTATION** – Professor Alan Hayes, Australian Institute of Family Studies

The pathways children and their families take through life, and the role of families in supporting and sustaining development across life, from infancy and early childhood

1020 – 1045 **Morning Tea**

1045 – 1115 Ministerial Address – **Peter Garrett**, Minister for School Education, Early Childhood and Youth

1115 – 1315

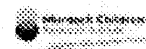
Concurrent Session 1 with invited Speakers			
CONSIDERING FUTURE	IMPACTS OF CHANGING ENVIRONMENTS	IMPACTS OF CHANGING ENVIRONMENTS	USING THE AEDI TO BUILD BETTER COMMUNITIES FOR CHILDREN
<p>What are the implications of social and economic disparities for children in the future?</p> <p><b>Patricia Faulkner AO</b> Chair, Social Inclusion Board of Australia</p> <p><b>Dr Sharon Goldfeld</b> Senior Research Fellow, National Director AEDI, Centre for Community Child Health</p>	<p>How have families changed, and how can we support parents better?</p> <p><b>Warren Cann</b> Chief Executive Officer, Parenting Research Centre</p> <p><b>Professor Sven Silburn</b> Director, Centre for Developmental Health, Curtin University of Technology</p>	<p>What impacts are changing environments having on children's lives, and how should we respond?</p> <p><b>Dr Lyndall Strazdins</b> Fellow, the National Centre for Epidemiology and Population Health, the Australian National University</p> <p><b>Dr Wayne Warburton</b> Lecturer, Developmental Psychology, Macquarie University</p>	<p>How is the AEDI helping communities understand children's development?</p> <p><b>David Watkins</b> Principal, South Merredin Primary School</p> <p><b>Terry Martino</b> Principal, Kalgoorlie-Boulder Community High School</p> <p><b>Anne Hanning and Bonnie Moss</b> AEDI Indigenous Adaptation Study, Menzies School of Health Research</p>

1315 – 1400 **Lunch**

1400 – 1500 **KEYNOTE PRESENTATION** – Joanne Schroder, Provincial Community Development Manager, University of British Columbia

Engaging Communities: A province wide approach to community mobilisation for children using the Early Development Instrument (EDI): 10 years on what have we learned in British Columbia



1500 – 1515 **Afternoon Tea**

1515 – 1715

**Concurrent Session 2: Proffered Paper Presentations**

CONFRONTING THE FUTURE	HOW CAN WE BUILD A CHANGING WORLD	HOW CAN WE BUILD A CHANGING WORLD	USING THE AEDI TO BUILD BETTER COMMUNITIES FOR CHILDREN
What are the implications of social and economic disparities for children in the future?	How have families changed, and how can we support parents better?	What impacts are changing environments having on children's lives, and how should we respond?	How is the AEDI helping communities understand children's development?

1715 – 1830 Poster Viewing

1730 – 1830 Happy Hour – Celebration of NIFTeY's 10 years

**Friday, 29 July 2011**0800 – 0830 **Registration and arrival tea and coffee**

0830 – 0930 **KEYNOTE PRESENTATION** – Professor Franklin D Gilliam Jr, Ph.D., Political Science (University of Iowa, 1983), Dean, School of Public Affairs, Professor of Public Policy and Political Science, University of California, Los Angeles  
Children's Place on the Agenda: communicating the message effectively to inform the public, policy and practice

0930 – 1000 **Morning Tea**

1000 – 1200

**Concurrent Session 3: Proffered Paper Presentations**

CONFRONTING THE FUTURE	HOW CAN WE BUILD A CHANGING WORLD	HOW CAN WE BUILD A CHANGING WORLD	USING THE AEDI TO BUILD BETTER COMMUNITIES FOR CHILDREN
What policies and practices are needed to ensure the delivery of integrated and effective systems in a changing world?	If it takes a village to raise a child how do we create supportive communities?	How do we ensure that all children get the best start in life and experience childhoods full of wonder, joy and learning?	How is the AEDI being used as an impetus for local change?

1200 – 1245 **Lunch**

1245 – 1345 **KEYNOTE PRESENTATION** – Professor Frank Oberklaid, Director, Centre for Community Child Health  
Children's Place on the Agenda: What have we learned and what do we need in the future to make a difference to children's outcomes?



Friday, 29 July 2011 continued

1345 – 1545

Concurrent Session 4 with invited Speakers			
GOVERNMENT POLICY	RAISING CHILDREN IN A SUPPORTIVE WORLD	LEARNING OPPORTUNITIES FOR ALL CHILDREN	USING THE AEDI TO BUILD BETTER COMMUNITIES FOR CHILDREN
<p>What policies and practices are needed to ensure the delivery of integrated and effective systems in a changing world?</p> <p><b>Dr Lance Emerson</b> Chief Executive Officer, Australian Research Alliance for Children and Youth</p> <p><b>Dr Fran Press</b> Coordinator for the Bachelor of Early Childhood Teaching / Bachelor of Nursing (Birth to Five), Charles Sturt University</p>	<p>If it takes a village to raise a child how do we create supportive communities?</p> <p><b>Paul Prichard</b> Training and Development Manager, the Centre for Community Child Health</p> <p><b>Dr Sue Jenkins</b> Chair, Tasmanian Early Years Foundation</p>	<p>How do we ensure that all children get the best start in life and experience childhoods full of wonder, joy and learning?</p> <p><b>Dr Karen Martin</b> Associate Professor in Early Childhood, School of Education, Southern Cross University</p> <p><b>Gillian Calvert AO</b> Children's Advocate</p>	<p>How is the AEDI being used as an impetus for local change?</p> <p><b>Jodie Robinson</b> Manager Early Intervention and Prevention Unit, Department of Disability, Housing and Community Services</p> <p><b>Giselle Pitot and Cheryl Wardrope</b> Team Leader and Senior Health Promotion Officer, The Early Years Initiative, Logan Beaudesert Health Coalition</p>

1545 – 1600

Afternoon Tea

1600 – 1645

Keynote Panel chaired by **Professor Graham Vimpani**

1645 – 1700

Official Close



## **6.10 Acceptance of Loan Offers from Financial Institutions**

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TRIM REFERENCE: F2004/06616 - D02589946

AUTHOR: Stephen Goldborough; Senior Financial Accountant

MANAGER: Greg Ashe, Manager Finance

### **SUMMARY**

Quotations were sought from financial institutions to fund Council's Water and Sewerage borrowing program for 2010/11. The General Manager requests that Council approve the loan offer considered most advantageous for Council. Details of this offer will be circulated as a supplementary report prior to the meeting.

### **RECOMMENDATION**

- 1 That Council receive the report on loan borrowings circulated under separate cover.**
- 2 That Council adopt the recommendations made in the supplementary report.**
- 3 That Council authorise the use of the Council seal in the execution of loan documents relating to the recommended offer.**

### **BACKGROUND**

The following resolution was passed at a meeting of Council on 23 June 2010:

*"That Council authorise the General Manager to borrow up to a total of \$27,750,000 from financial institutions with an Australian banking licence and \$2,457,000 from the Department of Lands in accordance with the Annual Plan. "*

The amount of \$27,750, 000 was to fund water capital works.

The resolution delegates the General Manager to take action on the authorised borrowings, however regard now has to be had to circular 9/21 from the Division of Local Government, which, among other things, includes the following:

*"It is expected that councillors would have a full understanding of the terms and conditions of borrowing arrangements before entering into any contract."*

No money has yet been borrowed in respect of the original authorisation to borrow \$27.5 million from financial institutions.

### **THE PROPOSAL**

A request for quotations has been issued with a closing date of May 5 with the reporting detailing these quotations to be presented to Council on May 11 2011

Financial Institutions only hold quotes for this type of borrowing for a limited period so the report detailing the quotes needs to be considered by Council at the 11 May 2011 meeting.

### **OPTIONS**

Council staff considered various options including internal funding on the funding of water and sewerage works programs, however at this stage the borrowing of these funds from an external source was the best option.

### **STRATEGIC LINKS**

#### **Annual Plan**

Loan funds (water) denoted as Source of funds –item 10.1 (p. 72, Adopted Annual Plan)

### **CORPORATE RISKS**

Under section 229 of the *Local Government (General) Regulation (2005)* Council's loan borrowings are to be secured on the income of Council. A provision for the repayment of this and other borrowings is made in Council's Annual Plan and in the Long Term Financial Strategy.

### **ATTACHMENTS**

*Nil.*

## **7.1 Information Reports**

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TRIM REFERENCE: F2011/00027 - D02589702

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

### **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.*

## **7.2 Sewer Improvement Program**

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TRIM REFERENCE: F2004/07986 - D02566499  
AUTHOR: Ian Johnson; Water and Waste Engineer  
MANAGER: Daryl Mann, Manager Water and Waste

### **SUMMARY**

Update of sewage discharge incidents (potentially impacting the lakes system) occurring between August 2010 and March 2011.

### **RECOMMENDATION**

***That Council receive the report on Sewer Improvement Program.***

### **BACKGROUND**

#### **Update of Incidents July 2009 – March 2011**

A resolution arising from the Council meeting on 10 November 2010 requested that water and sewerage staff prepare a report examining options to mitigate the impact of raw sewage discharges into the lakes system.

In the report to the 10 November 2010 Council meeting an attachment was provided summarising sewage discharge incidents between September 2009 and August 2010 and detailing the circumstances surrounding these incidents.

Now attached to this report is an update of the above attachment outlining those sewage discharge incidents (potentially impacting the lakes system) occurring between August 2010 and March 2011.

In summary in the period 1 July 2009 to 31 March 2011 there were 19 incidents (see attachment) in which raw sewage and sewage related products discharged into the environment as a result of either damaged Council infrastructure or sewerage system operational malfunctions.

As part of the agreed reporting protocols 16 of the above incidents were of a nature that warranted reporting to the Department of Environment, Climate Change and Water (DECCW) Hotline. Council has always been assiduous and transparent in reporting incidents of this nature to DECCW.

As none of the discharges were considered significant, Council has not faced any form of sanction from DECCW in relation to these incidents.

Of the 19 incidents listed in the above attachment, eight incidents resulted in either a confirmed discharge into the lakes system or a likelihood of discharge.

### **Council procedures to manage sewage discharges**

Council staff followed the procedures and protocols previously outlined in the 10 November 2010 Council report (“Lakes Contamination”) for all discharges.

### **Council procedures to minimise sewage discharges**

Incidents where raw sewage is discharged into the environment arise out of two generic types of operational malfunctions associated with:

- sewage pump stations;
- sewer mains.

Sewage pump station malfunctions are typically the result of:

- failure of mechanical and electrical equipment;
- power supply outages.

Sewer main malfunctions are typically the result of:

- pipe breakages in gravity and rising mains due to joint failures, splitting, corrosion, damage and the effects of age generally;
- blockages in gravity mains due to tree root intrusion or other physical obstructions. This is particularly a problem for vitreous clay pipework.

While the current age and condition of Council’s sewerage assets should not give rise to concern, Council has nevertheless put in place a range of measures and barriers to minimise the incidence of discharge of raw sewage to the environment.

Currently Council has 149 sewage pumping stations (of varying capacity) and 1200 km of gravity and rising mains in operation.

The following is a summary of the practices and procedures implemented by Council to prevent or at least mitigate the frequency and impact of sewage discharges:

#### 1) Standby Pump Capacity

With the exception of seven smaller stations, all sewage pumping stations are equipped with standby pump capacity that is designed to cut in and operate in the event of a failure of the duty pump. This arrangement is standard industry practice.

Due to their limited service areas (typically less than 10 properties), the physical dimensions of the seven single unit stations preclude provision of standby pump capacity. While Council has rationalised (as far as possible) these type of stations, nevertheless there remains a small number where it is impractical to eliminate and in these cases Council uses other preventative measures such as telemetry and rapid response to minimise impacts.

### 2) Telemetry

Council initially established its water and sewerage telemetry system in the late 1980s and since that time has developed and improved the system to take advantage of contemporary technological enhancements and improvements. This process is ongoing with annual fund allocations in the water and sewerage budget to maintain continual improvements. The telemetry system provides 24 hour, seven day per week monitoring of sewage pumping stations and issues alarms for pump failure, high water levels and the like.

To implement and maintain the above Council has “in house” specialist telemetry resources.

### 3) After Hours response

Council has a well developed and documented “After Hours” response system to attend and resolve operational issues that may lead to discharges of raw sewage. The response system can be initiated by the telemetry system or Council’s after hours customer contact system.

In addition operational staff have undergone extensive training in the management of sewage discharge incidents.

### 4) Permanent emergency on-site power generating capacity

Council has installed on-site diesel generators at pump stations located near or adjacent to sensitive environmental areas, areas that have potential public health issues or where pump stations are considered strategic due to size or impact in the event of a power failure.

The following examples are provided for information:

- Pump Stations B1, B3, B4 and B9 (proximity to Tuggerah Lake);
- Pump Station WS11 (public health impacts at Apex Park);
- Pump Station WS40 (Mingara).

### 5) Trailer mounted portable emergency power generating capacity

Council has purchased a number of portable generators for provision of an emergency power supply at smaller pump station sites in the event of a power failure. These sites have been configured to accept portable generators.

### 6) Dual power supplies

Dual power supplies (from independent feeds) have been installed at a number of strategic pump stations to minimise power outages, as the risk of both supplies failing contemporaneously is low.

Examples where dual power supplies have been installed are:

- Pump Station T22 (proximity to Tuggerah Lake);
- Pump Station WS11 (Apex Park).



### 7) Storage within the sewerage system

In accordance with industry practice Council's sewerage systems are as far as practical designed to retain and store raw sewage in the pipework/pump station for at least four hours (under average conditions) in the event of a system malfunction such as power failure or pump failure and before an overflow to the environment occurs.

This length of time is significant as many system failures can be rectified within this timeframe.

Where four hours of storage has been difficult to be achieved Council has installed additional on-site storage capacity in the form of underground storage tanks.

### 8) Pump out tankers

Arrangements are in place to quickly secure the services of pump out tankers to accept and remove raw sewage in the event of an incident and before it escapes to the environment. This is a key component of Council's 24/7 response to sewage discharge emergencies.

This arrangement has been particularly effective with smaller pumping stations.

### 9) Discharge Prevention Programmes

Council annually allocates funds for, and undertakes a number of programmes to minimise the incidence of sewage discharges. These programmes comprise:

- Both operationally and capital based CCTV inspection programmes to identify "at risk" pipework and associated infrastructure and remedy either on the spot or include in forward capital programmes. Current budgets for these programmes are approximately \$100,000 pa;
- Infiltration inspection programmes to identify sources of stormwater ingress that may lead to hydraulic overloading of sewers and overflow conditions. The current budget for this programme is approximately \$100,000.
- Tree root clearance programmes, based on CCTV outcomes and service requests, to remove potential blockages that could lead to an overflow.
- Annual pipe renewal programmes to replace/rehabilitate pipework that is damaged beyond repair or is unable to maintain service requirements. In recent years Council, in undertaking these type of programmes, has taken advantage of the latest available techniques in pipe upgrading such as with pipe "bursting" and in situ patching.
- Capital budgets for the timely upgrade/refurbishment of sewerage facilities to prevent overloading of existing infrastructure.
- Ongoing and day to day monitoring of system performance using telemetry systems to troubleshoot system anomalies and identify emerging problems that may point to increased risk of sewage discharges, for example excessive pump hours and inflows.

### Further System Enhancements

A review of the sewage discharge incidents set out in the attachment shows that most overflows are the result of rising main breakage or sewer blockage. To reduce the risk of overflows resulting from tree root blockages, the sewer relining programme has been increased. Approximately \$940,000 will be spent on relining in the 2010/11 financial year, with a further \$1.5 million budgeted for 2011-13 (two year programme).

Additional capital expenditure of \$5.2 million is programmed for 2011/12 to minimise the risk of overflows comprising:

- Manhole refurbishment (minimise stormwater inflow) - \$100,000
- Partial replacement of T19 rising main (eliminate breakages – this main, in Tuggerawong Rd Wyongah, has failed on several occasions – see attachment) - \$300,000
- Sewer pump station valve, mechanical and electrical refurbishment (improve/maintain reliability) - \$350,000
- Diesel generators at pump stations WS29 and WS30 (back up power supply) - \$70,000
- Capacity upgrade of pump station C16 (minimise overflow risk) - \$2,000,000
- Capacity upgrade of pump station T22 (minimise overflow risk) - \$2,200,000
- Capacity upgrade of pump station MP7 (minimise overflow risk) - \$140,000.

