



A Mayoral reception was held for students from Kashima High School, Tanabe who are currently on an exchange program with Tuggerah Lakes Secondary College, Tumbi Umbi Campus. The Mayor presented each student with an Australian flag and toy koala to remind them of their visit.

Business Paper

ORDINARY MEETING

24 August 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 24 AUGUST 2011 at 5.00 pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

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

Michael Whittaker
GENERAL MANAGER

1.1 Disclosures of Interest

TRIM REFERENCE: F2011/00027 - D02723944

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 - D02723959

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Inspections to be conducted on 7 September 2011 are listed as follows:

Date of Inspection	Location	Requested By
7 September 2011	The Wyong Town Centre Heritage Conservation Area, South Tacoma Road Heritage Conservation Area and Potential heritage item identified as 'streetscape' at 64-78 Pacific Highway, Wyong	Director Environment and Planning and Manager Place Management
7 September 2011	Additional Health Care Facilities (Christadelphian Homes Ltd) Lake Front Village, 1-20 Village Way, Canton Beach (to be determined by JRPP)	Director Environment and Planning

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
24 August 2011	CCRF	An overview of the Foundation including an update on the new and continuing research programs and activities in the region.	12.00 noon – 12.30 pm	Ms Jane Hanlon and Mr Wej Paradise
24 August 2011	NRM training	Presentation on proposed training being offered by the Local Government & Shires Associations on Natural Resource Management and links to Council's Natural Resource Management Strategy	12.30 pm – 1.00 pm	Director Environment and Planning and Senior Planner Environment and Natural Resources
24 August 2011	Enterprise Risk Management	Overview of project plan for Enterprise Risk Management Strategy	1.00 pm – 1.30 pm	Internal Auditor
24 August 2011	Iconic Sites - Expressions of Interest	Expressions of Interest (EOI) for development of Council owned Iconic Development Sites has closed. Following a review of the submissions received, the next stage of the process has been developed.	1.30 pm – 2.00 pm	Director Corporate Services
24 August 2011	Central Coast Regional Development Corporation	Presentation to CCRDC and the potential MOU between parties	2.00 pm – 2.30 pm	Director Corporate Services

1.2 Proposed Inspections and Briefings (contd)

24 August 2011	Q4 Annual Plan & Budget	Briefing on Annual Plan / Budget and Q4	2.30 pm – 3.00 pm	General Manager
24 August 2011	CCWC Director nominees	- Change in employment and location for one of the nominees	3.00 pm – 3.00 pm	General Manager

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 3rd & 4th Quarters 2011 D02744910

PROPOSED QUARTER	PROPOSED DATE	Briefing Title	Director
3rd quarter	14-Sep	Present information on traditional custodians of lands and acknowledgement of country	Community & Recreation Services
3rd quarter	14-Sep	NSW Taxi Council and the Central Coast Taxis	Infrastructure Management
3rd quarter	14-Sep	Precinct 7A Masterplan - Feedback following exhibition	Environment and Planning Services
3rd quarter	14-Sep	DCP 113 - Flood Prone Land	Corporate Services
3rd quarter	<i>Director to provide proposed date</i>	Iconic Development Sites DCP & Current Proposals	Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	RZ/7/2009 Chittaway Point Rezoning	Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	Sustainability Update (Policy, Framework, Principles Review)	Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	The Entrance Town Centre Masterplan	Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	Tuggerah Town Centre Masterplan	Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	Sea Level Rise Notification & 149 Certificate	General Counsel/Environment and Planning Services
3rd quarter	<i>Director to provide proposed date</i>	Desalination	Infrastructure Management
3rd quarter	<i>Director to provide proposed date</i>	Lower Ourimbah Creek Floodplain Risk Mgt Strategy	Infrastructure Management
3rd quarter	<i>Director to provide proposed date</i>	Tuggerah Lakes Floodplain Risk Mgt Plan	Infrastructure Management
3rd quarter	<i>Director to provide proposed date</i>	Tumbi Creek Floodplain Risk Mgt Plan	Infrastructure Management
4th Quarter	26-Oct	Provide update of plans and financial viability of The Art House and Cultural Development	Community & Recreation Services
4th Quarter	October TBC	RTA (Highway upgrade Wyong township)	Infrastructure Management
4th Quarter	Nov	Water Board Authority Boards papers	Infrastructure Management
4th Quarter	12-Oct	Annual Report and State of the Shire	Corporate Services
4th Quarter	26-Oct	Central Coast Sports field Management Strategy	Community & Recreation Services
4th Quarter	09-Nov	Learning Community Strategies	Community & Recreation Services
4th Quarter	23-Nov	Q1 Annual Plan and Budget	Corporate Services
4th Quarter	14-Dec	Community Facilities Strategy	Community & Recreation Services
4th Quarter	14-Dec	Briefing/Workshop as a foundation for the WSC SP (2012-2013)	corporate services
4th Quarter	Nov	Review of Grants	Community & Recreation Services
4th Quarter	Nov	Centennial Coal Mandalong South Exploration drilling program	Corporate Services Environment & Planning Services
4th Quarter	October	Code of Conduct revision training	Corporate Services
4th Quarter	<i>Director to provide proposed date</i>	Committee structure	Corporate Services
4th Quarter	<i>Director to provide proposed date</i>	Biobanking	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Biodiversity Management Plan	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Comprehensive LEP	Environment and Planning Services

PROPOSED QUARTER	PROPOSED DATE	Briefing Title	Director
4th Quarter	<i>Director to provide proposed date</i>	DCP 2011	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	DCP 97 - Water Sensitive Urban Design	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Development Control Plan 61 – Car parking	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Draft Shire-Wide Contributions Plan	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Draft Wyong Employment Zone contributions plan	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Natural Resources Strategy	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	RZ/17/2009 Bundeena Road, Glenning Valley	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Settlement Strategy	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	The Entrance, Wyong and Toukley Town Centre Masterplan	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Wyong Employment Zone – Results of exhibition of DCP & S94 Contributions Plan / Biocertification update, DCP amendment update	Environment and Planning Services
4th Quarter	<i>Director to provide proposed date</i>	Wyong town centre planning proposal and car parking study	Infrastructure Management
4th Quarter	<i>Director to provide proposed date</i>	Plan of Management Central Coast Caravan Parks	Community & Recreation Services

1.3 Address by Invited Speakers

TRIM REFERENCE: F2011/00027 - D02723987
AUTHOR: Monica Redmond; Administration Assistant
MANAGER: Lesley Crawley, Manager Corporate Governance

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

RECOMMENDATION

That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2011/00027 - D02726000

AUTHOR: Monica Redmond; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

Confirmation of minutes of the Extraordinary Meeting held on 27 July 2011 and the previous Ordinary Meeting held 10 August 2011.

RECOMMENDATION

That Council confirm the minutes of the Extraordinary Meeting held on 27 July 2011 and the previous Ordinary Meeting held on 10 August 2011.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes of the Extraordinary Meeting of 27 July 2011 | D02701803 |
| 2 | Minutes of Council's Ordinary Meeting of 10 August 2011 | D02728491 |

WYONG SHIRE COUNCIL**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 27 July 2011
COMMENCING AT 7.25 PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Roads and Stormwater, Manager Development Assessment, Acting Manager of Estuary Management and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 7.25pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

APOLOGIES

At its meeting on 8 June 2011, Council granted leave of absence to Councillor Wynn until 8 August 2011 as she is currently on annual leave.

An apology for the inability to attend the meeting was received on behalf of Councillor Best as he is on annual leave.

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

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

- 1 That Council defer this matter in the public interest, to 7.00 pm on 10 August 2011 and that the listed confidential item be considered in open session accordingly and that appropriate public notice be given.***

- 2 ***That Council allow the motion to be rescinded in 2 parts ie parts A and B then parts C and D because of the importance of the matters contained within the original resolution.***
- 3 ***That Council notify the Minister for Local Government the Honourable Don Page, MP that the advice from Mayor Doug Eaton dated 14 July 2011, not be acted on as the resolution 7.2 Commercial Agreement – Confidential Session on 13 July 2011 is the subject of a Rescission Motion to be considered by Council on 10 August 2011.***
- 4 ***That Council direct the General Manager formally notify Gosford City Council of Councils resolution.***

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

AGAINST: NIL

This meeting was adjourned to 7.00 pm on 10 August 2011.

RESUMPTION OF EXTRAORDINARY MEETING

The Extraordinary Meeting resumed at 7.01 pm.

Councillor McNamara left at 7.00 pm returned 7.02 pm.

PRESENT

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

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Place Management, Manager Roads and Stormwater and two administration staff.

1.1 Disclosures of Interest

2.1 - Notice of Rescission – Item 7.2 Commercial Agreements (portion relating to Central Coast Mariners Football Club Pty Ltd)

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 Football Club P/L Board of Directors left the chamber at 7.07 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

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

That Councillors receive the report on Disclosure of Interest and note advice of disclosure.

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

1.2 Address by Invited Speakers

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

That Council receive the report on Invited Speakers.