Arising out of the Council meeting of 10 November 2010 there were a number of other areas identified as possible avenues to improve Council's performance in relation to sewage discharges. These areas were:

- bunding of pump stations;
- additional storage at pump stations;
- improved telemetry systems;
- new technologies to repair/replace assets.

Bunding of pump stations was considered but discounted as not being effective for the following reasons:

- the location of system overflow points are remote from their respective pump stations, with overflows typically occurring at the upstream (or lowest) manhole or dedicated flow relief structure, and bunding of the pump station would not have any impact on preventing an overflow;
- it is not practical to install bunding around manholes, as these are constructed flush with roadways or natural surfaces to avoid being a hazard;

## 7.2 Sewer Improvement Program (contd)

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- the volume required to make a material impact on overflow frequency is large. For example a small 20 L/s pump station would require 6 m<sup>3</sup> of storage to delay an overflow by five minutes.

The alternative to bunding is to place the additional storage underground. Provision of storage is a risk mitigation strategy adopted by a number of water authorities to mitigate against overflows arising from pump station power failure where there is inadequate latent storage in the sewer system. To date Council has generally followed the alternative mitigation strategy of providing a back up power supply to mitigate against overflow risk. Providing additional storage as a further risk mitigation measure (i.e. in combination with the measures currently in place outlined in this report) would not materially reduce Council's risk profile. However Council has provided additional storage facilities in the past on a case by case basis and will continue to do so in the future where site or risk requirements dictate.

With respect to improved telemetry systems, the 2011/12 capital budget contains an allowance of \$250,000 for information technology including telemetry and in-field technology. It is intended to use this allocation to further improve the IT capability of field staff in accessing and interrogating early warning systems and providing improved levels of customer response.

Regarding new technologies to repair/replace assets, the greatest potential for this is in pipe renewals where technologies such as pipe bursting and relining can be used to avoid open trenching to replace assets. The sewer relining program undertaken this year was very successful and it is proposed to use this technology in the two year 2011/12 and 2012/13 program.

### ATTACHMENTS

- 1 Update of Incidents July 2009 - March 2011      D02588878

## Incidents - July 2009 to March 2011

Date of Incident	Location	Nature of Incident	Investigation Findings	Infiltration Into Waterways	Reported to DECCW
1 January 2011	72 Liamena Ave, San Remo	Broken sewage rising main	Small hole (20mm) in steel rising main resulted in minor discharge. Repair clamp installed and site cleaned up.	No	No
19 November 2010	Cnr Greenacre Ave and Elizabeth Bay Dr, Lake Munmorah	Sewage overflow	Split collar on 200mm rising main resulted in leakage onto footpath and grassed area. Repairs were undertaken and site cleaned up.	No	Yes 124976
16 November 2010	52-54 Tuggerawong Rd, Wyongah	Sewerage main overflow	Split in 200mm rising main – pipe was replaced. Site was cleaned although only small amount of effluent escaped to environment.	Yes	Yes 124875
31 October 2010	Kooloora Rd, Noraville	Sewage surcharge	Split in 300mm rising main caused leakage into local stormwater drain. Pipe was replaced.	Likely	Yes 124602
6 September 2010	Findlay Ave, Chain Valley Bay (MP14 pump station)	Corroded fitting on rising main	Corroded gibault join on 100mm rising main resulted in leakage into Lake Macquarie. Repairs completed. Site was flushed and cleaned	Yes	Yes 123502
4 August 2010	Mannering Park Sewerage Treatment Plant – 220 Tall Timbers Road, Mannering Park	Blocked inlet screens due to power failure	Approximately 5,000 litres overflowed, however all was contained on site and cleaned up.	No	No
30 July 2010	50 Tuggerawong Road Wyongah	Broken rising main	The leakage was stopped by turning the pumps off at sewage pumping station T19 and installing sandbags on site to contain the effluent. No solids entered the stormwater system. 2 x tankers were onsite to remove sewage A risk assessment was undertaken which concluded that there was no need to take water samples as the site was unlikely to be used for recreational purposes.	Yes	Yes 123285

19 July 2010	177 Buff Point Avenue, Buff Point	Tree roots under the manhole and in the access chamber.	No physical evidence of effluent entering drainage culvert. As a precaution water samples were taken at the point where S/W channel enters Lake Budgewoi. All samples were tested for faecal indicator enterococci. Results compliant with NH&MRC Guidelines.	No	Yes 122716
20 May 2010	85 Oleander Street Noraville (Toukley Sewerage Treatment Plant)	Failure of By-Pass Line as a result of Contracted works.	No effluent left the Toukley Sewerage Treatment Plant site	No	No
6 April 2010	167 Tuggerawong Road, Tuggerawong	Failure of Ferric Chloride Injection Point	Approximately 1000 litres discharged but contained within pump station grounds removed by tanker.	No	Yes 120182
16 March 2010	365 Lakedge Avenue, Berkeley Vale – WS33 Gravity Main	Root infestation in sewer manhole A/8 along WS33 Sewer Gravity Main	Approximately 27,000 litres entered storm water pit which discharged into Tuggerah Lakes. Staff immediately cordoned off area and installed warning signs at the entrance to the lake channel. Thoroughly cleaned the contaminated area with disinfectant. Used 40,000 litres of lake water to flush S/W line. Maintained fencing and warning signs until sampling confirmed lake water quality met NH&MRC guidelines.	Yes	Yes 119758
29 January 2010	Rear Reynolds and Clark Roads, Noraville – T6 Sewer Rising Main	Broken rising main	Approximately 70,000L of escaped effluent was removed by tanker.	No	Yes 119282
15 December 2009	Kelsey Road, Noraville (TO06 sewer rising main)	Broken rising main	Tankers removed effluent from pumping station. Effluent discharged into surrounding area was contained and cleaned up.	No	Yes 117789

3 December 2009	Between Albert Warner Drive & St Albans Road, Warnervale – C15 Sewer rising main	Contractors constructing the Warnervale to Wyong link Rd broke the 225mm PVC sewer pipe.	Estimated leakage 2500 litres. Pump station isolated, sewage contained and immediate repairs undertaken	No	Yes 117536
30 November 2009	Rear 26A Budgewoi Road, Noraville – T22 Pump Station	Broken PVC bend on T22 barometric loop	Pump station T22 isolated. Discharge into surrounding area contained and cleaned up.	No	Yes 117526
29 October 2009	165 Birdwood Drive Blue Haven (C3 Pump Station)	Broken flange on C3/C6 Barometric loop	SPS C3 & 5 subsidiary pumping stations were isolated. Tankers removed effluent from pump station. Effluent entered Wallarah Creek. Temporary fencing and warning signs erected. Water samples taken – compliant with NHMRC Guidelines.	Yes	Yes 116875
23 October 2009	Apex Park (Intersection Pacific Hwy / North Road Wyong) WS11 Pump Station	Pump failure	Tankers onsite to remove effluent and clean up. Temporary fencing erected and signage placed around contaminated area. Water samples taken – compliant with NHMRC Guidelines.	Yes	Yes 116770
17 September 2009	Toukley Sewerage Treatment Plant Wilfred Barrett Drive, Norah Head	Valve failure	Overflow from the tertiary plant wash water (reclaimed chlorinated water) recovery tank discharged approx 600KL into S/W drain that exits Toukley Sewerage Treatment Plant and discharged to off-site sand dunes.	No	Yes 116245
1 September 2009	Koowong Road, Gwandalan	Broken 375mm Sewer Rising Main	Tankers onsite to remove effluent and clean up. Temporary fencing erected and signage placed around contaminated area. Water samples taken – compliant with NHMRC Guidelines.	Yes	Yes 115994

### **7.3 Limited Access at Ourimbah Railway Station**

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TRIM REFERENCE: F2004/06710 - D02551308

AUTHOR: Jane Doyle, Senior Administration Support Officer

DIRECTOR: Gina Vereker, Director Environment and Planning Services

#### **SUMMARY**

Reporting on responses received David Harris, former Member for Wyong and The Hon John Robertson MLC, former Minister for Transport and Minister for the Central Coast concerning accessibility at Ourimbah Railway Station.

#### **RECOMMENDATION**

***That Council receive the report on Limited Access at Ourimbah Railway Station.***

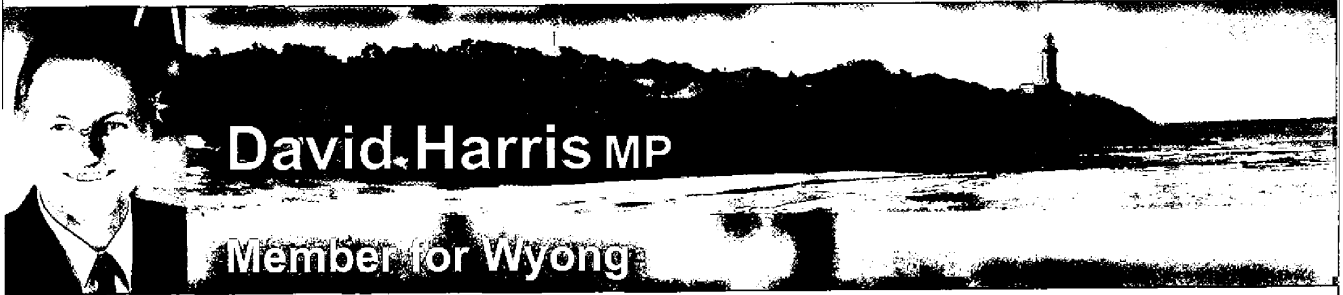
Council at its meeting held on 22 September 2010 resolved unanimously on the motion of Councillor Eaton and seconded by Councillor Best:

- "1 That Council note with concern that there is no disabled access to Ourimbah Railway Station and to and from the station from the University and the Town Centre; and that the RTA has demolished the former footpath which previously provided a form of disabled access.*
- 2 That Council call on the State Government and the State Opposition through the relevant Parliamentary Secretary for the Central Coast and Shadow Minister for the Central Coast to make provision for disabled access to Ourimbah Railway Station.*
- 3 That Council request Gosford Council and the Central Coast Campus to support this request due to the regional importance of Ourimbah Station in servicing the University."*

Correspondence has now been received from David Harris MP, former Member for Wyong, and The Hon John Robertson MLC, former Minister for Transport and former Minister for the Central Coast regarding upgrading of Ourimbah Railway Station.

#### **ATTACHMENTS**

- 1** Letter from David Harris, MP and The Hon John Robertson MLC, Minister for Transport and the Minister for the Central Coast D02522746



Ref:wscvereker110208.res

Ms Gina Vereker  
Director, Shire Planning  
Wyong Shire Council  
PO Box 20  
**WYONG NSW 2259**

16 February 2011

Dear Ms Vereker

I refer to representations I made on your behalf to the Hon John Robertson MLC, Minister for Transport concerning accessibility at Ourimbah Station. I apologise for the delay in responding.

Please find enclosed a reply from the Minister in response to my representations.

I trust that the information provided by the Minister will be of assistance to you.

Yours sincerely

**DAVID HARRIS MP**  
**Member for Wyong**  
**Parliamentary Secretary for the Central Coast**  
**Parliamentary Secretary for Education and Training**

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







**The Hon John Robertson MLC**  
Minister for Transport  
Minister for the Central Coast

Mr David Harris MP  
Member for Wyong  
243 Main Road  
TOUKLEY NSW 2263

- 8 FEB 2011

*David*  
Dear Mr Harris

Thank you for your correspondence on behalf of Ms Gina Vereker, Director, Shire Planning, Wyong shire Council concerning accessibility at Ourimbah Station. I apologise for the delay in responding.

As you would be aware, the NSW Government is working hard to upgrade existing train stations to ensure our passengers have safe, modern and accessible facilities. In the 2010-11 financial year, approximately \$27 million has been allocated for the Easy Access Program. Another \$20 million is also being spent in 2010-11 to upgrade accessibility at stations under other programs.

Easy Access upgrades typically include installing lifts and/or ramps, CCTV coverage and improved lighting, tactile ground surface indicators, an accessible toilet and, in some cases, accessible car spaces.

I am advised that 121 of the 307 operational CityRail stations are accessible, with over 77 per cent of passengers using one or more accessible stations. The Government is working towards improving the accessibility of our train stations for everyone in the community, including people with disabilities, the elderly and passengers with prams and young children.

Stations are being upgraded as part of the Easy Access Program based on a number of weighted criteria including patronage, strategic importance to the network, potential growth, bus services, car parking, shopping, walking access, access to medical facilities, access to educational facilities, tourism, rail interchanges/terminating stations within and between lines, and proximity to alternative accessible stations. RailCorp also works with key NSW disability groups to inform and prioritise its program.

The cost involved in constructing new, or extending existing station facilities can be substantial. With many other projects across the rail network needing funding, priorities must be directed to those areas where the need is greatest, and Ourimbah Station is not presently on a priority list for an Easy Access upgrade.

However, Ms Vereker can be assured that when funding priorities are next being considered her request for an upgrade of Ourimbah Station will be taken into consideration.

I am advised by the Roads and Traffic Authority (RTA) that no existing footpaths were removed as part of the upgrade of the Pacific Highway between Glen Road and Burns Road at Ourimbah.

I understand that the project provided a four lane divided road, on-road cycle lanes, bus bays, and traffic lights at four intersections and that improvements for pedestrians included an off-road shared pedestrian and cycle path on the northbound side of the widened highway between Glen Road and Yates Road, and on the southbound side between Yates Road and Burns Road.

The RTA further advises that, as part of the work, a pre-existing pedestrian footway was replaced between Chittaway Road and Yates Road, past the Ourimbah RSL Club. Pedestrian footways have also been provided adjacent to the traffic lights at Glen Road, Ourimbah shops, and at Station Street in front of the Ourimbah Railway Station to provide access to bus and train services respectively. The design of each set of traffic lights complies with disabled access requirements, and includes features such as audio-tactile push buttons, to improve safety and accessibility for disabled pedestrians crossing the Pacific Highway at this location.

I trust this information is of assistance.

Yours sincerely



John Robertson MLC  
Minister for Transport  
Minister for the Central Coast 31/1/11

## 7.4 Investments for March 2011

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TRIM REFERENCE: F2004/06604 - D02551575  
AUTHOR: Devini Susindran, Financial Accountant  
MANAGER: Greg Ashe, Manager Finance

### SUMMARY

This report details Council's investments as at 31 March 2011.

### RECOMMENDATION

*That Council receive the report on Investments for March 2011.*

### BACKGROUND

WSC's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005), Council's Investment Policy, the Ministerial Investment Order issued in February 2011 and Division of Local Government Investment Policy Guidelines published in May 2010.

Council's portfolio includes investments in managed funds which were permitted under the previous Minister's order, however are now held under the "grandfather" provisions of the current Ministers Order.

### CURRENT STATUS

The investment held in the Blackrock Care and Maintenance Fund will be wound up progressively by 2015.

It is anticipated that the investment in the Macquarie Global Income Opportunity fund will be fully redeemed by 31 May 2011.

In March 2011, the total net return was \$0.45m being solely interest earnings and no capital gain. Information on the market value of managed funds investments had not been received from the custodian at the time of writing this report.

**Table #1 - Investment by Type Category**

	March 2011	Year-to-date Returns	
	\$ '000	\$ '000	%
Cash at Call	37,488	674	5.75
Term Deposits	54,351	2,962	5.99
Cash Plus Funds	304	-1	-11.68
Cash Management Funds	7,775	1,0001	14.09
Enhanced Income Funds	15,281	981	8.91
<b>Total Investments</b>	<b>114,895</b>	<b>5,617</b>	<b>7.39</b>

## 7.4 Investments for March 2011 (contd)

Year to date returns in March of 7.39% reflect WSC's capital recovery and compares favourably with the year-to-date UBSA Bank Bill Index of 4.96%.

Investment transactions and earnings during March 2011 are shown in Table 2 - Portfolio Performance.