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

PROCEDURE FOR DEALING WITH MOTION OF RESCISSION

The Mayor, with the approval of all Councillors, declared that in order to allow Councillor Graham to remain in the chamber during discussions on the proposed amalgamation, Council would consider Item 2.1 in two parts

Part 1 - points a and b relating to Central Coast Mariners Football Club P/L Agreement

Part 2 – points c and d relating to Proposed Amalgamation

2.1 Notice of Rescission - Item 7.2 Commercial Agreements (portion relating to Central Coast Mariners Football Club P/L)

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 Football Club P/L Board of Directors left the chamber at 7.07 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

It was MOVED by Councillor SYMINGTON and SECONDED by Councillor MATTHEWS:

That the following resolution carried at the Ordinary Meeting of Council held on 13 July 2011 be rescinded:

Central Coast Mariners Football Club P/L Agreement:

- a *That Council endorse funding for the Central Coast Mariners generally as set out in report 7.2 under a formalised commercial agreement and authorise the General Manager to negotiate, complete and execute the proposed agreement.*
- b *That Council express its support and commitment for our only national and international sporting team representing our region but note its disappointment that Wyong Council's financial support is not reciprocated by Gosford City Council and that our regional team's ability to more fully represent our region is impaired accordingly and that this lack of regional perspective is unfortunately expressed in many other areas to the detriment of our region as a whole.*

The MOTION was put to the vote and declared LOST.

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

Councillor Graham returned to the meeting at 7:15 pm during consideration of Part 2 of the item.

The Extraordinary meeting was adjourned until 7.25 pm on 10 August 2011.

The Extraordinary meeting was reconvened at 7.25 pm on 10 August 2011 and all Councillors were present.

It was MOVED by Councillor SYMINGTON and SECONDED by Councillor MATTHEWS:

That the following resolution carried at the Ordinary Meeting of Council held on 13 July 2011 be rescinded:

Proposed Amalgamation

- c That, in view of the unanimous support of both Wyong and Gosford Councils to consider consolidation as expressed in the two Mayoral Minutes and in light of the CCROC's support for this process, mirrored by Wyong Council's continued support at its extraordinary meeting of 30 June 2011 and noting that the creation and roll out of the Central Coast Water Corporation will significantly further deteriorate Wyong Council's financial sustainability by some \$9m per annum, then Council formally advise Mr Page, the Minister for Local Government, that it proposes an amalgamation with Gosford City Council and this advice is given pursuant to S.218E of the Local Government Act.*
- d That, given the significance of this decision, it be implemented immediately by the Mayor advising the Minister with all such supporting documentation as the Mayor believes appropriate but including all relevant Council resolutions.*

The Extraordinary meeting was adjourned until 7.42 pm on 10 August 2011.

The Extraordinary meeting was reconvened at 7.42 pm on 10 August 2011 and all Councillors were present.

Councillor Vincent left the meeting at 7:42 pm and returned to the meeting at 7:44 pm during consideration of this item.

Councillor Wynn left the meeting at 7:47 pm and returned to the meeting at 07:50 pm during consideration of this item.

MOTION BE PUT

RESOLVED on the motion of Councillor GRAHAM

That Council put the motion.

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

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

That the following resolution carried at the Ordinary Meeting of Council held on 13 July 2011 be rescinded:

Proposed Amalgamation

- c That, in view of the unanimous support of both Wyong and Gosford Councils to consider consolidation as expressed in the two Mayoral Minutes and in light of the CCROC's support for this process, mirrored by Wyong Council's continued support at its extraordinary meeting of 30 June 2011 and noting that the creation and roll out of the Central Coast Water Corporation will significantly further deteriorate Wyong Council's financial sustainability by some \$9m per annum, then Council formally advise Mr Page, the Minister for Local Government, that it proposes an amalgamation with Gosford City Council and this advice is given pursuant to S.218E of the Local Government Act.**
- d That, given the significance of this decision, it be implemented immediately by the Mayor advising the Minister with all such supporting documentation as the Mayor believes appropriate but including all relevant Council resolutions.**

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

THE MEETING closed at 8.19 pm.

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 August 2011
COMMENCING AT 5:00:00 PM**

PRESENT

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

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Place Management, Manager Development Assessment, Manager Roads and Stormwater and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

The Mayor presented on behalf of the Council a plaque to the Director Infrastructure Management, Greg McDonald for completing the Mardi to Mangrove works on time and on budget.

Councillor Graham acknowledged the demise of Mr David Kettle, who was very close to Wyong Shire Council and who recently passed away

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 5.6 and 7.3 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

5.2 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Ourimbah or Tuggerah Lakes Scouts Group."

5.3 - Sponsorship Request – 3rd Annual Central Coast Sports Awards Dinner

Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a board member of Central Coast Sports Federation (CCSF) left the chamber at 8.33 pm, took no part in discussion, did not vote and returned to the chamber at 8.38 pm.

5.8 - Potential Grant Application Community Infrastructure Grants – Youth Commitments

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Chair of Central Coast Group Training (CCGT) left the chamber at 9.40 pm, took no part in discussion, did not vote and returned to the chamber at 10.00 pm.

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager, Central Coast Group Training (CCGT) left the chamber at 9.40 pm, took no part in discussion, did not vote and returned to the chamber at 10.00 pm.

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

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

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Address By Invited Speakers

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council suspend the order of business to allow consideration of Item 7.3 – Notice of Motion – Council calls to Support Aged Centre Workers after Item 5.6 - Sponsorship Request - "Coastal Paradise Revealed" photographic competition and book concept.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the meeting at 6:43 pm during discussion of this item and as a result took no part in voting.

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

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

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 Development Control Plan 2012: Chapter 115 Key (Iconic) Development Sites

Councillor Vincent left the meeting at 6.43 pm and returned to the meeting at 6:44 pm during consideration of this item.

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

- 1 That Council **endorse** draft Development Control Plan (DCP) 2012: Chapter 115 Key (Iconic) Development Sites for the purposes of public consultation.
- 2 That Council **consult** with the community and stakeholders concerning the issues outlined in draft DCP Chapter 115 Key (Iconic) Development Sites.
- 3 That Council **remove** the following Key (Iconic) Development Sites from the Iconic Site process as each site is subject to development parameters or constraints outside of Council's jurisdiction:
 - Key (Iconic) Development Site No 26 – Westfield/Abattoir Site;
 - Key (Iconic) Development Site No 28 – Doyalson RSL;
 - Key (Iconic) Development Site No 30 – Old Farm Site, Mardi; and
 - Key (Iconic) Development Site No 31 – Ourimbah Triangle Site.

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

AGAINST: NIL

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

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

- 1 That Council, taking into consideration the decision from the Department of Planning and Infrastructure to not grant concurrence to Development Application No 1340/2010, **refuse** the application noting the following:
 - Under the Environmental Planning and Assessment Act 1979, Council does not have legal authority to approve the development application without concurrence from the Director - General of the Department of Planning and Infrastructure.
- 2 That Council **endorse** the reasons for refusal attached to the report.
- 3 That Council **advise** those who made written submissions of Council's decision.

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

AGAINST: NIL

PROCEDURAL MOTION

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

- 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 GRAHAM and seconded by Councillor VINCENT:

That with the exception of report numbers 3.1, 5.1, 5.3, 5.4, 5.5, 5.7, 5.8, 7.1 and 7.2 Council adopt the recommendations contained in the remaining reports.

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

At 7.00pm the Mayor adjourned the Ordinary Meeting until 7.20 pm on 10 August 2011.

The Ordinary Meeting was reconvened at 7.20 pm on 10 August 2011 and all Councillors were present.

At 7.25 pm the Mayor adjourned the Ordinary Meeting until 7.40 pm on 10 August 2011.

The Ordinary Meeting was reconvened at 7.40 pm on 10 August 2011 and all Councillors were present.

At 7.42 pm the Mayor adjourned the Ordinary Meeting until 8.15 pm on 10 August 2011.

The Ordinary Meeting was reconvened at 8.15 pm on 10 August 2011 and all Councillors were present.

3.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah

Councillor Matthews left the meeting at 8:21 pm and returned to the meeting at 8:23 pm during consideration of this item.

Councillor Vincent left the meeting at 8:21 pm and returned to the meeting at 8:24 pm during consideration of this item.

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

- 1 That Council receive the amended report on the University of Newcastle Ourimbah Campus – Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road, Ourimbah.**
- 2 That Council agree to lease from the Minister for Education and Training part of Lot 1 DP 837937 Chittaway Road Ourimbah, being part of the University of Newcastle Ourimbah Campus for a period of fifty (50) years at a nominal rent.**
- 3 That Council approve the purpose of the lease to be for the provision of community playing fields.**

- 4 That Council authorise the Mayor and General Manager, to complete the lease any requisite documentation between the Wyong Shire Council and the Minister for Education and Training and use the common seal of Wyong Shire Council as required.**

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

AGAINST: NIL

4.1 Contract CPA/179981 - B9 Sewage Rising Main Extension, Long Jetty

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

- 1 That Council accept the tender from Delcare Constructions Pty Ltd in the estimated schedule of rates amount of \$2,338,610.00 (excl GST) for Contract CPA/179981 – B9 Sewage Rising Main Extension: Long Jetty.**
- 2 That Council approve a contract budget of \$2,690,000.00 (excl GST) that provides for a contingency amount of \$351,390.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

5.1 Matching Fund Guidelines

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

- 1 That Council endorse the report on Matching Fund Guidelines.**
- 2 That Council notify all eligible bodies of these the matching fund opportunity.**

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

AGAINST: NIL

5.2 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Ourimbah or Tuggerah Lakes Scouts Group."