**Table 2 Portfolio Performance**

	Jul-Sep 2010 \$m	Oct-Dec. 2010 \$m	Jan. 2011 \$m	Feb. 2011 \$m	March 2011 \$m	Y-T-D 2010-11 \$m
<b>Movement in Assets</b>						
<b>Opening Balance</b>	<b>126.39</b>	<b>84.26</b>	<b>105.60</b>	<b>107.28</b>	<b>106.24</b>	<b>126.39</b>
Capital Gain/Loss – (see below)	0.92	0.52	(0.01)	0.24	-	1.67
Net Cash/Investments( Withdrawals)	(43.05)	20.82	1.69	(1.28)	8.66	(13.17)
<b>Closing Balance</b>	<b>84.26</b>	<b>105.60</b>	<b>107.28</b>	<b>106.24</b>	<b>114.90</b>	<b>114.90</b>
<b>Trading Position</b>						
Capital Gain/(Loss) Realised	-	-	-	-	-	-
Capital Gain/(Loss) Unrealised	0.92	0.52	(0.01)	0.25	-	1.67
Interest Earnings	1.32	1.17	0.64	0.37	0.44	3.95
<b>Total Return for Period</b>	<b>2.24</b>	<b>1.69</b>	<b>0.63</b>	<b>0.62</b>	<b>0.44</b>	<b>5.62</b>

**Table 2a Draw-downs**

Month	Amount \$m	Funding Need	Placement
July	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	2.5	Mardi-Mangrove/Mardi Suite	Water a/c
August	20.0	General operational cash	Current a/c
September	2.2	Mardi-Mangrove/Mardi Suite	Water a/c
September	2.0	Link Road Warnervale	Current a/c
September	15.0	General operational cash	Current a/c
October	(10.7)	Re-investment	Current a/c
November	(18.4)	Re-investment	Current a/c
December	8.4	Mardi-Mangrove/Mardi suite	Water a/c
January	(1.7)	Reinvestment	Current a/c
February	1.37	Mardi-Mangrove/Mardi suite	Water a/c
March	(8.66)	Re-investments	Current a/c

**Interest and Investment Returns**

Returns as at 31 March 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a minor unfavourable variance overall compared to the original budget.

**Table 3 Performance at 31 March 2011**

<b>Investment Source</b>	<b>YTD Budget \$ '000</b>	<b>YTD Actual \$ '000</b>	<b>Var. \$ '000</b>
General Fund	2,722	2,631	(92)
Water	2,054	1,359	(696)
Sewerage	1,071	1,627	556
<b>Total</b>	<b>5,848</b>	<b>5,617</b>	<b>(231)</b>

Interest rates in the month on term deposits, other than a statutory \$10.2m deposit for WorkCover, ranged from 5.13% to 6.40% and these rates exceeded the Union of Switzerland Australia (UBSA) bank bill index for March of 4.95%.

**Managed Funds**

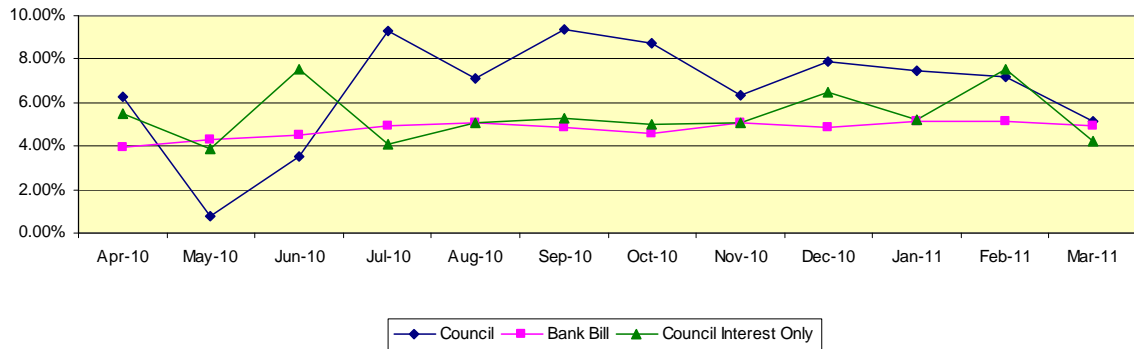
WSC has \$23.06m invested in managed funds which are “grandfathered” investments under the Ministers Order. The creditworthiness of these investments remains satisfactory.

- Blackrock Care and Maintenance Fund \$7.77m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold.
- Macquarie Global Income Opportunity \$15.28m – A third of this investment has been liquidated in early April for a value of \$5.09M and the remainder will be liquidated in the next few weeks.

**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:

## 7.4 Investments for March 2011 (contd)



**Council:** Council Total Return (Interest and Investments)  
**Bank Bill:** UBSA Bank Bill Index  
**Council Interest Only:** *Council Interest Earnings*

### INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 March 2011 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, with the majority of investments now held in term deposits as required under the provisions of the ministerial investment order.

Investments are being carefully managed to ensure that value is added to the considerable fixed interest portfolio.

### ATTACHMENTS

- 1 Summary of Investments by Type March 2011 D02578233

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 March 2011**

FUND MANAGER	MATURITY	PORTFOLIO BALANCE 28.02.11 \$	PORTFOLIO BALANCE 31.03.11 \$	INCOME FOR MONTH \$	INTEREST RATES % p.a.
<b>CASH AT CALL:</b>					
Westpac Corporate Investment Account (AA)	Daily	14,701,326	28,291,680	100,355	
LGFS Overnight Call Account (A2)	Daily	9,099,670	9,140,245	40,575	
UBS Cash Account (AA)	Daily	147,895	56,358	11,812	
<b>Total Cash At Call</b>		<b>23,948,892</b>	<b>37,488,283</b>	<b>152,742</b>	
<b>TERM DEPOSITS &amp; BONDS</b>					
T-Corp (WorkCover NSW)	03/03/2011	10,120,000		2,745	4.95
Westpac Term Deposit	08/03/2011	5,000,000		6,575	6.00
Bendigo/Adelaide Term Deposit	15/04/2011	5,000,000	5,000,000	27,178	6.40
NAB Term Deposit	18/04/2011	10,000,000	10,000,000	51,468	6.06
IMB Term Deposit	09/05/2011	5,000,000	5,000,000	26,456	6.23
LGFS Term Deposit	17/05/2011	5,000,000	5,000,000	26,159	6.16
SunCorp Term Deposit	22/06/2011	5,000,000	5,000,000	26,966	6.35
NAB Term Deposit	07/07/2011	5,000,000	5,000,000	26,414	6.22
IMB Term Deposit	18/07/2011	5,000,000	5,000,000	26,116	6.15
T-Corp (WorkCover NSW)	02/09/2011		10,243,519	40,531	4.98
Westpac Deposit Bond	24/09/2012	4,113,817	4,107,456	24,834	5.13
<b>Total Term Deposit &amp; Bonds:</b>		<b>59,233,817</b>	<b>54,350,975</b>	<b>285,442</b>	
<b>CASH PLUS:</b>					
ING Enhanced (A)	To be liquidated - Fund Termination in Process.	304	304	11	
<b>Total Cash Plus</b>		<b>304</b>	<b>304</b>	<b>11</b>	
<b>CASH MANAGEMENT FUNDS:</b>					
BlackRock Care & Maintenance Fund	June 2015 (Estimate)	7,774,750	7,774,750		
<b>Total Cash Management Funds</b>		<b>7,774,750</b>	<b>7,774,750</b>	<b>-</b>	
<b>ENHANCED INCOME:</b>					
Macquarie Global Income Opportunity	Open Ended	15,280,725	15,280,725		
<b>Total Enhanced Income</b>		<b>15,280,725</b>	<b>15,280,725</b>	<b>-</b>	
<b>TOTAL</b>		<b>106,238,488</b>	<b>114,895,037</b>	<b>438,195</b>	

## **7.5 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Myrtle Rust Epidemic**

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TRIM REFERENCE: F2010/01441 - D02568111

AUTHOR: Paul Marynissen; Noxious Weeds and Pest Species Officer

MANAGER: Rob Van Hese; Manager Compliance and Regulation

### **SUMMARY**

Reporting on recommendations from the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee (TLECFMC) regarding the Myrtle Rust epidemic in NSW.

### **RECOMMENDATION**

***That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Myrtle Rust Epidemic being:***

- 1 That the Committee receive the report on Myrtle Rust Epidemic.***

On the 7 April 2011, staff provided a report to the TLECFMC summarising Council's activities to date regarding the Myrtle Rust epidemic in NSW. Council initially became aware of the outbreak of Myrtle Rust in May 2010. Since then, Council has undertaken an active role in the containment of Myrtle Rust through advice and on ground works.

### **BACKGROUND**

Council at its meeting held on 9 February 2011 resolved unanimously on the motion of Councillor Best and seconded by Councillor Wynn:

- "1 That Council receive a report on what steps have been taken to date and that are proposed in this Council's endeavours to combat the pending epidemic of Myrtle Rust, a fungal disease from South America that was detected on the Central Coast in April 2010, that could result in devastating our local flora and associated industries and their supporting employment.*
- 2 That Council seek advice from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy whether it be through seed stock or plants grown to an advance stage that may be able to combat the Myrtle Rust infestation to reforest areas and/or re-establish bio diversity in an area to ensure the survival of these iconic Australian species."*



## 7.5 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Myrtle Rust Epidemic (contd)

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Council was contacted by NSW Industry & Investment (NSW I&I) State Forests division in May 2010 advising of an outbreak of the plant disease Myrtle Rust detected on a property located at Kulnura. At this time, Council staff provided advice and rendered assistance on a contract basis to aid in the containment of this disease. This included spraying with full bio-hazard procedures in place. This co-operative arrangement has been ongoing since this time.

However, in June 2010, Myrtle Rust was found to have spread with both Gosford and Wyong being declared a quarantine zone in July and August, 2010. At this time, Council staff prepared a Myrtle Rust Management Plan (see Attachment 1) specifically to control the spread of Myrtle Rust via seed, fire or physical means.

The Management Plan was provided to relevant staff to enable appropriate training for the containment operation to be undertaken. Council staff have also been involved in the Local Coordination Committee with NSW I&I to continue to be informed of developments.

In August NSW I&I began the distribution of an online update service to inform agencies and the general public of the outbreak of Myrtle Rust and how it should be contained. Council staff also volunteered to assist with the dissemination of this information to the public but were advised by NSW I&I that it already had a communication plan in place. However, Council staff did distribute information brochures, prepared by NSW I&I, to Landcare volunteers and the general public at various Festivals and Fairs.

In December 2010, over thirty thousand hectares of Olney State Forest were found to be affected and it was estimated that the disease had been present in this area for at least two and a half years.

The quarantine zone that had been in place on the Central Coast was lifted on 4 February 2011 when it was determined by NSW I&I that Myrtle Rust had spread from this region. Myrtle Rust is now found in all coastal Councils between Shoalhaven and the NSW/QLD border. In these areas, Myrtle Rust has been found to be widespread.

Specific advice is difficult to provide at this time for several reasons. Firstly, the Federal Government's Dept of Agriculture, Forestry & Fisheries National Management Group for Myrtle Rust has deemed that Myrtle Rust is no longer possible to eradicate or control along the coastal areas. Efforts are now centered on reducing the spread west of the Dividing Range. As such, a Myrtle Rust Coordination Group has been established to:

*“consider and coordinate ongoing actions to respond to Myrtle Rust focusing on mitigating its impact on the natural environment, including threatened and endangered species and industries that rely on Myrtaceae. These actions will include education and awareness, strategies for industries and government to mitigate the impact of the disease in anticipation of further spread, collation and analysis of information about the behaviour of the disease and its impacts on natural ecosystems”.*

Consequently, it is anticipated that information on regeneration strategies will be available in the near future. Council staff will continue to provide assistance to NSW I&I and the Myrtle Rust Coordination Group where requested. Council has operational expertise in weed management and horticulture and will continue to maintain an active involvement in implementing the current Myrtle Rust Management Plan.

Councillor Business Updates will be provided when additional information on future management and recovery plans is received.

**ATTACHMENTS**

- 1 Myrtle Rust Management Plan Enclosure D02468046

## **7.6 Audit for Best Practice Management Guidelines for Water Supply and Sewerage**

---

TRIM REFERENCE: F2004/11324 - D02572979

AUTHOR: Daniel Kemp; Engineer

MANAGER: Greg McDonald; Director Infrastructure Management

### **SUMMARY**

Results of an audit on Council's compliance with the NSW Office of Water (NOW) "Best Practice Management of Water Supply and Sewerage Services" Guidelines for the year ending 30 June 2010.

### **RECOMMENDATION**

***That Council receive the report on Audit for Best Practice Management Guidelines for Water Supply and Sewerage.***

### **BACKGROUND**

NSW Office of Water (NOW) provides "Best Practice Management Guidelines for the Management of Water Supply and Sewerage Services", and requires water utilities to comply with these Guidelines. In response to NOW Guidelines, Council has developed a Water and Sewerage Strategic Business Plan (SBP) that is updated annually. The SBP includes the following key areas:

- 1 Operating environment review;
- 2 Asset management plan - operation, maintenance, and capital works;
- 3 Key performance indicators including reporting to NOW;
- 4 Customer service plan;
- 5 Levels of service;
- 6 Human resources plan;

Council engaged the Department of Commerce (Sydney) as the independent auditor. Enclosed is the auditor's report on "Audit of Compliance with NOW Guidelines for Best Practice Management of Water Supply and Sewerage Services".

As part of the audit, the auditor has reviewed Council's SBP and other associated documents such as financial plans, asset management plans, drought management and demand management plans. The auditor concluded that Council has demonstrated substantial compliance with Best Practice Management Guidelines for water supply and sewerage services in line with the NOW Guidelines for the year ended 30<sup>th</sup> June 2010".

"Substantial Compliance" means a level of compliance with the Guidelines such that any identified deficiencies do not detract from the outcome.

**7.6 Audit for Best Practice Management Guidelines for Water Supply and Sewerage (contd)**

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The auditor's findings indicate that Council continues to achieve best practice management of its water supply and sewerage services, in line with the Guidelines issued by the NSW Office of Water.

**ATTACHMENTS**

- |          |   |           |
|----------|---|-----------|
| <b>1</b> | Final Audit Report for Best Practice Management of Water Supply and Sewerage - March 2011 | D02560111 |
| <b>2</b> | Comments on Audit for Best Practice Management (A3)                                       | D02560112 |



**Public Works**  
NSW Water Solutions



**Report on Audit of  
Wyong Shire Council  
for Best Practice Management of  
Water Supply and Sewerage Services**

**March 2011**

Contact Name: Chris Jefferd  
T 02 9372 7887  
F 02 9372 7844  
E [chris.jefferd@services.nsw.gov.au](mailto:chris.jefferd@services.nsw.gov.au)



## REPORT OF COMPLIANCE

### With NOW Guidelines for Best Practice Management of Water Supply Services for Wyong Shire Council in Year 2009/10

#### Scope

We have performed the agreed procedures in accordance with our proposal for engagement by Wyong Shire Council and described below with respect to the compliance of the Council's **water supply services** with *NSW Office of Water (NOW – formerly Department of Water and Energy) Best-Practice Management Guidelines, August 2007* for the year ended 30 June 2010 based on relevant criteria as set forth in column (3) of Table 1 of these Guidelines. The audit was generally undertaken in accordance with Australian Auditing Standards applicable to agreed-upon procedures of engagements.

The responsibility for determining the adequacy or otherwise of the procedures agreed to be performed is that of Council and the NSW Office of Water. The procedures were performed solely to assist Council and NOW in evaluating the validity of the compliance requirements and are summarised as follows:

1. We reviewed the current **Strategic Business Plan (updated June 2009)** to ensure that it included an:
  - Operating environment review;
  - Asset management plan - operation, maintenance, capital works;
  - Performance indicators;
  - Customer service plan;
  - Levels of service;
  - Human resources plan.
2. We reviewed the **financial plan** to ensure that it covers a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB).

3. We have not reviewed **full cost recovery** and the projected total annual income to ensure it was consistent with the above financial plan as IPART administers Council's pricing/ revenue policy and Council is exempt.
4. We have not reviewed **water supply tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines as IPART administers Council's pricing policy and Council is exempt.
5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We reviewed the **Demand Management Plan** to confirm that it included the outcomes listed in column (3) of Table 1.
7. We reviewed the **Drought Management Plan** to confirm that it included the outcomes listed in column (3) of Table 1.
8. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to NOW by 15 September 2010 and the latest NOW review (2-page TBL Report) reported back to Council.
9. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

## Findings

We report as follows:

1. With respect to 1 above we found the Strategic Business Plan is substantially compliant with outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines.
2. With respect to 2 above we found that the financial plan was for 20 years. Wyong Shire Council have reported the average residential bill using their 'in-house' spreadsheet financial model, which is accepted by IPART for their pricing determinations.
3. Council is exempt with respect to 3 above.
4. Council is exempt with respect to 4 above.

5. Council is exempt with respect to 5 above.
6. With respect to 6 above we found that the Demand Management Plan (reviewed in 2007 as part of IWCM studies) made provision for the outcomes listed in column (3) of Table 1. Council reported that review and update of this Plan will be carried out after the formation of Central Coast Water Corporation in July 2011.
7. With respect to 7 above we found that Drought Management Plan considered the outcomes listed in column (3) of Table 1. Council reported that review and update of this Plan will be carried out after the formation of Central Coast Water Corporation in July 2011.
8. With respect to 8 above we found that Council completed the performance reporting forms in the NOW Performance Monitoring Database by 15 September 2010. We also found that the latest available NOW review (2-page TBL report for 2008/09) along with action plan has been reported to Council in the ordinary Council meeting held on 22 September 2010.
9. With respect to 9 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting an IWCM Strategy Plan in August 2007.

## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated **substantial compliance with Best Practice Management of Water Supply Services** in line with the NOW Guidelines as applicable for year ended 30<sup>th</sup> June 2010.

## Definition

We have adopted the following definition for this engagement:

*“Substantial Compliance” means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or Sewerage.*

What constitutes substantial compliance is also a function of at what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.



**Disclaimer**

Our report is solely for the purpose set forth in the first paragraph of this report and for the information of Council and the NSW Office of Water and is not to be used for any other purpose or distributed to any other party. This report relates only to the items specified above and does not extend to any financial report of the Council taken as a whole.

Signed:

Date signed: 21<sup>st</sup> March 2011

A handwritten signature in black ink that reads "Chris Jefferd". The signature is written in a cursive style and is underlined with a long horizontal stroke.

**Chris Jefferd**  
**Manager, Strategic Water Management Unit**  
NSW Public Works - Water Solutions  
Level 14E, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000

## REPORT OF COMPLIANCE

### With NOW Guidelines for Best Practice Management of Sewerage Services for Wyong Shire Council in Year 2009/10

#### Scope

We have performed the agreed procedures in accordance with our proposal for engagement by Wyong Shire Council and described below with respect to the compliance of the Council's **sewerage services** with *NSW Office of Water (NOW – formerly Department of Water and Energy) Best-Practice Management Guidelines, August 2007* for the year ended 30 June 2010 based on relevant criteria as set forth in column (3) of Table 1 of these Guidelines. The audit was generally undertaken in accordance with Australian Auditing Standards applicable to agreed-upon procedures of engagements.

The responsibility for determining the adequacy or otherwise of the procedures agreed to be performed is that of Council and the NSW Office of Water. The procedures were performed solely to assist Council and NOW in evaluating the validity of the compliance requirements and are summarised as follows:

1. We reviewed the current **Strategic Business Plan (updated June 2009)** to ensure that it included an:
  - Operating environment review;
  - Asset management plan - operation, maintenance, capital works;
  - Performance indicators;
  - Customer service plan;
  - Levels of service;
  - Human resources plan.
2. We reviewed the financial plan to ensure that it covers a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB).
3. We have not reviewed **full cost recovery** and the projected total annual income to ensure it was consistent with the above financial plan as IPART administers Council's pricing/ revenue policy and Council is exempt.

4. We have not reviewed **sewerage tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines as IPART administer Council's pricing policy and Council is exempt.
5. We have not reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges as IPART administers Councils developer servicing plans and Council is exempt.
6. We checked documentary evidences to ensure the **performance reporting** forms were completed and lodged to NOW by 15 September 2010 and the latest DWE review (2-page TBL Report) reported back to Council.
7. We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

## Findings

We report as follows:

1. With respect to 1 above we found the Strategic Business Plan is substantially compliant with outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines.
2. With respect to 2 above we found that the financial plan was for 20 years. Wyong Shire Council have reported the average residential bill using their 'in-house' spreadsheet financial model, which is accepted by IPART for their pricing determinations.
3. Council is exempt with respect to 3 above.
4. Council is exempt with respect to 4 above.
5. Council is exempt with respect to 5 above.
6. With respect to 8 above we found that Council completed the performance reporting forms in the NOW Performance Monitoring Database by 15 September 2010. We also found that the latest available NOW review (2-page TBL report for 2008/09) along with action plan has been reported to Council in the ordinary Council meeting held on 22 September 2010.
7. With respect to 7 above we found that IWCM methodology considered the outcomes listed in column (3) of Table 1 with Council adopting IWCM Strategy Plan in August 2007.

## Conclusion

Based on the findings of our audit we conclude that Wyong Shire Council has demonstrated **substantial compliance with Best Practice Management of Sewerage Services** in line with the NOW Guidelines as applicable for the year ended 30<sup>th</sup> June 2010.

## Definition

We have adopted the following definition for this engagement:

*“Substantial Compliance” means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or Sewerage.*

What constitutes substantial compliance is also a function of at what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.

## Disclaimer

Our report is solely for the purpose set forth in the first paragraph of this report and for the information of Council and the NSW Office of Water and is not to be used for any other purpose or distributed to any other party. This report relates only to the items specified above and does not extend to any financial report of the Council taken as a whole.

Signed:

Date signed: 21<sup>st</sup> March 2011



**Chris Jefferd**  
**Manager, Strategic Water Management Unit**

NSW Public Works - NSW Water Solutions  
Level 14E, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000

**AUDIT OF WYONG SHIRE COUNCIL FOR BEST PRACTICE MANAGEMENT OF WATER SUPPLY AND SEWERAGE SERVICES IN 2009-10  
(March 2011)**

The following definition prepared by Strategic Water Management Unit of NSW Public Works has been adopted as the working definition for this audit:

\*Substantial Compliance means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or sewerage.

What constitutes substantial compliance is also a function of what point in time the issue is examined. Therefore the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.

Criterion	Required Outcome (Table 1 of NOW Best Practice Guidelines, August 2007)	Indicators to Demonstrate Achievement of Outcome	Comments on Current Status (Assessed in March 2011)
TABLE 1	<b>(01) STRATEGIC BUSINESS PLANNING:</b> A current, sound Strategic Business Plan (SBP) and financial plan.  (A current SBP and financial plan is one which has been prepared or updated within the last 3 years)	SBP (June 2009, Version V9) provided for the audit includes:  Operating environment review Asset management plan (operation, maintenance, capital works)  Performance indicators - LWU's latest TBL performance report included - Review of LWU's latest TBL Performance Report included, together with proposed corrective actions. This review should be consistent with the SBP Customer service plan Business objectives for each key result area. Key result areas are taken to be as Ref. 1 i.e. LOS, areas serviced, demand manag., service pricing incl. developer charges, customer/community consultation, environmental protectn. & sustainable development. Address also NOW BPM WS & S Guidelines, App.A - topic 6. Levels of service - Are clear, meaningful and measurable - A compliance monitoring and reporting system is in place - Target LOS have been identified Human resources plan - Organisation chart is included Address issues in Ref 1 and the Check List in Appendix A. Additional items in App.A are - Service delivery, Customer Service Plan @9.1, 6.2, 6.3, 6.4, 5.5, 6.6, 6.7, 6.8 and Action Plan.	The document still refers to many State Gov. Departments with their old/ superseded names, for example, DWE. Proper update is in order. Included Separate documents exist as cross referenced in the SBP Included Included. Included. Presenting the Current and Target LOS for water supply and sewerage services will further improve the SBP. Included Not required to be audited.
TABLE 1	<b>(01) FINANCIAL PLANNING:</b> A robust financial plan which includes a capital works plan	A robust minimum 20 year financial plan which identifies the lowest required stable typical residential bill (TRB)  Address issues in Ref 2(FINMOD) and the Check List in Appendix A (checklist items from 10 through 18).  *Each check list is essentially a road map to assist LWUs to quickly address the issues covered by the relevant guidelines as well as any developments since publication of the guidelines	In-house spreadsheet model (Water Model August 2010, V.14) is used by Council for this purpose. This model is reviewed and accepted by IPART for their water supply and sewerage pricing determinations. 30-year capital works program exists; the spreadsheet financial model uses 20-year capital works program.
TABLE 1	<b>(02a) PRICING &amp; DEVELOPER CHARGES:</b> Full cost-recovery for each of water supply and sewerage businesses	Appropriate tariffs without significant cross-subsidies  Total annual income and projected TRB should be consistent with above financial plan. This generally results in a positive economic real rate of return (ERRR).	As determined by IPART As determined by IPART
TABLE 1	<b>(02b) PRICING &amp; DEVELOPER CHARGES:</b> Complying water supply tariff	Appropriate water usage charge/kL based on long-run marginal cost. Access charge relative to a customer's capacity requirements No land value based charges (i.e. rates) No "free" or "pre-paid" water allowance Any large increases in non-residential customer bills phased in over 5 years  To encourage water conservation, high water consuming residential customers should be subjected to a step price increase of at least 50% for incremental usage above a specified threshold. This threshold should not exceed 450 kL/a per household, except for LWUs outside the NOW Coastal and Tablelands Zone with a high incidence of evaporative air coolers, where a threshold of up to 600kL/a per household may be used.  LWUs with 4,000 or more connected properties to have at least 75% of residential revenue generated through usage charges by June 2008 (at least 50% required by June 2006 and at least 60% required by June 2007)  LWUs with under 4000 connected properties to have at least 50% of residential water revenue generated through usage charges.  *LWUs may demonstrate compliance with this requirement on the basis of either (i) or (ii) below: (i) their projected total residential revenue for the next financial years, or (ii) their projected total residential bill (on the basis of their average annual residential consumption per connected property) for the next financial year.	As determined by IPART As determined by IPART Yes Yes As determined by IPART Yes As determined by IPART (73.57% of residential revenue generated through usage charges in 2008-09) Not applicable
TABLE 1	<b>(02c) PRICING &amp; DEVELOPER CHARGES:</b> Complying sewerage tariff	Appropriate residential tariff No land value based charges (i.e. rates) Non-residential - Two-part tariff Non-residential - Appropriate sewer usage charge/kL Non-residential - Access charge that is reflective of the cost of providing these sewerage services Any large increases in non-res. customer bills phased in over 5 years	Yes. As determined by IPART Yes Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART As determined by IPART
TABLE 1	<b>(02d) PRICING &amp; DEVELOPER CHARGES:</b> Complying liquid trade waste fees and charges for all liquid trade waste dischargers	Annual trade waste fee for all liquid trade waste dischargers Trade waste usage charge for dischargers with prescribed pre-treatment Excess mass charges for large dischargers and industrial waste	Yes. As determined by IPART Yes. As determined by IPART Yes. As determined by IPART
TABLE 1	<b>(02e) PRICING &amp; DEVELOPER CHARGES:</b> Commercial Developer Charges	Development Servicing Plan in accordance with Ref 6, with commercial developer charges developer charges. (LWUs with growth of under 5 lots/a exempted)	Yes. As determined by IPART.
TABLE 1	<b>(02f) PRICING &amp; DEVELOPER CHARGES:</b> Liquid trade waste approval issued to each trade waste discharger	Liquid Trade Waste approvals issued in accordance with Ref 5 Liquid Trade Waste Policy adopted and implemented in accordance with Ref 5	Yes Yes. Council's Liquid Trade Waste Policy needs to be cross referenced in the appropriate section of the SBP.
TABLE 1	<b>(02g) PRICING &amp; DEVELOPER CHARGES:</b> complying tariffs for dual water supplies	The potable water supply tariff in dual water supplies to comply with 2(b) above, except that step pricing is not a requirement  For the non-potable component of dual water supplies: - Water meter for each customer served where practical - Appropriate non-potable water usage charge/kL based on long-run marginal cost - Access charge related to customer's capacity requirements - No land value based charges (i.e. rates) and no "free" or "pre-paid" non-portable water allowance - At least 50% of residential revenue generated through usage charges  Refer to the footnote to element 2 (b) above	Yes  Any revenue for non-potable (recycled) water supply should be reported separately for compliance with best practice, if 50% or more of RESIDENTIAL customers are serviced by dual water supply.
TABLE 1	<b>(03) WATER CONSERVATION:</b> Sound water conservation and demand management in place	Sound water conservation and demand management implemented  Identification of most cost-effective demand management initiatives Subsidisation and promotion of at least two of the identified demand management initiatives  Include demand monitoring, leakage reduction and community education	Yes (Demand Management Plan June 2005, reviewed in 2007 as part of IWCM studies). Review and update planned after formation of Central Coast Water Corporation in July 2011. Yes. Supplemented by IWCM Yes. Rainwater tank rebate and water efficient appliances retrofit and rebate programs. Yes
TABLE 1	<b>(04) DROUGHT MANAGEMENT:</b> Sound drought management in place	Complete data on existing system, your LWUs drought management planning, including adoption of a schedule of trigger points for timely implementation of appropriate water restrictions  Sound drought management implemented in accordance with the LWUs adopted schedule	Yes (Drought Management Plan October 2004). Review and update planned after formation of Central Coast Water Corporation in July 2011. Yes
TABLE 1	<b>(05) PERFORMANCE REPORTING:</b> Completed performance reporting forms to NOW Review 2-page LWU Performance Report, prepare Action Plan	Reporting forms provided to NOW by 15 September each year  Draft of special Schedules 3 to 6 and Notes 2 and 3 of the LWUs' Special Purpose Financial Reports provided to NOW by the 15 September each year  LWUs with over 10,000 connected properties to arrange auditing of their core performance indicators in accordance with the auditing requirements of the National Performance framework  Action Plan provided to Council following review of your LWU's 2 page performance report (water, sewerage)  Statement of Compliance to be submitted to NOW prior to payment of dividend from surplus (including Dividend Payment Form, Statement of Financial Performance of Business Activities, a Compliance Audit Report and an unqualified independent Financial Audit)	Council completed the performance reporting forms by 15 September 2010. Documentary evidence sighted. Council reported that final special schedules and special purpose financial reports provided to NOW through DLG NPR Indicators Audit for 2009-10 carried out. Documentary evidence sighted. Yes. 2008-09 TBL report along with comments placed in the ordinary Council Meeting dated 22 Sep 2010 - Discussion item 7.5, pages 190-194 of Agenda. Only the 'dividend for tax equivalent' paid. No dividend planned to be paid from the funds' operating surplus of financial year 2009/10
TABLE 1	<b>(06) INTEGRATED WATER CYCLE MANAGEMENT:</b> Sound IWCM Implemented	Completion of Integrated Water Cycle Management Evaluation by June 2007 Completion and implementation of Integrated Water Cycle Management by June 2008 Implementation of Integrated Water Cycle Management in accordance with the strategy by June 2008	Yes. Yes. Yes.

## 7.7 Quarterly Update on Section 94 Contributions

TRIM REFERENCE: F2004/00552 - D02575018

AUTHOR: Martin Johnson; Manager Land Use Planning and Policy Development

MANAGER: Gina Vereker, Director Environment & Planning Services

### SUMMARY

This report provides the current status of Council's Section 94 and drainage contributions (excluding water and sewer) for the quarter January to March 2011.

### RECOMMENDATION

***That Council receive the report on Quarterly Update on Section 94 Contributions.***

The following table shows the year to date budgeted Section 94 income compared with the year to date actual income.