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

- 1 That Council receive the amended report on the Proposed Councillors' Community Improvement Grants.**
- 2 That Council allocate an amount of \$10,140.00 from the 2011-12 Councillors' Community Improvement Grants as follows:**

1st Ourimbah Scout Group (\$300)	Natives - plants or trees to use surrounding our hall for children to explore local Flora and Fauna.	180
1st Tuggerah Lakes Scout Group (\$910) (Emergency payment approved by GM)	Replace water pipes and water meter stolen from the building.	910
Australian Seabird Rescue Central Rescue (\$1950)	Contribution towards annual operational and education costs for provision of not-for-profit services provided by ASR Central Coast to promote environmental care and vital services to support ecotourism throughout Wyong Shire.	1,700
Bateau Bay Men's Shed Inc (\$1,700) (\$900 already allocated)	Contribution to materials / plants / tools for landscaping / improvements around gardens and carpark of Tuggerah Lakes Community Centre Inc including replacement of rusted fencing and repainting of lines for carparking spaces	800
Brisbane Water (NSW) Legacy (\$1,000)	Funding to produce a cookbook to celebrate 60 years of Legacy on the Central Coast	100
Central Dance Company (Australia) Incorporated (\$5000)	Unique professional performance platform with National and International stars. Promoting promising serious young dances from Wyong Shire.	1,450
Glengara Seniors Computer Club (\$900)	Purchase of computer and software to replace the club's slow and worn-out training computer.	900
Lifeline Central Coast (NSW) (\$100)	To provide a memorial service and morning tea for families and friends affected by suicide.	100
Lions Club of Gwandalan (\$2,000) (\$900 already allocated)	To assist with costs of Annual Spring Festival held at Gwandalan Foreshore	100
Marine Rescue NSW - The Entrance (\$2,400) (\$250 already allocated)	Purchase of radar for CP007 twincat	250
National Servicemen's Association of Australia Tuggerah Lakes Sub-Branch (\$1500)	Purchase of tables and cooking equipment.	1,200
Northlakes United Junior Rugby Union (\$2,500) (\$250 already allocated)	Assist with payment of affiliation fees and insurance for junior teams	250
Probus Club, Lake Munmorah (\$250)	Purchase of portable computer and associated audio / visual hardware and software	250
Tuggerah Lakes Secondary College (\$1693.11)	To assist with costs to facilitate a cultural student exchange program with our Sister School Kashima High School, Japan.	1,400
Wadalba Community School Dance Group (\$1,533)	Bus hire for performers and spectators to attend the Rock Eisteddfod 2011 in Sydney.	150

Warnervale Junior Rugby Union Club (\$3,500) (\$2478 already allocated)	To provide training to volunteer coaches and establish qualified first aid and injury management trainers for junior teams	250
Wyong District Pistol Club (\$3,060)	Installation of wheelchair access to club facilities	150

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

AGAINST: NIL

5.3 Sponsorship Request - 3rd Annual Central Coast Sports Awards Dinner

Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a board member of Central Coast Sports Federation (CCSF) left the chamber at 8.33 pm, took no part in discussion, did not vote and returned to the chamber at 8.38 pm.

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

That Council consider sponsorship of an awards category at the 3rd Annual Central Coast Sports Awards Dinner, to the value of \$3,000.00 (incl GST).

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

AGAINST: NIL

5.4 Chinese Cultural Theme Park - ACCFI

Councillor Best left the meeting at 8:40 pm and returned to the meeting at 8:42 pm during consideration of this item.

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

- 1 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the attached Deed between Wyong Shire Council and Australia China Cultural Foundation (ACCFI).**
- 2 That Council authorise the Mayor and General Manager to execute all documents relating to the Deed.**

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

AGAINST: NIL

5.5 Removal of Litter Bins From Beaches Within Wyong Shire

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

- 1 That Council discontinue the trial removal of bins on the Shire's Southern Beaches.**

- 2 That Council provide more suitable bins, to address occupational, health and safety risks to staff and the public, for all of the Shire's beaches.
- 3 That Council, in consultation with users of the beach, place more suitable bins in key positions on the sand of the southern beaches limiting the impact on the visual amenity and where there are no bins on the adjacent reserves.
- 4 That Council embark on a media campaign leading into summer to reduce littering across the Shire's beaches.

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

AGAINST: COUNCILLOR SYMINGTON

5.6 Sponsorship Request - "Coastal Paradise Revealed" photographic competition and book concept

Mr Ken Duncan, in favour of the item, addressed the meeting at 5.14 pm, answered questions and retired at 5.32 pm.

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

- 1 That Council agree in principle to sponsorship of the Ken Duncan Photo Awards competition and "Coastal Paradise Revealed" book.
- 2 That Council delegate to the General Manager the authority to negotiate and execute the sponsorship agreement.

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

AGAINST: NIL

5.7 Section 430 Investigation - "Body Hire" Arrangements

Councillor McBride left the meeting at 9:21 pm and returned to the meeting at 9:24 pm during consideration of this item.

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

- 1 That Council receive and note the Section 430 Investigation report.
- 2 That Council table the Section 430 Investigation Report in accordance with Clause 244 of the Local Government (General) Regulation, 2005.
- 3 That Council consider a further report providing a response to the Minister of things done or proposed to be done to give effect to any recommendations contained in the report, in accordance with Section 434 of the Local Government Act, 1993.

4 That Council commend the General Manager for dismantling Body Hire and responding efficaciously to the Investigation.

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

AGAINST: NIL

5.8 Potential Grant Application Community Infrastructure Grants - Youth Commitments

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager, Central Coast Group Training (CCGT) left the chamber at 9.40 pm, took no part in discussion, did not vote and returned to the chamber at 10.00 pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is the Chair of Central Coast Group Training (CCGT) left the chamber at 9.40 pm, took no part in discussion, did not vote and returned to the chamber at 10.00 pm.

MAYOR VACATED THE CHAIR

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 9.40 pm for consideration of this item.

Councillor Vincent left the meeting at 9:47 pm and returned to the meeting at 9:49 pm during consideration of this item.

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

1 That Council rescind its resolution on Item 6.5 of 13 May 2009, namely:

“Resolved unanimously on the motion of Councillor GRAHAM and seconded by Councillor McNAMARA:

That Council adopt the business incubator project identified in modified Attachment 1 – Proposed Jobs Funding Projects.”

2 That Council note that the effect of this rescission is to:

a Terminate the Council’s involvement in the funding proposal regarding the Business Incubator to the Commonwealth dated 19 May 2009.

b Withdraw any offer by Council to any third party to permit the use of Lots 2, 3 and 4 DP 111131, No 16-20 Margaret Street, Lot 1 DP 1104749 Hope Street, Wyong. Lot 2, DP 530424 Hope Street, Wyong to be developed by that third party for the proposed Business Incubator set out in the funding proposal.

3 That Council write to Mr Don Mackenzie, Director Office for Youth, Department of Education, Employment and Workplace Relations and inform him of Council’s resolution and seek an extension of time to allocate the submission of a grant application in line with Option 3 contained in the report but ensuring that Stage 1 building costs are kept to \$2.7 million and that any Stage 2 building costs be funded by grants at a future date.

4 That Council write to Central Coast Group Training and inform it of Council’s resolution.

- 5 That Council reiterate its support for initiatives that assist in reducing youth unemployment within the Wyong Shire.
- 6 That Council undertake an Expression of Interest process for partners to establish and operate a youth skills and employment facility within the Shire and invite Central Coast Group Training to make an application.
- 7 That Council request the General Manager to provide a report on the results of the Expression of Interest process to Council for its consideration prior to lodgement of a grant application under the Community Infrastructure Grants – Youth Commitments Program.
- 8 That Council staff also investigate larger suitable sites such as the Wyong Race Course, as a possible location for a Wyong Youth Skills and Employment Facility.

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

AGAINST: NIL

MAYOR RESUMED THE CHAIR

The Mayor, Councillor Eaton resumed the chair at 10.00 pm after consideration of this item.

6.1 Information Reports

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

That Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

6.2 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

6.3 Service Delivery Review - Final Report as at 30 June 2011

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

That Council receive the report on Service Delivery Review - Final Report as at 30 June 2011.

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

AGAINST: NIL

6.4 Outstanding Questions without Notice and Notice of Motions

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

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

7.1 Notice of Motion - Carbon Tax Special Rate Rise

Councillor Matthews left the meeting at 10:00 pm and returned to the meeting at 10:04 pm during consideration of this item.

Councillor Symington left the meeting at 10:01 pm and returned to the meeting at 10:05 pm during consideration of this item.

It was MOVED by Councillor BEST and SECONDED by Councillor MCNAMARA:

That as Council is likely to be significantly affected by the Federal Government's carbon tax on products such as bitumen, diesel and electricity. Also subject to the Federal Government finally releasing its costing methodology, waste costs may also increase significantly. To assist Councillors in the timely management of these escalating costs, staff report to Council when methodology details emerge as to the true impact a carbon tax will have on our rate payers and any Federal compensation available.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

7.2 Notice of Motion - Proposed Major Transport Infrastructure Projects

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

That Council request the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.

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

AGAINST: NIL

7.3 Notice of Motion - Council calls to Support Aged Care Workers

Mr Joe Cidoni, representing the Nurses Association, in favour of the item, addressed the meeting at 5.46 pm, answered questions and retired at 6.08 pm.