Contributions Plan	Section 94		Drainage	
	Projected Income YTD	Actual Income YTD	Projected Income YTD	Actual Income YTD
Budgewoi	\$59,250	\$12,677	\$0	\$0
The Entrance	\$592,500	\$135,401	\$0	\$0
Gorokan	\$59,250	\$52,423	\$0	\$0
Warnervale	\$3,436,500	\$922,611	\$414,000	\$120,990
Ourimbah	\$118,500	\$43,853	\$0	\$0
Southern Lakes	\$296,250	\$49,168	\$9,000	\$7,643
San Remo	\$414,750	\$0	\$0	\$0
Toukley	\$118,500	\$0	\$0	\$0
Wyong	\$592,500	\$69,333	\$27,000	\$36,864
Shire Wide	\$118,500	\$25,778	\$0	\$0
Northern Districts	\$118,500	\$12,260	\$0	\$0
<b>Total</b>	<b>\$5,925,000</b>	<b>\$1,322,432</b>	<b>\$450,000</b>	<b>\$165,497</b>

The projected income for 2010/2011 is \$7,900,000. Projected income for 2011/2012 has been decreased to \$5,000,000. Projected income is based upon forecasting development activity and the review of previous year actual income received.

Year to date income is falling substantially short of that budgeted for 2010/2011. This is largely due to a continued sluggish economy and low level of building approvals and activity. Also, very little large development, which tends to generate the majority of contributions, is occurring. It would only take one or two of these "larger" developments to proceed in order to rebalance the current Section 94 and drainage contribution shortfalls.

Whilst it was anticipated the State Government Section 94 cap and changes to Contribution Guidelines would significantly affect Council's income, to date this has not proven to be the case. This is primarily due to the fact that the majority of Council's Section 94 Plans have contribution levels less than \$20k and those that exceed the cap are within greenfield development precincts where higher contribution levels are permitted.

#### Unfunded Liabilities

Council's current unfunded liabilities fall into two areas, Section 94 monies owed to developers for works undertaken by them and the gap between future capital works and Council's ability to collect funds to cover the cost of those works.

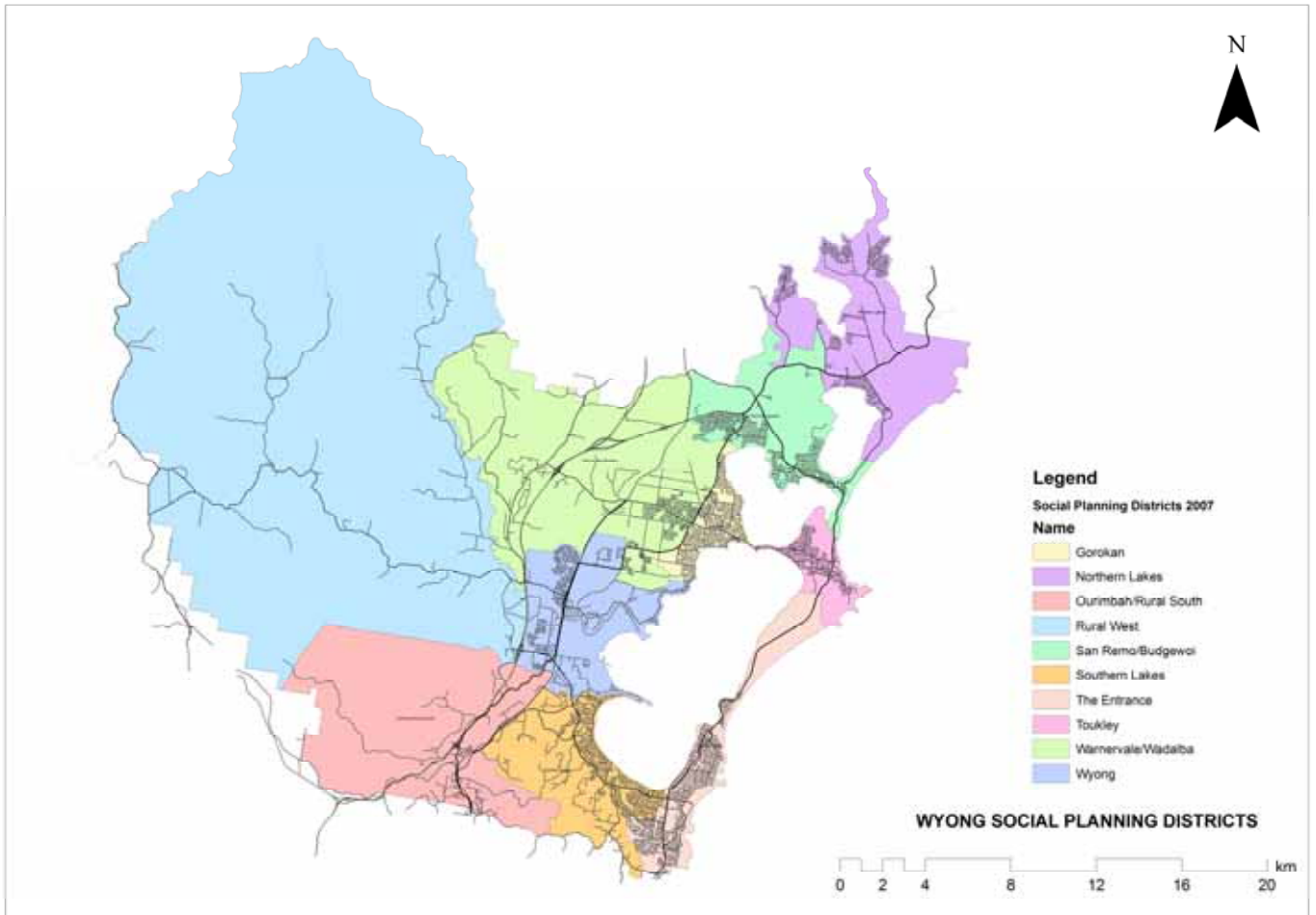
In respect to credits owed to developers, the current liability is \$14,075,862. It should be noted, however, that this liability does not all fall due today, but is spread over a number of years.

In respect to capital works, all future identified works are covered by the monies to be collected under the relevant S 94 plan other than for Warnervale. In respect to Warnervale, there is a gap of over \$20M.

In addition, Council has a liability to the RTA for the upgrade of Craigie Avenue and the Pacific Highway to the value of \$724,017. This liability is to be paid off on an annual basis.

#### **ATTACHMENTS**

- 1 Plan showing the Location Boundaries of the Plans D02590786





## **7.8 Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches**

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TRIM REFERENCE: F2010/01349 - D02578687

AUTHOR: Greg White; Manager Environment and Natural Resources

MANAGER: Gina Vereker, Director Environment & Planning Services

### **SUMMARY**

As part of the Federal Government's Better Regions Grants Program, a \$70,000 grant was provided to Council to undertake studies of The Entrance Channel. The emphasis of the study was to consider the options of beach sand nourishment at The Entrance beach and the need or otherwise for training walls at The Entrance. The conditions of the grant required that the final Report be referred to Council for information. (see Attachment).

### **RECOMMENDATION**

***That Council receive the report on Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches.***

### **BACKGROUND**

A \$70,000 grant was provided to Council by the Department of Regional Australia, Regional Development and Local Government under its Better Regions Grants Program to undertake studies of The Entrance Channel and environs. The purpose of the grant was to enable an examination of management options for sand nourishment at The Entrance beach and the need or otherwise for breakwalls at The Entrance channel. The grant was a commitment from the 2007 Federal Election and was secured by Craig Thompson MP Member for Dobell. The grant conditions require that the final Report be referred to Council for information.

In October 2010, Council commissioned the consultants Umwelt and SMEC to undertake the studies and their report entitled "*Entrance Dynamics and Beach Condition at the Entrance and North Entrance Beaches*" was submitted to Council in March 2011. The information and recommendations contained in the report are proposed to be carried forward in the development and implementation of Council's Coastal Zone Management Plan.

The Report has been referred to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC) at its meeting of 7 April 2011 and the committee has supported referral of the Report to Council.

**The Study**

Council has been managing aspects of the Entrance Channel for flooding, water quality and public amenity purposes since the early 1990's but the effectiveness of these management practices has been difficult to assess. This is because little is known about sediment transport and hydrodynamics within the channel and even less is known about how the channel will respond to changing climate conditions such as increases in wave height and sea level rise. Therefore, the Study proposed to address a range of complex and interconnected issues including dredging (of The Entrance Channel), use of dredged sand for sand nourishment (at the Entrance and North Entrance beaches), flooding, tidal exchange, sea level rise and the option of training walls at the Entrance.

The Study included a review of past investigations and studies into the Entrance dynamics and an analysis of historical photographs was also undertaken which revealed the nature of change around the channel entrance, its sand shoals and nearby beaches.

A major part of the study was the development of a conceptual model of sediment transport within The Entrance Channel and along the coast, with accompanying gross estimations for the amount of sand being moved under various conditions. This involved collation, review and analysis of existing data and other qualitative information about sedimentary processes at The Entrance and along North Entrance Beach. The conceptual model is essential to provide a sound understanding of how the system operates now and has operated in historical times. The report also considers how management options such as training walls may effect sediment distribution between the channel and beaches.

Whilst the report is a major step in understanding the dynamics of The Entrance Channel, it falls short in quantifying that understanding. The study therefore recommends that further numerical hydrodynamic and sediment transport models for The Entrance channel and adjoining ocean beaches be developed to describe and test a range of scenarios. These scenarios would include the current situation and various future sea level rise and other climate change scenarios. At this stage, the dynamics of coastal lagoon (ICOLL) entrances, such as Tuggerah Lakes, under climate change scenarios are poorly understood and few attempts have been made to model the channel entrance dynamics of any major ICOLL system.

Both the conceptual model and the proposed numerical model will also assist the Office of Environment and Heritage's (formally DECCW) hydrodynamic study of the Tuggerah Lakes system, currently underway and supported by a Caring for Our Country grant.

**Conclusions from the Study**

The Report concluded that:

- The current dredging patterns and frequency of dredging at the Entrance Channel are appropriate as a short to medium term measure to address the issues of sediment build-up, flooding, water quality and public amenity.
- The volume of sediment involved in the dredging and its placement at the North Entrance beach is not sufficient to prevent longer term erosion or shoreline recession along the coastal beaches, particularly as sea level rises.

## **7.8 Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches (contd)**

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- None of the investigations to date indicate that construction of a breakwall or training walls would benefit the Tuggerah Lakes system or the North Entrance beach, in fact the study indicates that training walls may severely impact the North Entrance area by increasing erosion and coastal recession.
- Increasing the volume of dredged sand and widening the channel to a permanently open condition is also not supported as it could have significant and detrimental impacts on the ecology and water quality of the lakes.

### **Recommendations from the Study**

The Study recommended that:

- Council should continue its existing dredging program in the short to medium term.
- Council should undertake photographic and survey monitoring of the behaviour of The Entrance and North Entrance Beach to clarify actual responses to storm events and dredging activity.
- Council should install with support from the Office of Environment and Heritage (formally DECCW) a water level monitoring station at The Entrance to gauge water level changes over time resulting from climate change and channel dredging.
- Council should invest in a 3D hydrodynamic model and sediment transport model for The Entrance. The development of these models will only proceed if grant funding is secured. The approximate cost of developing the models, which will utilise the outcomes of this study as a basis, is estimated at approximately \$150,000. Both the conceptual model and the proposed numerical model will assist the Office of Environment and Heritage's hydrodynamic study of the Tuggerah Lakes and its ecology as well as provide a more complete understanding into altered dredging and sand nourishment options at the Entrance Channel and nearby beaches.

### **Comments**

The study provides a clear advance on Council's current understanding of the dynamics of sand movement around the Entrance Channel and nearshore coastal zone. The results of the study support Council's current dredging program and will assist in the development of future dredging proposals and the necessary applications for approval to the State Government. It will also provide useful information in assessing the outcomes of utilising the dredged sand for sand nourishment at the Entrance and North Entrance beaches and to assess the impacts on nearby beaches and developed areas.

As recommended by the Study, this understanding should be assisted by the development of the proposed numerical model. The model would examine how various channel configurations would affect lake flooding, such as by the addition of training walls or by the creation of a wider dredged channel or the impact if the channel is closed. The development and use of the numerical hydrodynamic model will provide more certainty to current and future options for managing the Entrance Channel and a greater understanding of assessing the implications or impacts of those options.

## **7.8 Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches (contd)**

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The addition of monitoring to assess channel movements and the installation of a water level gauge would be of significant benefit in providing data for use in the modelling.

It is intended that the recommendations of the report be incorporated into the implementation of the Coastal Zone Management Plan and will form part of a suite of actions under the adaptive management and knowledge management strategies within the Plan.

It is acknowledged that the costs involved in implementing the Study's recommendations will generally need to be sourced from grant funds or by way of developing partnerships with the state or federal government. Council therefore needs to be aware that despite the positive benefits that will be achieved from implementing the recommendations, it is likely that implementation will need to be staged and may take a substantial period to complete. With respect to the recommendation regarding dredging, Council's current programmed dredging is funded from general fund. Subject to Council consideration in the Strategic Plan, this program should continue in its current form.

A major conclusion from the study is that none of the investigations to date indicate that construction of a breakwall or training walls would benefit the Tuggerah Lakes system or the North Entrance beach. In fact the study indicates that training walls may severely impact the North Entrance area by increasing erosion and coastal recession. Similarly, with a cost estimated at approximately \$40m to \$60m for breakwall construction, and the potential cost of mitigating increased erosion at the Entrance North and associated ecological impacts estimated in the vicinity of \$100m plus, the economic and community benefits of a breakwall would need to be extreme to make this a sustainable option for Council to even consider.

### **ATTACHMENTS**

- |   |  |           |
|---|--|-----------|
| 1 | Executive Summary - Draft Entrance Dynamics and Beach Condition at the Entrance and North Entrance Beaches | D02583703 |
|---|--|-----------|

## Executive Summary

This study was commissioned to provide further analysis of the sediment transport processes affecting sediment budget and coastal morphology at North Entrance Beach and The Entrance to Tuggerah Lake. The aim of the study was to clarify sediment transport linkages between The Entrance channel and North Entrance Beach and to identify and evaluate potential options for managing sedimentary processes in this dynamic coastal landscape, to reduce risks associated with coastal erosion hazards.

North Entrance Beach lies at the southern end of the zeta curved Tuggerah coastal embayment. The southern extension of the beach is an intermittent spit and berm which forms at the mouth of the Tuggerah lake entrance channel. In historical times the mouth of the estuary closed for periods of up to three years. The sand deposits were scoured out of the entrance area by major flood flows. Since dredging of the outer entrance shoals commenced in 1993, the average channel width has declined compared to the average pre dredging condition. The range of channel conditions has also narrowed. This is in part due to medium term rainfall and storminess patterns.

Coastal hazard studies indicate that over the last 30 years, North Entrance Beach has receded at average rates of 0.2 to 0.5 metre per year. Unlike any other NSW beaches, North Entrance beach has not fully recovered from the storm bite erosion of the 1970s. The apparent sediment budget deficit at North Entrance Beach means that multiple dwellings are situated within the immediate coastal erosion hazard zone.

Since 1993, Wyong Shire Council has dredged sand from the entrance of the lake, placing most of the dredged material on the southern end of North Entrance Beach. There have also been significant changes to the configuration of the full tidal delta, including reclamation and channel straightening.

The study incorporates:

- Review of previous studies and conclusions about hydrodynamic and sedimentary processes affecting ICOLLs and associated beaches, with particular reference to the estuary mouth of Tuggerah Lakes and along North Entrance Beach
- Analysis of historical aerial photographs which reveal the extent of change at The Entrance and North Entrance Beach over the last 40 years, together with a review of factors influencing the condition of the estuary entrance
- Preparation of a longshore sediment transport model for North Entrance beach, extending from The Entrance to just north of Curtis Parade
- Review of the stability of the entrance channel of Tuggerah lakes and its propensity to close.
- Review of recent assessments of the effectiveness of dredging at The Entrance to achieve the stated flood mitigation purpose and other outcomes.
- Consideration of how sea level rise associated with climate change could affect sedimentary processes at the lake entrance
- Consideration of whether construction of training wall(s) at The Entrance could contribute to a neutral sediment budget for the entrance and North Entrance Beach area.
- Evaluation of potential sources of sand that could be used to nourish North Entrance Beach.

- Identification of additional information that is required to provide more certainty around the conclusions of this study.