Councillor Matthews left the meeting at 6:08 pm and returned to the meeting at 6:13 pm during consideration of this item.

Councillor Matthews left the meeting at 6:35 pm and returned to the meeting at 6:37 pm during consideration of this item.

Councillor Best left the meeting at 6:37 pm and returned to the meeting at 6:42 pm during consideration of this item.

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

- 1 That Council note with concern the Industrial Relations Amendment (Public Sector Conditions of Employment Bill 2011), which is likely to severely and negatively impact local Aged Care Workers and Aged Care services to Central Coast residents, with the long term impact being the decline in quality and increase costs for Aged Care services to Central Coast residents.**
- 2 That Council, in an advocacy role, support the Central Coast Aged Care Workers in their efforts to:**
 - a Achieve pay rises in line with increases in the cost of living without slashing jobs and services.**
 - b Have an independent arbitrator, such as the NSW Industrial Relations Commission, determine wages and working conditions.**
- 3 That Council formally expresses its concern to the Premier, Minister for the Central Coast and all Local Members at the introduction of the legislation and the likely impacts to Aged Care Workers and the long term impacts to Aged Care services on the Central Coast.**
- 4 That Council establish a prominent website link to the Aged Care Workers campaign on Council's website homepage.**

5 That Council applaud the outstanding contributions made by our local Aged Care Workers to the Central Coast community.

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

AGAINST: NIL

QUESTIONS ON NOTICE

**Q21/11 Cost of Health Surveillance Inspections
Councillor Webster**

“Mr Mayor my question is on behalf of the small business community that is one of the largest employers in the current economic times and are doing it tough. I have received representation from shopkeepers in the food sector that require health surveillance inspections through Council’s Health Department The advice that I have received is that costs for these inspections have sky rocketed. Could you please provide Council with cost increases over the past five years for these services and the rational behind these decisions?”

THE MEETING closed at 10.32 pm.

1.5 Notice of Intention to Deal with Matters in Confidential Session

TRIM REFERENCE: F2011/00027 - D02698521

AUTHOR: Susanna Gardiner; 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) and (g) of the Local Government Act 1993:**

Report no 10.1- Woongarra Waters Development – Water Quality Credit

- 2 That Council note its reason for considering Report No 10.1 in Confidential Session are because it may confer a commercial advantage (Section 10A(2)(c)) and disclose Council's legal privilege (Section 10A(2)(g)) should the discussions be held in a non-confidential environment.**

- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

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

2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

2.1 Mayoral Minute Gaffiti - Tag Means Jail

TRIM REFERENCE: F2004/07937 - D02729342

AUTHOR: Doug Eaton; Councillor

I formally move:

- “1 That Council formally approach the State government, via its local member, to reverse the onus of proof for graffiti offences such that the owner of a “tag” is prima facie guilty of a graffiti offence whenever this “tag” appears illegally.**
- 2 That Council request the General Manager to submit this motion to the next NSW Local Government Association Conference for conference support and adoption.”**

Note from the Mayor:

The graffitist/s tag is a personal identifier similar in many ways to a signature.

Graffitist's use their tag as an identifier for their work.

It seems reasonable to give this evidential status in proving the crime, noting that if innocent the owner of the tag merely has to establish a reasonable alibi.

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan

TRIM REFERENCE: CPA/157115 - D02709873

AUTHOR: Lara Critchley; Senior Planning Engineer

MANAGER: Rob Fulcher, Asset Management

SUMMARY

As part of Wyong Shire Council's Floodplain Management program, the Lower Ourimbah Creek Floodplain Risk Management Plan (FRMP) has been prepared in accordance with the NSW Government Floodplain Management Program. The Plan provides Wyong Shire Council with a set of measures to improve the floodplain management and flood risk in the Lower Ourimbah Creek catchment.

RECOMMENDATION

- 1 That Council adopt the Lower Ourimbah Creek Floodplain Risk Management Plan.**
- 2 That Council staff immediately commence implementation of the recommendations contained within the Plan.**

BACKGROUND

The Lower Ourimbah Creek Floodplain Risk Management Study (FRMS) draws on the results of a number of previous studies of flooding in Ourimbah Creek. Information derived from these previous studies, as well as additional data collected for the Study, were used to assess a range of feasible floodplain management options for the Lower Ourimbah Creek catchment, which are presented in the Lower Ourimbah Creek Floodplain Risk Management Plan (FRMP).

The study area covers the catchment area of Ourimbah Creek downstream of the confluence of Ourimbah Creek and Bangalow Creek. The total length of Ourimbah Creek covered by the study is approximately 8 kilometres, and the flood liable area is predicted as 9.7 square kilometres. The downstream extent of the study area is 2 kilometres downstream of Lees Bridge (the Wyong Road crossing of Ourimbah Creek). Downstream of Lees Bridge, the flood levels are dominated by Tuggerah Lakes.

This floodplain management study and plan (FRMS&P) have had a long development process, with a draft FRMS&P for the Lower Ourimbah Creek prepared in 2001, however, the study was never put on public exhibition or adopted by Council. Since this time, there have been numerous residential, commercial and industrial developments within the Lower Ourimbah Creek catchment, including those in the Tuggerah Business Park.

This Study has essentially extended and expanded upon the existing draft floodplain management study, included all new developments in the catchment, updated flood damage estimates, and identified and mapped flood hazard categories. This Study and Plan were

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan (contd)

developed before the State Government's policy on climate change was introduced, and as such do not include mapping which includes climate change. The 2011 Lower Ourimbah Creek FRMS&P have been prepared in accordance with the NSW Floodplain Development Manual (2005) and was 66% funded by the Office of Environment and Heritage (formally known as the Department of Environment, Climate Change and Water) under their Floodplain Management Program.

It is currently estimated that there are 269 residential houses on the Lower Ourimbah Creek floodplain with habitable floor levels lower than the flood planning level (currently the 1% AEP flood level plus a freeboard of 300mm), and approximately 686 residential properties that become inundated in a 1% AEP flood event. That is, 686 private properties have a 1% probability each year that they will be covered by floodwaters, with 269 of those properties also experiencing flooding over their floor levels in the same flood event.

NOTE

AEP = Annual Exceedence Probability – the chance of a flood of a particular size occurring in any one year, expressed as a percentage. For example, the flood has a 1% chance of occurring each year. This is equivalent to a 100 year ARI

ARI = Average Recurrence Interval level = the long term average number of years between the occurrence of a flood as large as the selected event. For example, a particular sized flood will occur, on average, once every 100 years.

This equates to an estimated mean annual flood damages (both direct and indirect) in the Lower Ourimbah Creek catchment of \$445 000 dollars. This is the total value of damages expected every year due to floods of different magnitudes. Approximately 73% of these average annual damages are sustained by the residential development. If a 1% AEP flood were to occur in the Lower Ourimbah Creek catchment, the damages sustained are estimated at \$5.6 million. 95% of these damages would be sustained by residential development.

The bulk of the flood liable land of the Lower Ourimbah Creek catchment has been developed, with existing and future development pressures essentially considered as:

- Rezoning of the land to more intensive forms of development;
- Re-development of existing building stock;
- Intensifying of population density by sub-division of large residential blocks into smaller lots and subsequent re-building of multiple dwellings;
- Intensifying population density by pressure for “granny flat” style developments;
- Concessional development of rural land, and
- Intensification of current land uses via “existing use” rights.

Council has an obligation to manage the flood risk in the Lower Ourimbah Creek catchment, which includes residential, commercial and environmental occupants of the floodplain. Despite the large areas of Lower Ourimbah Creek floodplain that are already occupied, Council has the opportunity to manage the continuing flood risk for these occupants, as well as minimise future flood risks with flood mitigation measures that are specific to the Lower Ourimbah Creek catchment.

Flood studies rely exclusively on information on flood depth and velocities, whereas a floodplain risk management plan (FRMP) includes an assessment of the true flood hazard and an assessment of the cumulative impacts of future development options. The FRMP uses the information from the flood study and considers the social, economic, ecological and

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan (contd)

cultural costs and benefits of each option to manage the existing, future and continuing flood risk in all areas of the floodplain. The resultant floodplain risk management plan includes an appropriate mix of management measures to effectively manage the full range of flood risks specific to that catchment. The development of a FRMP requires input from the community as well as emergency services, which is achieved through the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.

Reference is made to Attachment 1 – “*Adopted flood hazard – sheets 1 and 2*”.

For effective floodplain management, the floodplain is divided into ‘hydraulic categories’, and ‘hazard categories’. Hydraulic categories are generally divided into three (3) categories – flood fringe, flood storage and floodway. Hazard categories are generally divided into two (2) – high and low hazard. As such, there can be up to six (6) categories of floodprone land:

1. Low Hazard - Flood fringe
2. Low Hazard – Flood Storage
3. Low Hazard – Floodway
4. High hazard – Flood fringe
5. High hazard - Flood Storage
6. High hazard – Floodway

A comprehensive analysis of flood hazard to establish flood risk can only be made within the strategic framework of a floodplain risk management plan. Once the hydraulic hazard has been established based on hydraulic principles only, it is refined by incorporating many other factors, including flood warning, flood access and emergency evacuation routes, flood awareness and type of development, to establish the (true) adopted flood hazard.

The floodplain of the Lower Ourimbah Creek has been divided into four (4) of these categories. Due to the characteristics of the floodplain of the Lower Ourimbah Creek, no areas of *high hazard - flood fringe*, or *low hazard floodway* have been identified.

These hazard categories are required to assess the potential impact of development activities on the flood behaviour, as well as the impact of flooding on development and people. As per the NSW Government Floodplain Development Manual (2005), hydraulic and hazard categories are used to determine appropriate types of land development in flood-prone lands whilst ensuring there is not unnecessary sterilisation of flood prone land. This approach ensures that the developments in the Lower Ourimbah Creek catchment are considered consistently with the same controls, and the floodprone land is not subject to uncontrolled and ad-hoc development inconsistent with its flood risk.

The Lower Ourimbah Creek Floodplain Risk Management Plan (FRMP) was put on public exhibition at the end of 2010 for a period of 2 months. This public exhibition process included notices in the newspaper and Council’s website, and a presentation at the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and the Berkeley Vale/Chittaway Bay/Chittaway Point Community Precinct Committee

THE PROPOSAL

The general thrust of floodplain management options involving capital works is directed to protection/mitigation for existing developments. Future development is best addressed through land use planning and development controls. Management of the on-going flood risk once all of these measures have been implemented includes educating and modifying the response of the population to the flood threat.

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the NSW Floodplain Development Manual.

As part of the flood mitigation options assessment for the Lower Ourimbah Creek FRMS, structural, non-structural and response modification measures were considered. The benefit and cost of each option was examined, with six (6) options recommended for implementation for the Lower Ourimbah Creek catchment.

With the bulk of the flood liable land of the Lower Ourimbah Creek catchment already developed, the focus of the plan is land use planning and development controls. These controls consider the existing properties within the Lower Ourimbah Creek floodplain, as well as the future and on-going flood risk to properties.

A summary of the Lower Ourimbah Creek FRMP follows:

Category	Response	Priority	Duration	Projected cost
Land Use Planning	Update existing Floodprone Land Development Policy immediately whilst developing a DCP specific to Flooding	High	6 Months	Council staff cost only
Transfer of flood knowledge to SES	Enable transfer of Wyong Shire Council flood data to SES and assist to condense into Local Flood Plan	High	3 months	Council staff cost only
State Government legislation	Lobby state government to include flood risk in State Planning Policy	High	2 months	Council staff cost only
Public Information and education	Ensure information on S149 up to date	High	2 months	Council staff cost only
	Develop site specific flood information brochures		On-going	\$20, 000 plus \$4,000 every 4 years
Maintenance of existing infrastructure	Develop maintenance schedule for rainfall and water level gauges	High	On-going	Council staff cost only
Development of flood knowledge	Update hydrologic and hydraulic models and complete flood model for whole of Ourimbah Creek and obtain high flow stream gauge information.	High	18 Months	\$60 000

These flood mitigation measures are specific to the Lower Ourimbah Creek catchment only.

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan (contd)

Due to the extent and density of existing development in the floodprone land of Lower Ourimbah Creek, land use planning is considered the most important component of this Plan. Reference is made to Chapter 10 of the Enclosure.

The Plan strongly recommends formalisation of a Development Control Plan (DCP) Chapter for Development of Floodprone Land, to improve the current Policy situation. A DCP has greater legislative weight than a Policy and the current Policy F5 does not meet the standard required under the State Government's Floodplain Development Manual 2005 (FDM) and associated guidelines published since 2005.

The current Flooding Policy contradicts the FDM by permitting development in floodway areas and encouraging significant development of flood liable land. Therefore Council may not be protected under Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone* by continuing to use this policy while aware of the flood hazard information and mapping which is presented in this Study and Plan. As such, the Plan recommends changes to the controls listed in Policy F5 to be considered for the Lower Ourimbah Creek floodplain, as indicated below, until such time as a DCP for development on flood liable land is developed and adopted by Council.

The changes to the controls streamline and formalise current practice as defined by the NSW Government's Floodplain Development Manual and guidelines published by Office of Environment and Heritage (formally Department Environment and Climate Change and Water) and the Department of Planning and Infrastructure (formally Department of Planning) and as used by staff in planning considerations. The changes will remove inconsistencies in the current F5 Flood Policy and enable Council to consider development on flood liable land in the Lower Ourimbah Creek catchment in accordance with its flood hazard. These controls will enable a consistent approach for both developers and Council with regard to assessing developments in the Lower Ourimbah Creek catchment.

LOWER OURIMBAH CREEK FLOODPLAIN – PROPOSED DEVELOPMENT CONTROLS

Type of Development	Flood Hazard Categories			
	Flood Fringe	Flood Storage		Floodway
		Low Hazard	High Hazard	
LAND ZONED RESIDENTIAL ^{(1) (3) (4) (5) (6)}				
Concessional ^(A)	On Merits *	On Merits *	On Merits *	Unsuitable land use
Development ^(B)			Unsuitable land use	
Ancillary structures ^(C)			On Merits	
LAND ZONED COMMERCIAL / LIGHT INDUSTRIAL / INDUSTRIAL OR SIMILAR ^{(2) (3) (4) (5) (6)}				
Concessional ^(A)	On Merits *	On Merits *	On Merits *	Unsuitable land use
Development ^(B)			Unsuitable land use	
Ancillary structures ^(C)			On Merits *	
LAND ZONED RECREATION, OPEN SPACE, CONSERVATION ZONE, NON URBAN CONSTRAINED LANDS, SPECIAL USES ^{(2) (3) (4) (5) (6) (7)}				
Structures, including buildings and filling	On Merits *	On Merits *	Unsuitable land use	Unsuitable land use
Other developments permissible in zone, i.e wetlands, playing fields, parks, walkways, etc...	On Merits *	On Merits *	On Merits *	Unsuitable land use
REZONING TO MORE INTENSE LAND USE				
	On Merits *	On Merits *	Unsuitable land use	Unsuitable land use
ALL ZONE TYPES SUBDIVISION AND BOUNDARY ADJUSTMENTS				
	On Merits *	On Merits *	Unsuitable land use	Unsuitable land use

* Refer to Merits Based Assessment below

- (1) Freeboard for all residential development is 500mm.
 - (2) Zero freeboard to be applied to industrial and commercial developments floor level. Flood compatible materials to be used to Flood Planning Level.
 - (3) Climate change allowance will be added to the design flood level.
 - (4) Fencing must not result in any significant obstruction of the flow of floodwaters. Continuous solid fencing will not be permitted in high hazard areas.
 - (5) Environmental Improvement works sympathetic to the surrounding environment and Essential Infrastructure (including private and public roads) will be considered on merits in all flood hazard categories.
 - (6) Mine subsidence areas will have an additional freeboard allowance added to it. Please refer to the Mine Subsidence Board for further information.
- (A) **Concessional Development** is considered as the following:
- Dwelling additions up to 40m² of habitable floor level at no less than the same level as the existing approved building. The allowance for additions shall be made no more than once for any given property.
 - Additions to Commercial and Industrial Uses of up to an additional 100 m² or 20% (whichever the less) of the Gross Floor Area of the existing approved building at no less than the same level as the existing approved building floor level. The allowance for additions shall be made no more than once for any given property.
- (B) **Development** – anything greater in size than those listed above in concessional development. Vertical extensions in floodprone land, where the increased habitable floor area is greater than 40m² will be assessed as new development.
- (C) **Ancillary structures** – structures additional and separate to a residential and/ or commercial development requiring consent including:
- swimming pools and associated decking,
 - gazebos,
 - barbeque structures,
 - garages and enclosed sheds - The maximum size of residential (enclosed) garages in high hazard flood storage areas that will be considered is at 50 m². This is based on the size of a double car garage and small storage area. Open styled carports are considered more appropriate in this area.

NOTE - Anything that is to be “considered on merits” must be referred to a DA Engineer.

*MERITS BASED ASSESSMENT

Under the NSW State Government's Flood Policy, the management of flood liable land remains the responsibility of local government. Accordingly, Wyong Shire Council has a duty of care to ensure flood liable land in the Wyong Shire is managed in accordance with its flood hazard and flood risk. Council's duty of care must also consider:

- (i) Existing and future land owners and occupiers of the floodplain, ensuring future generations are not burdened by decisions made today;
- (ii) Areas external to an individual development itself, including the ongoing provision of Council support and services, including infrastructure;
- (iii) Consideration of the vulnerability of different types of land uses and the continuing flood risk to which the area is exposed. This includes existing and future potential land uses in an area.

Therefore where a Merit Based Assessment is being undertaken a site specific Flood Risk Assessment in support of the application addressing the following requirements will be required.

(a) Risk to Life –

- The proposed development should not result in any increased risk to human life.
 1. Consequences for risk to life for floods up to the Flood Planning Level
 2. Consequences for risk to life for floods greater than the Flood Planning Level
- Existing floor levels of development in relation to the Flood Planning Level and floods greater than the Flood Planning level
- What design flood event should apply to the proposed development based on the resultant risk to the occupant e.g. a more frequent flood event for rural farm shed opposed to a rarer flood event for a residential development
- Risks to both people and the environment associated with hazardous industry or hazardous storage establishments in the floodplain.