The study found that refraction of waves approaching North Entrance beach from the north east through to south-south-east focuses wave energy on North Entrance Beach. The Beach has a high wave energy wave climate. The results of two methods of longshore sediment transport analysis indicate that, cumulatively, sand moves south along the spit at the mouth of Tuggerah Lake (area R1). North of Karagi Point (areas R2, R3), the dominant sand transport direction is to the north, with the rate of transport declining as the beach straightens. The exact balance of sand distribution along the beach face will vary seasonally and with longer term cycles such as *el nino/la nina*, but it was not feasible to quantify cyclic variations in this project.

The model results are consistent with the broad landscape character, where transgressive dune fields have accumulated sediment in the northern part of the barrier during the Holocene, decoupling this sand from the active coastal sediment compartment. Some sand continued to be lost from North Entrance Beach by aeolian processes until about 1970. Some sand has in the past been intermittently transported and deposited as lobes on the distal margins of the tidal delta, and then decoupled from the active sediment budget by channel changes and reclamation. Sea level rise has the potential to move additional sediment from the coastal sediment compartment into the lake.

It appears that some sand is lost from the active coastal sediment compartment by deposition in crevices and channels within nearshore rock reefs and also by storm bite erosion during major storms. SMEC consider that North Entrance Beach does not have an equilibrium profile. A combination of very large waves and strong flows from the estuary mouth can deposit sand offshore in water depths of 10 to 20 metres, outside the normal depth of closure. The volume of sand stored in this location is not currently known.

Some key indicative sediment budget statistics:

- The maximum indicative volume of sediment intermittently stored in the outer part of the tidal delta (outside The Entrance Bridge): **540,000 m<sup>3</sup>** (removed and replaced at intervals of 5 to 10 years or more)
- The indicative volume of tidal delta deposits inside Tuggerah Lake, (lakeward of The Entrance Bridge): **more than 1 million m<sup>3</sup>** (includes sediment accreted over up to 6000 years)
- The total indicative volume of sediment dredged from The Entrance since 1993: **approximately 1 million m<sup>3</sup>**
- The indicative storm bite volume from The Entrance Beach (including Hutton Road and Curtis Parade precincts) during a major storm (such as 1974 or 2007): **250 m<sup>3</sup>/m**, over 2.5 kilometres or **625,000 m<sup>3</sup> per event**
- The indicative volume of sand that has been removed from the active sediment budget at North Entrance since 1940, by reclamation, dune erosion and stabilisation, channel change and offshore losses: **1.5 million m<sup>3</sup>** (over 70 years)
- **Potential (not net)** long-shore sediment transport rates, north of Karagi Point (areas 3, 4 and 5): **800,000 to 1,300,000 m<sup>3</sup> per year**, declining northwards to **less than 50,000 m<sup>3</sup> per year**. Potential northward and southward sediment transport rates between Karagi Point and the tip of the entrance spit (areas 1 and 2) are 2 to 3 million m<sup>3</sup> per year. Net sediment transport rates will always be less than the potential rates indicated by the models.

## Conclusions

Dredging of the shoals in the outer entrance area at the current rate is appropriate as an interim sediment budget management option for North Entrance. However, the volume of sediment involved is not sufficient to prevent shoreline recession, particularly as sea level rises.

Access to all other potential sediment sources is constrained by a variety of issues, notably:

- Uncertainty about hydrodynamic processes, sediment transport processes, actual sediment volume and system wide responses to changes to channel and shoal configuration in the estuary entrance and on the beach.
- Uncertainty about how climate change will affect estuary entrance processes
- Ecological values of sediment storages inside the estuary, including the role of the tidal delta in minimising oceanic flooding and maintain estuary water levels and salinity profiles.
- Sediment quality, particularly in relation to organics and ASS materials
- Statutory issues. Extraction of offshore (inner shelf) sand deposits is prohibited in NSW. Stabilised transgressive sand deposits are within National Park.
- High costs and practicality of sediment transport from potential sources to emplacement areas.

## Recommendations

Council should continue its existing dredging program.

Council should monitor the behaviour of the entrance and North Entrance Beach to clarify actual responses to storm events and dredging activity.

Council should install (with support from DECCW) a water level monitoring station at The Entrance, to collect quality water level data for the tidal delta area. Collection of field data to clarify current velocities and channel bathymetry is also recommended.

Council should invest in a 3D hydrodynamic model and sediment transport model for The Entrance. The model should consider entrance behaviour with and without key reclaimed areas.

Council should obtain a full set of LADS data for the Tuggerah Embayment and investigate the presence of sand deposits at or near the depth of closure for the beach. Additional survey may be required for areas beyond the reach of LADS data. Sediment sampling will also be required, once sand bodies have been identified.

None of the investigations to date indicate that construction of training walls would benefit the lake or North Entrance beach. High volume dredging, removing the berm and driving the lake entrance to a permanently wide open condition is also not supported.

## 7.9 Mardi to Mangrove Link Project Status

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TRIM REFERENCE: F2007/01120 - D02588912

AUTHOR: Daniel Kemp; Engineer

MANAGER: Daryl Mann; Acting Manager Water and Sewerage

### 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
- Inlet works at Mardi Dam
- Mardi-Mangrove transfer pumping station
- Mardi Dam to Mangrove Creek Dam 19 kilometre pipeline
- Lower Wyong River Weir, Fishway and Gauging

### CURRENT STATUS

<b>Expenditure to date</b>	End March 2011	\$90.4m
<b>Value of works Complete</b>	End April 2011 (est)	\$97.0m
<b>Approved Budget</b>		\$120.6m
<b>Overall Construction Status (excluding Commissioning)</b>	<b>Completion Date:</b> <u>25 June 2011</u>	<b>% Work Complete:</b> <u>96%</u>

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### Construction Status

	<b>Scheduled Start</b>	<b>Scheduled Completion</b>	<b>% Work Complete</b>
<b>Milestone 1:</b>		21 June 2011	97%
Pre-construction – Management Plans & Approvals	4 January 2010		100%
Work Package 1 – Wyong River Off-take	7 April 2010		96%
Work Package 2 – Wyong River Pump Station	19 February 2010		96%
Work Package 3 – Wyong Mardi Rising	16 February 2010		100%



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

Main 3			
Work Package 4 – Wyong Mardi Inlet	6 May 2010		99%
Work Package 7 – Mardi Mangrove Transfer Main	1 March 2010		96%
Work Package 18 – Wyong Weir, Fishway & Gauging	5 August 2010		99%

<b>Milestone 2:</b>		25 June 2011	96%
Work Package 6 – Mardi Mangrove Transfer Pump Station	21 June 2010		96%
<b>Milestone 3:</b>		16 Aug 2011*	20%
Commissioning	1 August 2011		

*(Dates as per JH latest program C17) \* excl 2 week contractor's float*

### 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	27 January 2011		<input type="checkbox"/>
Transfer Pump Station Construction	31 January 2011		<input type="checkbox"/>
Commissioning	6 May 2011		<input type="checkbox"/>
Project Completion	June 2011		<input type="checkbox"/>

### Land Matters

- Pipe laying has been completed on 54/56 properties.
- 37/56 properties have been restored.
- Works are 100% completed by John Holland on 21/56 properties (assuming hydro testing is satisfactory).

- Final landholder release negotiations have commenced with 39/56 landholders - 9 landholders have signed releases. Negotiations are generally progressing well but progress is dependent on John Holland completing all outstanding work.
  - Easement Plans have been prepared for 17/53 properties.
  - Key property and landholder issues at present include:
    - Handover arrangements when property team leaves
    - Corridor maintenance arrangements after landholders have signed releases
    - On-going delays associated with the HDD problems
    - Minor outstanding works still to be completed by John Holland on most properties
- 

### **Stakeholder Liaison**

#### **Media**

- A feature on the laying of the final piece of pipe was included in the April edition of the Rural Grapevine and Village Grapevine.
- A large three page feature on the pipeline was included in the industry publication *The Australian Pipeliner*.
- A feature on the restoration of Yarramalong Road was included in Shirewide.
- Traffic updates continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.

#### **Resident communication**

- Weekly traffic emails continue to be sent to more than 30 households who have sought direct updates. The focus of these updates has changed from construction to restoration.
  - Direct liaison with affected landholders is ongoing via the project's Property Team.
- 

### **Incidents**

- No significant safety incidents occurred in the last period.

**Major Achievements / Issues**

- Work Package 1: Completed installation of screens and most other metalwork on the river off-take structure.
- Work Package 2: Installation of all pumps is complete. Continued laying concrete pavements. Continued general site tidy-up works. Testing of pumps has begun.
- Work Package 3: Work on this package is essentially complete.
- Work Package 4: Final restoration works is well advanced. Pre-commissioning works have continued.
- Work Package 6: Continued site access roads, including installation of sub-grade drainage system. Installation of electrical equipment and switchboards is complete. Commenced pre-commissioning works.
- Work Package 7: All pipe is laid except for 260m HDD. Surge tank at Ch 16,100 is 90% complete. The HDD work is still delayed by reaming process. Rotational joints at pipe bridges need re-work.
- Work Package 18: Work on this package is essentially complete.



Wyong River Off-take Structure with inlet pipes to Pump Station flooded  
(Work Package 1)

**ATTACHMENTS**

*Nil.*

## **7.10 Emergency Services Management Funding and Budget Process**

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TRIM REFERENCE: F2004/11953 - D02595763

AUTHOR: Paul Ogden, Assistant Manager Plan Fleet Depots

MANAGER: John Barnard; Manager Plant Fleet Depots

### **SUMMARY**

Reporting on the Emergency Services Funding and Budget process and Councils' role for each service.

### **RECOMMENDATION**

***That Council receive and note the report on Emergency Services Management Funding and Budget Process.***

### **Background**

Councillors will receive a report on the NSW Rural Fire Service Budget at the 11 May 2011 meeting and this information report is provided as a separate report to provide Councillors with an understanding of the way in which a number of the emergency services are financed through Local Government.

The NSW Rural Fire Service (RFS), Fire and Rescue NSW (FRNSW) and the NSW State Emergency Service (SES) have historically been funded through Local Government contributions, State Government contributions and contributions from the insurance industry. In addition, Council has made ad-hoc contributions to the Volunteer Rescue Association (VRA)

From the 2009/10 financial year, Council's statutory contributions to RFS and FRNSW were reduced from 13.3 percent and 12.3 percent respectively. The contribution to all three emergency services is now a standard 11.7 percent of the estimated expenditure in the Local Government Area. The State Government contribution rose from 13 percent for NSW RFS and 14 percent for the NSWFB to 14.6 percent to all three emergency services. The balance is financed through the insurance industry

The Fire and Rescue NSW (FRNSW), which operates in urban areas, NSW Rural Fire Service and the SES receive nearly three-quarters of their funding from the fire service levy on insurance policies.

In summary the insurance industry contributes 73.7%. Local government contributes 11.7% of the *Estimated Expenditure in the Local Government Area* and the State Government contributes 14.6%.

Effective 1 July 2009, FRNSW will no longer administer the collection of contributions from insurance companies and local government councils on behalf of the Crown Entity. This is due to the introduction of a standardised contributory funding system for FRNSW, Rural Fire Service and State Emergency Service. Emergency Management NSW (formerly Office of Emergency Services) has now become the central billing and distribution agency for the contributions payable to the three emergency services agencies.

Local government councils only pay their 11.7% for FRNSW if FRNSW has a station in their "Fire Districts". All councils in the Sydney area are required to contribute because they are part of the "Sydney Fire District".

The State Government contributes their 14.6% from the Consolidated Fund.

The insurance company shows a separate amount on their invoice notice, which they call "fire service levy".

**FRNSW-** On 1 January 2011 the NSW Fire Brigades changed its name to Fire and Rescue NSW (FRNSW).

Under the *Fire Brigades Act 1989*, the NSWFB is responsible for protecting the people, property and environment of NSW from the impact of fire and hazardous material incidents and for rescuing people and animals from danger, whether or not they are endangered by fire.

The Treasurer sets the amount of Fire and Rescue NSW (FRNSW) budget each year. Under Section 5 of the *Fire Brigades Act 1989* Wyong Shire Council is required to contribute to the cost of fire protection by the NSW Fire Brigades in the Wyong Fire District. (Amounts for 2010/11 shown below). Individual local government areas are not consulted in the preparation of this budget.

**RFS-** Under the *Rural Fires Act 1997* the RFS is responsible for the prevention, mitigation and suppression of fires and the protection of life and property. The term Operations describes the preparation for and response to incidents that RFS volunteers attend across the State. The RFS is the lead agency for coordinating bush fire fighting and is also responsible for fires and related emergency incidents within Rural Fire Districts which cover more than 95% of the State. Fires and related emergency incidents include bush and grass fires, structure fires, transport fires and incidents, automatic fire alarms, etc. The RFS also supports other agencies in emergency situations such as floods, storms and search and rescue situations.

In accordance with part 5, Section 7 of the *Rural Fires Act 1997* Wyong Shire Council is required to contribute to the cost of fire protection by the local district RFS. The Wyong District RFS prepare their budget estimate "bid" each financial year which covers local operational costs as well as capital funding requirements. The bid is submitted to Wyong Shire Council for endorsement, with final approval from the Minister for Emergency Services. (Amounts for 2010/11 shown below).

**SES-** Under the *State Emergency Service Act 1989* the SES is responsible for the protection of persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods, storms and tsunamis. This includes:

1. Establishment of flood warning systems, damage control and to co-ordinate the evacuation and welfare of affected communities,
2. To deal with an emergency where no other agency has lawful authority to assume command of the emergency operation as directed by the State Emergency Operations Controller,
3. To carry out, by accredited SES units, rescue operations allocated by the State Rescue Board,
4. To assist, at their request, members of the NSW Police Force, New South Wales Fire Brigades, the NSW Rural Fire Service or the Ambulance Service in dealing with any incident or emergency,
5. To maintain effective liaison with all emergency services organizations and
6. To carry out such other functions as may be assigned to it by or under this or any other Act, or by the State Emergency

Under *Part 5A of the Emergency Service Act 1989* Wyong Shire Council is required to contribute to the cost of SES operations. Historically this has been approximately \$31,000pa. Since the State Government legislation change, stated above, that figure has increased substantially and will be approximately \$120,000 in 2010/11. Council has had no formal inclusion to Local area budget submission to date. However an investigation into future SES budget submissions has commenced and it is expected that Wyong Council will have a greater input into future budget preparation.

**VRA-**Members, and their Rescue Squads, are accredited by the Minister for Emergency Services through the State Rescue Board as rescue operatives in their designated field. They are primary responders for Road Crash Rescue, Marine Rescue, Vertical Rescue and just about any type of specialist rescue encountered by Emergency Service personnel. The VRA also includes Aerial Patrols, Communications, Caving, Bushwalkers Rescue, Ski Patrols and Community First Aid teams.

The Central Coast Volunteer Rescue Association (VRA) receives \$20,000 pa paid quarterly as a donation from Council. The squad also applies for further funding through the Councillor's Community Improvement Grants (CCIG) scheme (refer table below).

Historically the VRA took out an interest free Loan/Lease arrangement with council of \$60,000 to purchase a vehicle. Repayments of \$15,000 pa were made over four years from 2003 to 2007.

### **Financial Implications**

The Minister for Emergency Services has approved the amounts of the budgets of the States agencies which are subject to contribution for 2010/11, as follows:

## 7.10 Emergency Services Management Funding and Budget Process (contd)

Emergency Service	State Budget	Budget in Wyong LGA
NSW Fire Brigades	\$595.201 M	\$10.067 M
Rural Fire Service	\$257.082 M	\$3.673 M
State Emergency Service	\$59.458 M	\$1.022 M
Total Contributions	\$911.741 M	\$14.765 M

Table 1 – Emergency Services budget for 2010/11

Councils are required to pay 11.7% of the services' Estimated Expenditure in the Local Government Area. For Wyong Shire Council, the total contribution payable for each of the services is shown below.