(b) The Cost –

- The additional economic and social costs that may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner nor in addition to those experienced by the general community.
- Land values and social equity of the cost of flooding on the proposed development
- The ability of the potential future community and individuals to recover from flood events
- Economic factors with regard to not undertaking the development.
- The cost to both the public and private sectors to service the development safely before and after in flood e.g. potable water, sewer

(c) Warning and Evacuation –

- The availability of accurate information during a flood event on which evacuation strategies can be formulated. This must include consideration of loss of power and telephone landlines.
- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods up to the designated flood for that of the proposed development. This includes consideration of floodwater depth and velocity.
- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods larger than that which the proposed development has been designed for. This includes consideration of floodwater depth and velocity.
- Evacuation should be consistent with any relevant or flood evacuation strategy where in existence, and be developed with consultation with the SES.
- Consideration of evacuation by pedestrians and by vehicles.
- The amount of warning time available for evacuation by pedestrian and vehicular means.
- The impacts on the duration of flooding for evacuations routes, for both frequent and rare flood events.
- Consideration so the development does not create land that will become an island in the floodplain.

NOTE: Flood emergency response plans will only be considered as an additional residual risk management option for a proposed development. A proposed development must not rely on a flood emergency response plan as the sole means of flood mitigation.

(d) Cumulative Effects of the Development –

- Evidence that the development does not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
- Potential cumulative effects of approval of the development and precedents created for further cumulative development in the floodplain

(e) Flooding Impacts and Behaviour –

- Evidence that the development does not divert floodwaters or interfere with flood storage or natural function of the floodplain.
- The impact on the flood behaviour, including flood depths, flow velocities, flood hazard, rate of rise of floodwater for both frequent and rare flood events.
- The impacts on the duration of flooding, for both frequent and rare flood events.
- Appropriate flood mitigation works that have been constructed in the past that may impact upon the development.
- What freeboard should apply to the proposed development, based on the resultant risk to the occupant i.e. the type of land use, the developments location within the floodplain or the flood behaviour

(f) Ecological Sustainable Development –

- Proposed development must be consistent with ESD principles including but not limited to:-
 1. Intergenerational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.
 2. The precautionary approach - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
 3. Biodiversity conservation - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration.
 4. Improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services

Further information regarding ESD principles may be sourced from the Environmental Planning and Assessment Regulations 2000 Schedule 2 Part 6.

(g) Climate Change –

- The proposal adequately considers the impact of climate change. This is to include relevant Local, State and Federal Government climate change policies and guidelines.

OPTIONS

Due to the extended gestation period of the development and adoption of the Ourimbah Creek River FRMS&P, there were several options available to complete this study. These were:

- Recommence the whole floodplain risk management process with a flood study using the most recent survey and hydraulic modelling techniques including two dimensional software, followed by a review of the floodplain risk management study and plan. This process would take a minimum of three years to complete.
- Proceed using the existing flood information, mindful of the total project work and expenditure to date, and that the draft floodplain management plans prepared earlier are likely to be strengthened. This would involve building upon the draft Lower Ourimbah Creek FRMS&P completed in 2001, updating the work and developments as applicable to current conditions, whilst achieving compliance with the NSW Floodplain Development Manual (2005);
- The “Do Nothing” approach. This would require the assessment of development in the Lower Ourimbah Creek floodplain to continue on an ad-hoc basis, without consideration for the cumulative impacts on flood behaviour and risks caused by individual developments or works. Applicants and Council staff would be forced to refer to the NSW Floodplain Development Manual (FDM) (2005) and other state government legislation to satisfy the “merits based approach”, as Councils current F5 Policy – Flood Prone Land Development, does not meet the standard required under the current FDM.

STRATEGIC LINKS

Annual Plan

Principal Activity	Strategy or Program	Financial Line Item No and Description
A More Sustainable Community	Communities Education	Nil impact
A More Sustainable Economy	NIL	Nil impact
A More Sustainable Environment	Natural Areas	Nil impact
Infrastructure	NIL	Nil impact
Organisation	NIL	Nil impact

Contribution of Proposal to the Principal Activity

Link to Shire Strategic Vision

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
Communities - Communities will be vibrant, caring and connected with a sense of belonging and pride in their local neighbourhood.	<p>Relevant Annual Plan Strategies:</p> <p>1.5 – Develop and implement the Wyong Shire Settlement Strategy</p> <p>Comment</p> <p>The adopted flood hazard information will be used to inform the development of Wyong Local Environmental Plan 2011 and Development Control Plan 2011 and Settlement Strategy.</p>
Travel - There will be ease of travel within the Shire, and to other regional centres and cities. Travel will be available at all hours and will be safe, clean and affordable.	Nil impact
Facilities and Services - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	Nil impact

Priority Objective	How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan
<p>Education - The community will be well educated, innovative and creative. People will attain full knowledge potential at all stages of life.</p>	<p>Relevant Annual Plan Strategies:</p> <p>4.4 – Establish and maintain a committed network of education, community, business and government representatives.</p> <p>Comment</p> <p>Flood awareness and flood education is a very important component of floodplain management. The Lower Ourimbah Creek catchment is highly developed, and as such it is important this community, including residential and commercial / industrial occupiers of the floodplain, are kept up to date with flood information. Networking involving Wyong Shire Council, the community and personnel involved with floodplain management will ensure the broadest range of people are kept informed.</p>
<p>Employment - There will be a strong and sustainable business sector and increased local employment built on the Central Coast's business strengths.</p>	<p>Nil impact</p>
<p>Telecommunications - Information communication technology will be consistent with world's best practice and adaptive to technological advances across all sectors.</p>	<p>Nil impact</p>
<p>Natural Areas - Areas of natural value in public and private ownership will be enhanced and retained to a high level in the context of ongoing development.</p>	<p>Relevant Annual Plan Strategies:</p> <p>7.4 – Develop and implement strategies to reduce the Shire's environmental footprint.</p> <p>Comment</p> <p>Implementation of the proposed development controls that are consistent for the whole of the Lower Ourimbah Creek catchment will ensure that floodways are kept free from development.</p>
<p>Environmental Programs - There will be a sense of community ownership of the natural environment through direct public involvement with environmental programs.</p>	<p>Nil impact</p>

Financial Implications

Category	Projected cost	Source funding
Land Use Planning	Council staff cost only	<ul style="list-style-type: none"> • Staff salary • Draft Flood Prone Land Development DCP has been prepared by Council officers and is awaiting approval for public exhibition. • Public exhibition of Draft Flood Prone Land Development DCP expected before Christmas 2011.
Transfer of flood knowledge to SES	Council staff cost only	<ul style="list-style-type: none"> • Staff salary
State Government legislation	Council staff cost only	<ul style="list-style-type: none"> • Staff salary
Public information	Council staff cost only	Update of S149 information <ul style="list-style-type: none"> • covered by staff salary.
	\$20, 000 plus \$4,000 every 4 years	Development of site specific flood information brochures <ul style="list-style-type: none"> • Predominantly covered by staff salary. • Costs incurred include printing and distribution of information • Small amount may be required to cover on-going printing costs to update the information. • Can apply for grant funding for such works.
Maintenance of existing infrastructure	Council staff cost	<ul style="list-style-type: none"> • Predominantly staff salary • Currently, \$10,000 per annum is allocated to maintenance of flood warning devices in Wyong Shire. • It is recommended that WSC continue to allocate a minimum of \$10,000 per year for maintenance of flood warning system and develop a strategy to upgrade the system as required.

Category	Projected cost	Source funding
Development of flood knowledge	\$60, 000	<ul style="list-style-type: none"> • \$30, 000 received in 2010/11 financial year from the Natural Disaster Resilience Grant Scheme (NDRGS) funding to commence stage 1 of the Ourimbah Creek catchment flood study. These works cover collection of 170 square kilometres of aerial and ground survey information. • Council allocated \$15,000 in 2010/11 Annual Plan for this project as NDRGS funds were allocated on 2:1 basis. • Grant of \$70 000 requested from DECCW for 2011/12 financial year to commence stage 2 of the Ourimbah Creek catchment flood study. • If successful, Council would be required to allocated \$35,000 to this project as DECCW grant funds are allocated on a 2:1 basis. This allocation is available within Councils 2011/12 Floodplain and Stormwater Management Unit budget.

Principles of Sustainability

A properly considered floodplain risk management plan will enable the ongoing use and occupation of the floodplain in a sustainable manner. As stated in the 2005 NSW Floodplain Development Manual, the advantages to the community and Councils of a properly considered floodplain risk management plan will include:

- Proper basis for managing and using floodprone land to provide a balance between danger to personal safety and economic losses due to flooding, and social, ecological and cultural interests. This provides the current and future community best value from managing and using the floodplain;
- Optimise use of community infrastructure such as roads, water supply and sewerage;
- Strategically assessing future developable land so the impacts of its development on flooding and the affects of flooding on the development can be effectively considered. This allows the community to grow in a responsible and socially cohesive fashion in consideration of flood issues.

CONSULTATION

The Lower Ourimbah Creek Floodplain FRMS&P have been developed in accordance with the 2005 NSW Floodplain Development Manual and DECCW Floodplain Development Program.

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan (contd)

As such, there has been on-going consultation with the community via the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee (TLECFMC). This Committee has representatives from Wyong Shire Council technical staff and elected Councillors, community representatives, officers from DECCW, officers from the SES, and representatives of relevant government agencies such as the local Catchment Management Authority (CMA) and Department of Lands (DOL).

As part of the 2001 Plan, the community consultation program included a workshop with the community in 1995 and formal correspondence with utility providers and various NSW government agencies.

As part of the community consultation program in 2010, a presentation was made at the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee and at the Berkeley Vale/Chittaway Bay/Chittaway Point Community Precinct Committee in November 2010.

During the public exhibition of the Lower Ourimbah Creek FRMS&P in 2010, two written submissions were received from the general public.

All of the issues that were raised by the above consultations have been listed in Lower Ourimbah Creek FRMP, with measures incorporated into the Plan where appropriate.

GOVERNANCE

The following Legislation has been referred to in the preparation of the Lower Wyong River FRMP:

NSW Flood Prone Land Policy,
NSW Local Government Act (1993)
Wyong Local Environmental Plan (1991)
Wyong Development Control Plan 2005
NSW Government Floodplain Development Manual (2005)
Wyong Shire Council Policy F5 – Flood Prone Land Development
Wyong Shire Council Policy F3 - Filling of Land

In accordance with Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone*, Council must ensure that information provided to the public and relied upon by staff is consistent with the Current Edition of the Floodplain Development Manual. As such, the Lower Ourimbah Creek FRMP must be adopted by the elected Council, as stated in the 2005 NSW Floodplain Development Manual.

CORPORATE RISKS

Wyong Shire Council is responsible for the management of the Lower Ourimbah Creek floodplain. As such, Council has an obligation to reduce the impact of flooding and flood liability on individual owners and occupiers of floodprone property, and to reduce private and public losses resulting from floods, utilising ecologically sustainable measures. The ongoing use and occupation of the Lower Ourimbah Creek floodplain must be managed in a consistent manner which is consistent with Wyong Shire Council's long-term Shire Strategic Vision.

3.1 Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan (contd)

This Plan has been prepared in accordance with the NSW Government Floodplain Development Manual, and Department of Environment, Climate Change and Water Floodplain Management Program. Accordingly, if the recommendations from the Plan are adopted and implemented by Council, Council can refer to Section 733 of the Local Government Act 1993 - *Exemption from liability-flood liable land and land in coastal zone* if and/or when floodplain management issues arise on the Lower Ourimbah Creek floodplain associated with flood damages to private or public properties.

CONCLUSION

Having regard to the above, the following conclusions are reached:

- Wyong Shire Council is responsible for floodplain management of the Lower Ourimbah Creek catchment. In accordance with Council's planning responsibilities under the EP&A Act, Council must plan and manage flood prone land in accordance with its flood exposure;
- The Lower Ourimbah Creek floodplain risk management plan (FRMP) has been prepared in accordance with the 2005 NSW Floodplain Development Manual and the Department of Environment, Climate Change and Water (DECCW) Floodplain Management Program.
- The bulk of the flood liable land of the Lower Ourimbah Creek catchment has been developed, with a currently estimated 269 residential houses on the Lower Ourimbah Creek floodplain with habitable floor levels lower than the flood planning level, and approximately 686 residential properties that would become inundated (experience flooding over their property) in a 1% (AEP) flood level event.
- A comprehensive analysis of flood hazard to establish flood risk was developed for the Lower Ourimbah Creek catchment within the strategic framework of a floodplain risk management plan, with the resultant adopted flood hazard indicated on Attachment 1 - "*Adopted flood hazard (Based on 1% AEP flood)*".
- With the bulk of the flood liable land of the Lower Ourimbah Creek catchment already developed, the focus of the plan is land use planning and development controls. These controls consider the existing properties within the Lower Ourimbah Creek floodplain and the on-going flood risk to these properties, as well as managing the flood risk for new developments.
- The recommended actions listed in the Plan require no additional funds from Wyong Shire Council, as grant funding and the 2011/2012 Annual plan has allocated adequate monies to cover these works.

ATTACHMENTS

- | | | | |
|---|---|-----------|-----------|
| 1 | Lower Ourimbah Creek FRMP adopted flood hazard May 2011 | | D02709858 |
| 2 | Lower Ourimbah Creek Floodplain Risk Management Plan | Enclosure | D02709861 |

WYONG SHIRE COUNCIL
 LOWER OURIMBAH CREEK FLOODPLAIN RISK MANAGEMENT REVIEW & PLAN

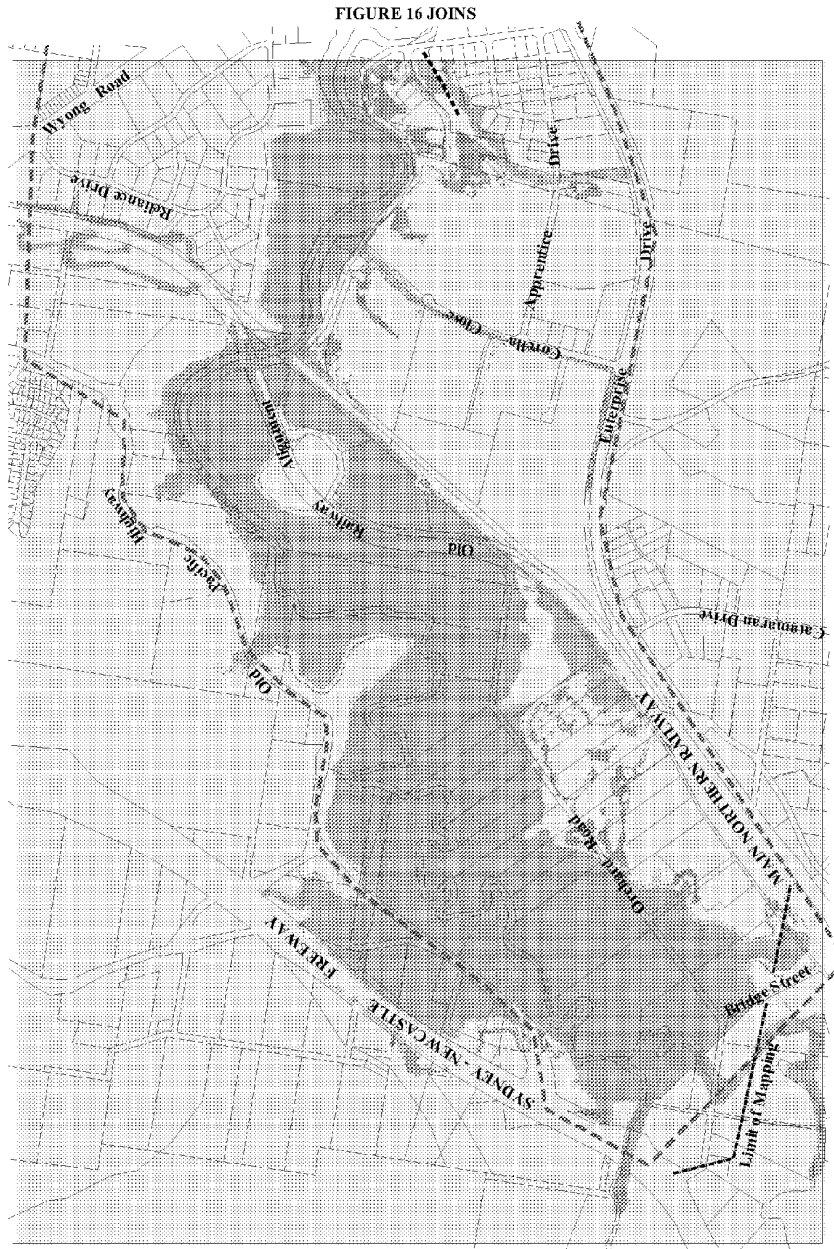


FIGURE 16 JOINS

FIGURE 15
 ADOPTED FLOOD HAZARD, SHEET 1

4 February 2011
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WYONG SHIRE COUNCIL
 LOWER OURIMBAH CREEK FLOODPLAIN RISK MANAGEMENT REVIEW & PLAN