Instalments	NSWFB Contribution	RFS Contribution	SES Contribution	Total Contribution	Due Date
<b>Total 2010/11</b>	<b>\$1,177,897.00</b>	<b>\$429,726.00</b>	<b>\$119,593.80</b>	<b>\$1,727,216.80</b>	
1st Quarter	\$270,770.25	\$81,853.46	\$29,951.80	\$382,575.51	1 August 2010
2nd Quarter	\$270,770.25	\$81,853.46	\$29,951.80	\$382,575.51	1 October 2010
3rd Quarter	\$318,178.25	\$98,368.04	\$29,845.10	\$446,391.39	1 January 2011
4th Quarter	\$318,178.25	\$167,651.04	\$29,845.10	\$515,674.39	1 April 2011

Table 2- 2010/11 Budget contribution

	2008/09	2009/10	2010/11	2011/12
Contribution	Actual	Actual	Actual	Budget
NSW Fire Brigades	1,132,453	1,083,081	1,177,897	1,192,480
RFS	385,104	327,414	429,726	407,088
RFS overspend of local operation vs Government funded allocation		330,000	330,000	330,000
SES	-	100,277	119,594	127,472
SES Maintenance and Operations	31,000	31,000	31,000	31,000
VRA	20,000	20,000	20,000	20,000
<b>TOTAL</b>	<b>1,568,557</b>	<b>1,891,772</b>	<b>2,108,217</b>	<b>2,108,040</b>

Table 3- Budget snapshot

Note :

- 2011/12 RFS budget (table 3) includes 11.7% of an estimated \$1,180,000.00 Volunteer & State wide Support contribution. This contribution is set by Emergency Management NSW with no Council consultation and is supplied at the same time as the allocated budget (refer 2010/11 summary attached).

## 7.10 Emergency Services Management Funding and Budget Process (contd)

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- Council is able to claim this amount less the insurances as a reimbursement in the following financial year. Example Council Contribution for 2010/11 Volunteer and State wide Support- other support (not including Insurances) was \$1,518,814.00. Reimbursement at 11.7% equals \$177,701.24 (reimbursable in 2011/12).
- The SES contribution commenced in 09/10

VRA- Councillor's Community Improvement Grants (CCIG) as follows:

GPS purchase and fit	\$300.00	10/2005
Equipment	\$722.70	12/2007
Equipment	\$629.20	2/2008
Dremmel Tools	\$220.00	9/2010
Personal Protective clothing	\$1,250.00	11/5/2011

Note: Personal Protective clothing is yet to be approved by Council.

### ATTACHMENTS

- |  |           |
|--|-----------|
| 1 NSW State Emergency Services SES Funding and Changed Formula                                       | D01877355 |
| 2 Circular 2011-2 2010/2011 Rural Fire Fighting Fund - Adjusted Allocations - NSW Rural Fire Service | D02503149 |





New South Wales Government

The Hon Steve Whan MP  
Minister for Emergency Services  
Minister for Small Business

25 March 2009

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

Dear Mr Yates

As part of the State Mini Budget in November 2008, the Government announced that as from 1 July, 2009 the NSW State Emergency Service (SES) would be brought under the same contributory funding system as the NSW Rural Fire Service (RFS) and the NSW Fire Brigades (NSWFB).

The Government and the community appreciate the ongoing financial and in-kind contribution local government makes to the SES and your support for local volunteers. In recognition of this the Government has altered the existing funding formula so as to avoid imposing any additional burden on councils.

Given this, I would hope councils will continue to financially support their local SES units, as they have in the past.

From the 2009/10 financial year, councils' statutory contributions to the RFS and NSWFB will be reduced from the existing 13.3 per cent and 12.3 per cent respectively. The contribution to all three emergency services will now be a standard 11.7 per cent. The State Government contribution will rise from 13 per cent for the NSWRFSS and 14 per cent for the NSWFB to 14.6 per cent to all three emergency services.

In this first year under the new arrangements, each council's share of the total local government SES funding contribution has been based on its aggregate contribution to the two fire services in 2008/09.

For example, if the total fire services funding contributed by all councils in 2008/09 was \$90 million and "Council A" paid \$400,000 of this amount, this would represent 0.44 per cent of the total pool of contributions from all councils.

This means that in 2009/10, "Council A" would be required to contribute 0.44 per cent of the total pool of local government funding towards the SES.

Under this methodology, if budget allocations were to remain identical from 2008/09 to 2009/10, the total contribution paid by a council toward the three emergency services in 2009/10 should not exceed the previous year's contribution towards the fire services alone.

The Director General of the SES will be meeting with the LGSA in coming months to discuss the implementation of the new formula and any other issues that may arise for local government as a whole or for individual councils.

I look forward to our whole community benefiting from the continued commitment by local government to our emergency services.

Yours sincerely

Handwritten signature of Steve Whan in black ink.

Steve Whan MP  
Minister for Emergency Services

GPO Box 5341 Sydney NSW 2001

All communications to be addressed to:

Headquarters  
NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

Telephone: (02) 8741 5555  
e-mail: john.gregor@rfs.nsw.gov.au

Headquarters  
NSW Rural Fire Service  
15 Carter Street  
LIDCOMBE NSW 2141

Facsimile: (02) 8741 5550



**Attn: All staff (particularly DTZ  
Managers, Regional Managers and  
Business Managers)  
The General Manager**

Your Ref:  
Our Ref: C2011-2

25 JAN 2011

Dear Sir/Madam,

**Circular 2011-2  
2010/2011 Rural Fire Fighting Fund - Adjusted Allocations**

Following concerns raised after the issue of the Rural Fire Fighting Fund allocations in December 2010, a review of allocations was undertaken by the Service. This review identified that an error had occurred with the disbursement for Volunteer and State-wide Services. This error affected a number of Councils, in particular those in the Western areas of the State.

Earlier this month I met with the Minister for Emergency Services and Presidents of the Local Government and Shires Associations about this matter. The outcome of this meeting was the recommendation that the Service re-issue the allocations to Councils following the re-calculation of the Volunteer and State-wide Services.

Attached is Council's adjusted allocation letter. The recalculation has adjusted the Volunteer and State-wide Services figure only. There have been no other changes to any part of the originally advised budget.

Emergency Management NSW, who is responsible for the issue of contribution invoices for the RFS, will make the adjustment to contributions in the 4<sup>th</sup> quarter invoice to be issued in March 2011.

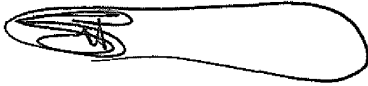
The Rural Fires Act 1997 requires payment of contribution invoices within 30 days. Should your council be experiencing problems in paying within this timeframe, I would strongly recommend you contact the Service's Chief Financial Officer, Mr John Gregor, on 02 8741 5555. Please be assured that no Council experiencing difficulties in paying on time will be subject to any penalties. Our Regional Managers are also available to talk to General Managers or Councillors regarding your allocation.

◆ Rural Fire Service Advisory Council

◆ Bush Fire Co-ordinating Committee

Finally, I wish to apologise for the error that has occurred and the fact the anomaly was not detected prior to the release of the budgets. Be assured that appropriate procedures will be implemented for future budgets.

Yours faithfully,



Shane Fitzsimmons AFSM  
Commissioner

*Previous Circular 2011-1  
2010 Circulars*

**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

**Council Summary**

	<b>Allocation</b>
Maintenance / Repairs	\$175,600.00
Hazard Reduction Subsidy	\$111,825.00
Fire Fighting Appliances	\$285,100.00
Second Hand Tankers	\$0.00
Stations	\$268,000.00
Equipment	\$148,299.00
Reimbursable Items	\$103,800.53
Firezone	\$0.00
Volunteer Intranet	\$0.00
Community Education	\$10,000.00
Other Vehicles	\$0.00
PPE	\$85,000.00
District Management	
Communications Platform	\$21,287.00
Vehicles (Change Over)	\$43,500.00
Vehicles Maintenance	\$72,300.00
Equipment-Computer	\$7,103.00
Equipment-General	\$10,000.00
District Salaries	\$728,003.00
Travel Costs	\$2,000.00
IS Services	\$57,706.00
<b>Allocation for Council</b>	<b>\$2,129,523.53</b>
<b>Volunteer &amp; Statewide Support</b>	
INSURANCES	\$68,039.00
Other Support	\$1,518,814.00
* 11.7% Council Contribution	(\$177701.24)
Ledger Balance	Credit - \$43,509.00
<b>TOTAL COSTS</b>	<b>\$3,672,867.53</b>
<b>COUNCIL CONTRIBUTION</b>	
11.7% OF TOTAL COSTS	<b>\$429,725.50</b>

\* Reimbursable next financial year

**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

**Estimates**

	Allocation
<b>Maintenance/Repair/Running Expenses</b>	
Stations/Sheds	\$33,000.00
Vehicles	\$70,000.00
Pumps	\$0.00
Radio	\$5,000.00
Petrol/Oil	\$25,000.00
Other	\$0.00
<b>SubTotal (Maintenance etc.)</b>	<b>\$133,000.00</b>
Freight/Cartage	\$0.00
Telephone Charges (Rental)	\$18,500.00
(Official Phone)	\$3,000.00
Electricity Charges	\$10,000.00
Insurance	\$8,500.00
Other Expenditure	\$2,600.00
<b>SubTotal</b>	<b>\$42,600.00</b>
<b>Total</b>	<b>\$175,600.00</b>
<b>Hazard Reduction Subsidy</b>	<b>\$111,825.00</b>

## NSW Rural Fire Fighting Fund

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

**Appliances**

Item No	Allocated Quantity	Allocated Amount	Item Description
301003	0	\$0.00	APPLIANCE - CAT 1 CREW CAB VILLAGE TYPE
301003G	0	\$0.00	HOSE REEL - ELECTRIC. FOR FITMENT ON CAT 1 CREW CAB VILLAGE TYPE
301003L	0	\$0.00	GENERATOR, 3kVa FOR INCLUSION ON CAT 1 CREW CAB VILLAGE APPLIANCE
301003N	0	\$0.00	CABA BRACKETS FOR FITMENT TO CAT 1 VILLAGE APPLIANCE
301110	0	\$0.00	APPLIANCE - CAT 1 DISPOSAL CREW CAB 6-10 YEARS OLD
311010	1	\$285,100.00	APPLIANCE - CAT 11 PUMPER
<b>Totals:</b>		<b>\$285,100.00</b>	

**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

**Reimbursable Items**

Price	Allocated Quantity	Allocated Amount	Item Description
\$103,800.53	1	\$103,800.53	OTHER PROGRAMS 11.7% L/G CONTRIBUTI
		\$103,800.53	

**Brigade Stations**

Brigade	Type	Category	Allocated Amount
FCC systems upgrade		Other	\$9,000.00
Ourimbah station - additional funds		Category 3	\$250,000.00
S & R training facilities - stage 2		Other	\$9,000.00
			\$268,000.00

**\*\* No Second Hand Tankers for this Council \*\*****Other Vehicles**

Brigade	Make	Addition / Replacement	Allocated Amount
Group Officer (DG4)	FORD RANGER 4X4 DUAL CAB CANOPY	Replacement	\$0.00
Group Officer (DG5)	FORD RANGER 4X4 DUAL CAB CANOPY	Replacement	\$0.00
			\$0.00

**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

<b>Equipment</b>	<b>Allocation</b>
Pumps	\$2,000.00
Firezone	\$0.00
Volunteer Intranet	\$0.00
Community Education	\$10,000.00
Other Equipment	\$146,299.00
	Nil
<b>Total Equipment</b>	<u>\$158,299.00</u>



**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

<b>District Staff Estimates</b>	<b>Allocation</b>
Salaries and Wage	\$728,003.00
Comms Platform	\$21,287.00
Changeover Cost	\$43,500.00
Vehicle Maintenance	\$72,300.00
Travel	\$2,000.00
Equipment General	\$10,000.00
Equipment Computers	\$7,103.00
IS	\$57,706.00
Other District Staff Items	NII
<b>Total District Staff Est.</b>	<u>\$941,899.00</u>

**NSW Rural Fire Fighting Fund**

Shire: WYONG SHIRE COUNCIL

(WYO -1222)

Region: REGION EAST

Printed: 24 January, 2011

**Volunteer & Statewide Support** (See Summary Page)

TRAINING & VOLUNTEER SUPPORT	\$96,680.00
FIRE MITIGATION WORKS	\$433,103.00
INSURANCES	\$68,039.00
RADIO COMMUNICATIONS	\$130,025.00
EMERGENCY FUND	\$105,303.00
AVIATION & OTHER OPERATIONAL	\$267,565.00
ENGINEERING & OTHER INFRASTRUCTURE	\$205,150.00
COMMUNICATIONS & PUBLIC AWARENESS	\$78,348.00
CORPORATE SUPPORT	\$95,413.00
REGIONAL SUPPORT	\$107,227.00
<b>Volunteer &amp; Statewide Support</b>	<b>\$1,586,853.00</b>

End of Report Listing for WYONG SHIRE COUNCIL

## **7.11 Outstanding Questions without Notice and Notice of Motions**

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TRIM REFERENCE: F2011/00027 - D02589671  
AUTHOR: Monica Redmond; Administration Assistant  
MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Report on outstanding Questions Without Notice and Notices of Motion.

### **RECOMMENDATION**

*That Council receive the report on Outstanding Questions without Notice and Notice of Motions.*

### **ATTACHMENTS**

- |   |   |           |
|---|---|-----------|
| 1 | Table of Outstanding Questions without Notice & Notices of Motion - 11 May 2011 | D02591373 |
|---|---|-----------|

No	Department	Question Asked / Councillor	Meeting Asked	Status
1	Environment and Planning Services	<p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee Provide a report that outlines the possibilities for establishment of an Environment Committee.</p> <ul style="list-style-type: none"> <li>• The Terms of Reference (charter, roles, responsibilities and function);</li> <li>• Possible membership</li> <li>• Whether it should be a committee or Council; and report on environment committees that have been established in other Council areas, their roles, functions and achievements</li> </ul>	9 September 2009 Cr Wynn / Cr Best	This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors and is proposed to be conducted in the 4 <sup>th</sup> Quarter round of briefings.
2	Environment and Planning Services	<p>5.1 - Notice of Motion – Planning Disputes Mediation Process Trial</p> <ol style="list-style-type: none"> <li>1 <u>Recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in cases.</u></li> <li>2 <u>Report required on the establishment of a Mediation process/planning disputes.</u></li> </ol>	9 February 2010 Cr Eaton / Cr Graham	A report on this item will be included in the 25 May 2011 Business Paper.
3	Environment and Planning Services	<p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <ol style="list-style-type: none"> <li>1 <u>Write to all property owners affected by the State Governments sea level rise policies.</u></li> <li>2 <u>Text of the letter be endorsed by Council.</u></li> </ol>	24 February 2010 Cr Eaton / Cr Graham	Affected properties identified. Information reviewed by Council's Legal Counsel and a report will be provided to Council's meeting on 25 May 2011.
4	Community and Recreation Services	<p>7.2 - Notice of Motion – Shared Pathway (matching funds for Pathways and Various Council Facilities)</p> <ol style="list-style-type: none"> <li>1 <u>Build partnerships with community in building and extending the network of shared pathways throughout the Shire identified in the Draft On-Road Bicycle and Shared Pathway Strategy policy document.</u></li> <li>2 <u>Consider the inclusion of this scheme in the 2011 – 2012 Management Plan or during the Quarterly Review if the opportunity arises.</u></li> <li>3 <u>Advertise the Scheme widely multiple times throughout the year.</u></li> <li>4 <u>Staff develop a set of guidelines for consideration of these projects and submit to Council for adoption.</u></li> </ol>	12 May 2010 Cr Wynn / Cr Vincent	Community consultations held on draft guidelines for Matching Funds. Councillor Briefing scheduled for 7 July 2011.

No	Department	Question Asked / Councillor	Meeting Asked	Status
5	General Manager's Department - Major Projects	7.6 - Notice of Motion – Wamervale Town Centre Viability <i>Staff report on the viability of developing the 1,100 units proposed for Wamervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i>	12 May 2010 Cr Eaton / Cr Best	Council has made representations to the Department of Planning (DoP) recommending amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) which will impact on the results of this assessment. This assessment is in progress, which has an impact on the DCP amendments and it is anticipated to be completed by end of May 2011. <sup>1**</sup>
6	Environment and Planning Services	8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes <i>Investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.</i>	14 July 2010 Cr Wynn / Eaton	Report will be presented to Council subject to confirmation of a briefing date. A proposed briefing has been set down for May 2011.
7	Community and Recreation Services	10.2 – Notice of Motion – San Remo Xtreme Sports Park 1 <i>Consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport.</i> 2 <i>Following initial community consultation conduct an on-site meeting.</i> 3 <i>Consider a report on the outcome of the above, including the financial and recourse implications to Council.</i>	25 August 2010 Cr McBride / Wynn	Information relating to this Notice of Motion will be distributed as a Councillor Business Update
8	Infrastructure Management	8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling 1 <i>Introduce a fluorescent light globe and battery recycling program for a 1 year trial and report is to come back outlining the success or otherwise of the program and its cost.</i> 2 <i>Enable this recycling to occur by providing suitable collection sites</i>	8 September 2010 Cr Wynn/ Vincent	Trial commenced 14 March 2011 - as per Councillor update 4 March 2011. Drop off points are located at 7 venues including the Civic Centre, Council libraries and Charmhaven depot. A report to Council will be provided once the \$10,000 WaSIP funding for the trial has been fully expended...

No	Department	Question Asked / Councillor	Meeting Asked	Status
9	Community and Recreation Services	8.2 Notice of Motion – Acknowledgement of the Darkinjung People <i>Defer this item to allow time to further consider this matter and receive further information.</i>	27 October 2010 Cr Graham / Cr Eaton	Information on traditional custodians of lands and acknowledgment of country to be presented at a Councillor Briefing that is scheduled for June 2011.
10	General Manager's Department - Major Projects	2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age <i>Adopt a strategic target of creating 5,000 local jobs over 10 years. The following strategies would be involved in reaching this target:</i> a <i>Establish a register of sites appropriate for development of aged housing.</i> b <i>Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.</i> c <i>Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i> d <i>In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i> e <i>Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i> f <i>Work with local registered clubs to encourage their participation.</i> g <i>Call for expressions of interest to form an expert panel to advise Council on this initiative.</i>	10 November 2010 Cr Eaton	Landuse Planning and Policy are working with Environmental and Planning Services/ Major Projects Section to develop a project outline. Resolutions (b) and (c) to be implemented as part of the Comprehensive LEP and DCP 2011 process. Council is preparing expressions of interest to form an expert panel.
11	Corporate Services	9.1 - Notice of Motion – Women's Committee 1 <i>Include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</i> 2 <i>Consider participation / membership to include Councillors, staff and community reps.</i>	10 November 2010 Cr Matthews / Cr Webster	This proposal will be considered as part of the Committee Review. A workshop has been requested by Councillors - and is proposed to be conducted in the 4 <sup>th</sup> Quarter round of briefings.

No	Department	Question Asked / Councillor	Meeting Asked	Status
12	Environment and Planning Services	<p>9.2 - Notice of Motion – Lot 1 DP 450166 Main Road, Toukley</p> <p>1 Council <u>reiterate</u> on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally known as the Toukley Taj Mahal on Lot 1 DP 450166, Main Road, Toukley at the bridge.</p> <p>2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development:</p> <p>a Council <u>proceed</u> to issue a formal Order for completion.</p> <p>b Council's legal counsel <u>investigate</u> any other avenues to achieve completion.</p> <p>c Should the owners not comply with the terms of the Order upon its expiry, Council <u>commence</u> legal action in the Land and Environment Court.</p>	10 November 2010 Cr Best / Cr McNamara	The owner of the property, Evensay Pty Ltd, has commenced appeal proceedings in the Land and Environment Court of NSW seeking that the S.121B Order be revoked, or, in the alternative, time for compliance be extended from the 12 month period stipulated in the s.121B orders. The proceedings are listed for a S.34 conciliation conference on 4 May 2011.
13	Infrastructure Management	<p>11.2 – Notice of Motion – Drains along Long Jetty Foreshore</p> <p>1 <u>Research</u> the potential to develop a program similar to "Adopt a Road" within the Shire.</p> <p>2 Refer the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration.</p> <p>3 <u>Express</u> its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme.</p>	24 November 2010 Cr Graham / Cr Webster	A report titled "Adopt a Drain" dealing with this item will be provided to Council at 25 May 2011 meeting.
14	Infrastructure Management	<p>11.2 - Notice of Motion – Improved Taxi Services</p> <p>Council invite NSW Taxi Council and Central Coast Taxis to brief Council on their service delivery model and plans for future improvement.</p>	23 February 2011 Best / Webster	It is anticipated that Council will be briefed on 25 May 2011.
15	Community and Recreation Services	<p>Q114/11 – Memorandum of Understanding with Department of Housing</p> <p>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</p>	23 February 2011 Cr Best	The Draft MOU has been distributed to relevant Managers for comment and these comments have been incorporated. Discussions are occurring with Environment and Planning as to which Unit will now take the lead on the MOU.

No	Department	Question Asked / Councillor	Meeting Asked	Status
16	Community and Recreation Services	<p>8.1 – Notice of Motion – Drains along Long Jetty Foreshore</p> <p>1 <u>Acknowledge</u> the potential environment and social benefits of establishing an "Adopt a Drain" program.</p> <p>2 <u>Acknowledge</u> the safety, insurance and resourcing issues of establishing such a program and recommend consideration be given to establishing program under the auspices of its existing Landcare model.</p> <p>3 <u>Recommend</u> that a report be provided outlining the additional resource required within the Landcare section to enable it to establish an 'Adopt a Drain' program and options for funding the required resource.</p>	9 March 2011 Cr Graham / Cr Webster	A report will be provided to Council at 25 May 2011 meeting.
17	Infrastructure Management	<p>Q2/11 – Odour in Water at Chain Valley Bay North</p> <p>Residents in the Chain Valley Bay North area have reported that their town water smells "fishy". Could Council staff please advise if there is any link between the recently reported manganese levels in the water and the fishy smell. If no link exists, could staff please advise what might be causing the fishy smell?</p>	9 March 2011 Cr Vincent	Investigation to take place after locations determined and response will be provided to a future Council meeting.



No	Department	Question Asked / Councillor	Meeting Asked	Status
18	Community and Recreation Services	<p>8.2 Notice of Motion - Doubling and Promoting Council's \$10,000 Vandalism Reward</p> <p>1 That, with ratepayers now funding \$1,474,825.00 for vandalism repairs over the term of a Council, Council <u>support</u> the good work of the community and Police through a public awareness campaign promoting the existing \$10,000.00 Council Vandalism Reward Program.</p> <p>2 That Council now double the vandalism reward to \$20,000.00 for a conviction for selected major and repeat malicious damage attacks.</p> <p>3 That Council <u>make</u> any such reward also available where repeat offences compromise public safety, such as the current deliberate glassing of The Entrance Baths.</p> <p>4 That having regard to the above, staff report to Council where necessary, vandalism events for Council's consideration and inclusion in the Vandalism Rewards Program.</p> <p>5 That Council urgently consider further initiatives that may be available to minimize the continuing vandalism attacks at The Entrance Ocean Baths at its meeting on 27 April 2011.</p>	23 March 2011 Cr Best	A report is being drafted that identifies options and the impacts these options will have in relation to assisting prevention of vandalism of the baths. The report also identifies the initiatives that are being taken by Council staff and the community in reducing vandalism within the Shire.
19	Community and Recreation Services	<p>10.1 Notice of Motion - Storage of Dinghies on Foreshore in Wyong Shire</p> <p>1 That Council consult with the community and potential stakeholders to develop a policy for the storage of dinghies on foreshores in Wyong Shire.</p> <p>2 That following community consultation a policy is developed and reported to council for adoption.</p> <p>3 That the report includes the cost/return/savings of implementing the policy.</p> <p>4 That, if the policy is adopted it be communicated thoroughly to the broader community prior to any implementation.</p>	27 April 2011 Cr Wynn	A report will be submitted to Council following staff investigation.

No	Department	Question Asked / Councillor	Meeting Asked	Status
20	Corporate Services	Q5/11 Land on Beach Side, South of Lakes Surf Club  Mr. General Manager, Could you provide Councillors with an update on this site and its future use?	27 April 2011 Cr Best	It is proposed to update Councillors on this issue at a Briefing scheduled for 8 June 2011.
21	Corporate Services	Q6/11 Carbon Tax  Mr. General Manager, if the Federal Government introduces a carbon tax what will be the cost to Council?	27 April 2011 Cr Best	A response to this question will be submitted to Council's meeting on 8 June 2011.
22	Community and Recreation Services	Q7/11 Central Coast Tourist Parks  When and why have the Wyong Shire Tourist Parks been renamed Central Coast Tourist Parks?	27 April 2011 Cr Wynn	A response to this question will be submitted to Council's meeting on 8 June 2011.
23	Environment and Planning Services	Q8/11 Control of Rabbit Plague  What is the Council's management plan for the control of the rabbit plague that is being experience by the Commonwealth funded, in partnership with WSC, rehabilitation of the coastal foreshore by Budgewoi Dune Care threatening the work by killing the immature plants?	27 April 2011 Cr Wynn	A response to this question will be submitted to Council after a report has been forwarded to the Tuggerah Lakes Estuary and Coastal Management Committee for their consideration.

## Questions Without Notice and Notices of Motion Removed from the Above Lists since the Previous Meeting

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
<p>8.4 - Notice of Motion – Proposed Additional Development Policy</p> <ol style="list-style-type: none"> <li>1 Staff develop a policy that can be integrated into the relevant chapters of Development Control Plan 2005.</li> <li>2 Draft policy be written to apply to major residential, commercial and industrial development.</li> <li>3 That the provisions of the policy include:               <ol style="list-style-type: none"> <li>a objectives relating to ensuring visual amenity is maintained;</li> <li>b requirements for ensuring visual amenity by way of hoardings, landscape buffers, painting and / or other means of screening; and</li> <li>c a focus on buildings located within town centres and on major roads within the Shire.</li> </ol> </li> <li>4 Draft policy be reported back for consideration.</li> </ol>	11 November 2009 Cr Best / Cr Webster	A report in response to this motion, titled <i>Incomplete Works and Dilapidated Buildings</i> , is included in this Business Paper.

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
<p><b>8.2 – Notice of Motion – Graffiti Outrage</b></p> <p>1 <u>Recognise</u> the significant efforts to date by staff, business and the broader community.</p> <p>2 Concludes that further and fresh initiatives be considered in response to this vandalous behaviour.</p> <p>3 Urgently <u>make representation</u> to our respective State Members highlighting this Community's utter frustration.</p> <p>4 Endeavour to take a whole of community approach to this social assault through formally tabling an appropriate resolution at the upcoming LGSA Annual Conference.</p> <p>5 <u>Recognise</u> the significant efforts by staff and the Northern Wyong Graffiti Forum.</p> <p>6 Continue to support the initiatives of the community "Draft" Graffiti Strategy" and relevant forums in community education, youth engagement and provision of graffiti removal materials.</p> <p>7 Support the implementation of the forums' initiative for provision of two pilot relocatable CCTV across the Shire.</p> <p>8 <u>Note</u> that the forum comprises of community members, local Chambers of Commerce, welfare and social action groups, business owners and managers, Police, Council staff, Councillors and State Government representative to programs to combat graffiti such as: *Graffiti trailer, *Posters *Supply of removal kits for residents, * Development of Council Shirewide strategy, *National Graffiti Action Day, * Rapid removal program</p>	9 February 2011 Best / McNamara	Letters of appreciation have been forwarded to staff and community groups. Implementation of CCTV to be considered as part of the new security contract for Council.
<p><b>8.3 – Notice of Motion – Myrtle Rust Epidemic</b></p> <p>1 <u>Receive</u> a report on what steps have been taken to date to combat the pending epidemic of Myrtle Rust, that could result in devastating our local flora and associated industries and their supporting employment.</p> <p>2 <u>Seek</u> advice from Government experts as to the best way to be able to regenerate species from the Myrtaceae Taxonomy to ensure the survival of these iconic Australian species.</p>	9 February 2011 Best / Wynn	A report on this item is included in this Business Paper
<p><b>11.1 – Notice of Motion – Change of LEP Zonings for Schools, Hospitals and Public Facilities</b></p> <p>Council express its concern regarding the State Government's policy to force Councils to change the zoning of schools, hospitals and public facilities.</p>	23 February 2011 Eaton / Wynn	Letter signed by General Manager and sent 24 March 2011, Responses, when received will be reported back to Council.

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
<p>8.2 – Notice of Motion – New Dredge purchased by the State Government for use in Lake Macquarie</p> <p>1 <i>Confirm with Mr Robert Coombs MP, Member for Swansea, if the new dredge has been purchased for use in Lake Macquarie will also be available for use by Wyong Shire Council.</i></p> <p>2 <i>Negotiate with Lake Macquarie Council to ensure dredging works in Boat Harbour channel and other locations where Wyong Shire has frontage to Lake Macquarie as appropriate.</i></p>	<p>9 March 2011 Cr Symington / Cr Wynn</p>	<p>A Councillor Business Update on this matter was issued by the Director Environment and Planning Services on 28 April 2011.</p>
<p>8.3 – Notice of Motion – Closure of Warnervale Rail Station</p> <p>1 <i>That, further to recent community concerns regarding the State Government's possible closure of the current Warnervale Rail Station on or prior to the completion of the Town Centre Station, 1.55 km north of the existing station, Council make urgent representation to the new State Minister seeking clarity on the retention or closure of this economically vital transport and business infrastructure.</i></p> <p>2 <i>That Council seek State funding assistance to provide an appropriate road overpass to the existing dangerous road/rail crossing at the current Warnervale Station (the only road/rail crossing in the Shire).</i></p>	<p>9 March 2011 Cr Best / Cr McNamara</p>	<p>Letter issued to relevant Minister. Meeting being arranged with Railcorp to discuss the matter. Outcome of discussions/responses from Minister will be reported back to Council when received.</p>
<p>8.1 Notice of Motion - Coal Gas Seam Strategy</p> <p><i>That Council write a submission on the proposed Coal and Coal Gas Seam Strategy being prepared by the Department of Planning, given Wyong Shire Council's clear opposition to further coal mining in our Shire.</i></p>	<p>23 March 2011 Cr Wynn</p>	<p>Submission has been sent to Department of Planning and Infrastructure on 7 April 2011.</p>
<p>Q3/11 The Entrance Town Centre</p> <p>Could the General Manager congratulate the Management of the Board of The Entrance Town Centre on the success of the recent Country Music Festival?</p>	<p>23 March 2011 Cr Best</p>	<p>A letter has been sent to The Entrance Town Centre Management.</p>

Question without Notice / Notice of Motion	Date Asked/ Councillor	Outcome
Q4/11 Call Centre Congratulations Could the General Manager congratulate Council's Call Centre on achieving a rating as the number one call centre for responses in Australia?	23 March 2011 Cr Best	Congratulations have been forwarded to the Team Leader of Customer Contact and this achievement will be formally acknowledged at the Staff Team Meeting.

11 May 2011

To the Ordinary Meeting

Councillor

## **8.1 Notice of Motion - Aerial Inspection of 640Ha Powerstation Site**

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TRIM REFERENCE: F2006/00249 - D02595974

AUTHORS: Greg Best; Councillor, John McNamara; Councillor

Councillors Best and McNamara have given notice that at the Ordinary Meeting to be held on 11 May 2011 they will move the following Motion:

- "1 That further to Council resolutions of the 10 November 2010 and 23 February 2011 (attached) Council note with disappointment and concern at Delta's recent refusal of Council's request on behalf of our residents for a site inspection. As outlined in Council's resolution of 10 November 2010 this massive 640ha PowerStation site is highly environmentally degraded and has substantially impacted the surrounding air, soil and water (lake) quality. Council again respectfully request Delta to allow a Council site inspection.*
  
- 2 That in the event that Delta continues to block public scrutiny, effectively denying public transparency of their activities, Council now having no alternative but to request staff to investigate the use of helicopters to effect an aerial site inspection."*

### **COUNCILLORS NOTE**

Also attached to this motion is Council's latest e-view surveillance that goes some way in highlighting the seriousness and significance of the environmental degradation of this site and its affect on the surrounding environs.

- |          |  |           |           |
|----------|--|-----------|-----------|
| <b>1</b> | Aerial map of Lake Munmorah Powerstation   |           | D02596014 |
| <b>2</b> | Report and Resolution of 10/11/2010 - Notice of Motion - Call to Close Dirty Coal Generator                  | Enclosure | D02412885 |
| <b>3</b> | Report and Resolution of 23/02/2011 - Request for NSW State Government to Close Aging Munmorah Power Station | Enclosure | D02504955 |