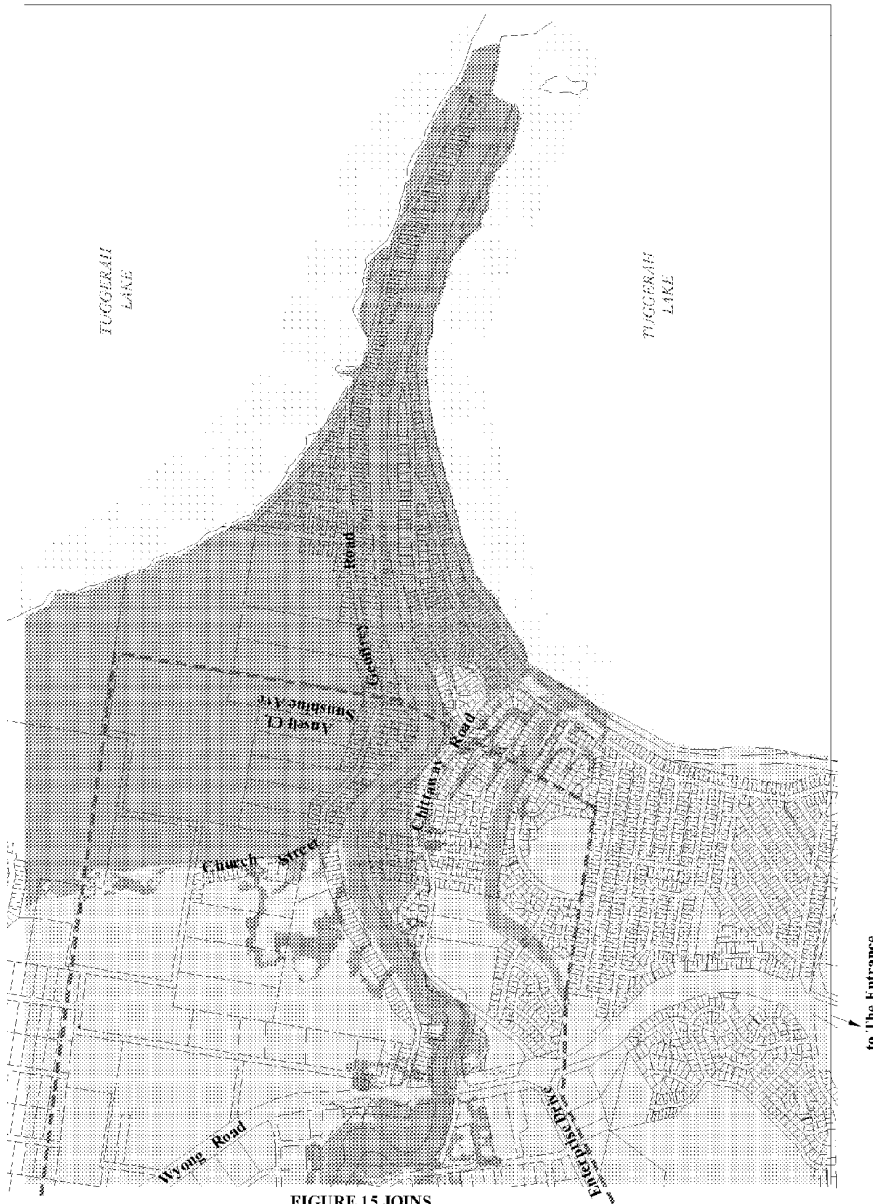


FIGURE 15 JOINS

FIGURE 16
 ADOPTED FLOOD HAZARD - SHEET 2

4 February 2011
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3.2 DA/1396/2009/C - Section 96(1)a Modification to Permit the Two Stage Construction of the Approved GP Super Clinic at Woongarra

TRIM REFERENCE: DA/1396/2009/C - D02727065
AUTHOR: Salli Pendergast; Applications Team Coordinator
MANAGER: Peter Fryar, Manager Development Assessment

SUMMARY

A Section 96(1A) application has been received by Council for modification to the staged construction of the health services facility. The application has been examined having regard to the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

Applicant	Warnervale Medical Holdings P/L C/- MSK Architects
Owner	Warnervale Medical Services
Application No	DA/1396/2009/C
Description of Land	3 Mary Mackillop Drive, Woongarra, Lot 3 in DP1155796
Proposed Development	Section 96(1A) modification to permit the two staged construction of the approved Health Services Facility.
Approved Development	Health Services Facility
Site Area	13480m ²
Zoning	R1 General Residential
Existing Use	Vacant land
Employment Generation	45 staff (stage 1), completion 106 staff (stage 2)
Estimated Value	\$4 million (stage 1), completion \$15.8 million (stage 2)

RECOMMENDATION

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.

PRECIS

Section 96(1A) application has been lodged to modify the previously approved staging arrangement for construction of the approved Health Services Facility. The approved development was previously modified to permit three stages of development. The current proposal seeks to modify the number of stages to two and to revise the nature and extent of development to be included within each stage.

INTRODUCTION

The Site

The site is located on the northern side of Sparks Road and until recently formed part of the school grounds for the Mackillop Catholic College. The site is irregularly shaped and recently subdivided from the school. The topography of the site is relatively level with a fall from the north-east to the south-west. The site has frontage to Mary MacKillop Drive and the vehicular entry road to the school (Tennison Woods Close) and is located approximately 120 metres from the signalised intersection with Sparks Road and Minnesota Road.

The site is identified as being bushfire prone containing Category 1 Vegetation and buffer zone. The vegetation has been substantially cleared to accommodate the school facilities with most of the vegetation only remaining in the northern section of the site. The site is located within a mine subsidence district.

The subject site forms part of the Warnervale Town Centre which is subject to the provisions of SEPP (Major Development) 2005 and the Warnervale Town Centre Development Control Plan (DCP) 2008.



The Proposed Development

On 29 June 2010, Deferred Commencement Consent was granted by the Hunter Central Coast JRPP (HCCJRPP) for construction of a Health Services Facility, as defined under State Environmental Planning Policy (SEPP) (Infrastructure) 2007. The development known as the 'GP Super Clinic' comprises a series of interconnected two and three storey buildings incorporating a broad range of health/medical related services and associated parking and landscaping. The completed development is to employ over 100 staff and the main facility is to operate 24 hours a day with parking provided for 226 vehicles. A modified consent was issued on 16 February 2011 to allow for the threefold staging of the development and other minor changes with the majority of the works related to the floor area of the development being contained within stage 1.

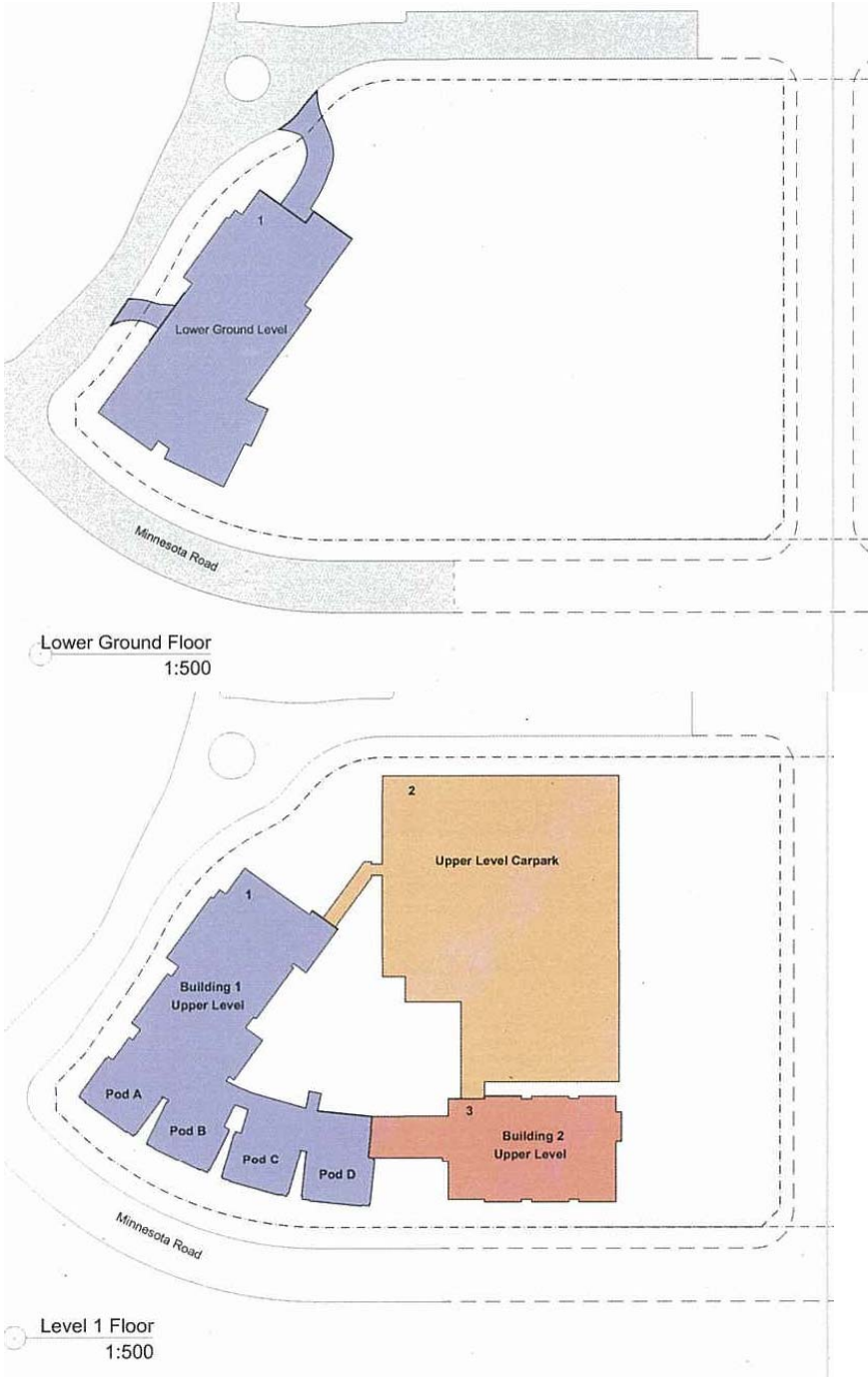
The three stages previously approved for the development (refer to plan below) included:

Stage 1: Construction of the three storey building containing staff car park, medical consulting rooms and facilities, a chemist, café, pathology, offices, meeting rooms, conference room and staff area, and works related to access, servicing, landscaping and stormwater. Also proposed under stage 1 was the construction of a temporary "at grade" bitumen car park with 141 spaces on a portion of the site identified under the previously approved plans as being for future development. Stage 1 also included temporary use of the three storey building for radiology, pathology, specialists, allied health, Centacare and other uses on a reduced scale until completion of the building under stage 3. Stage 1 also included reduced staff numbers.

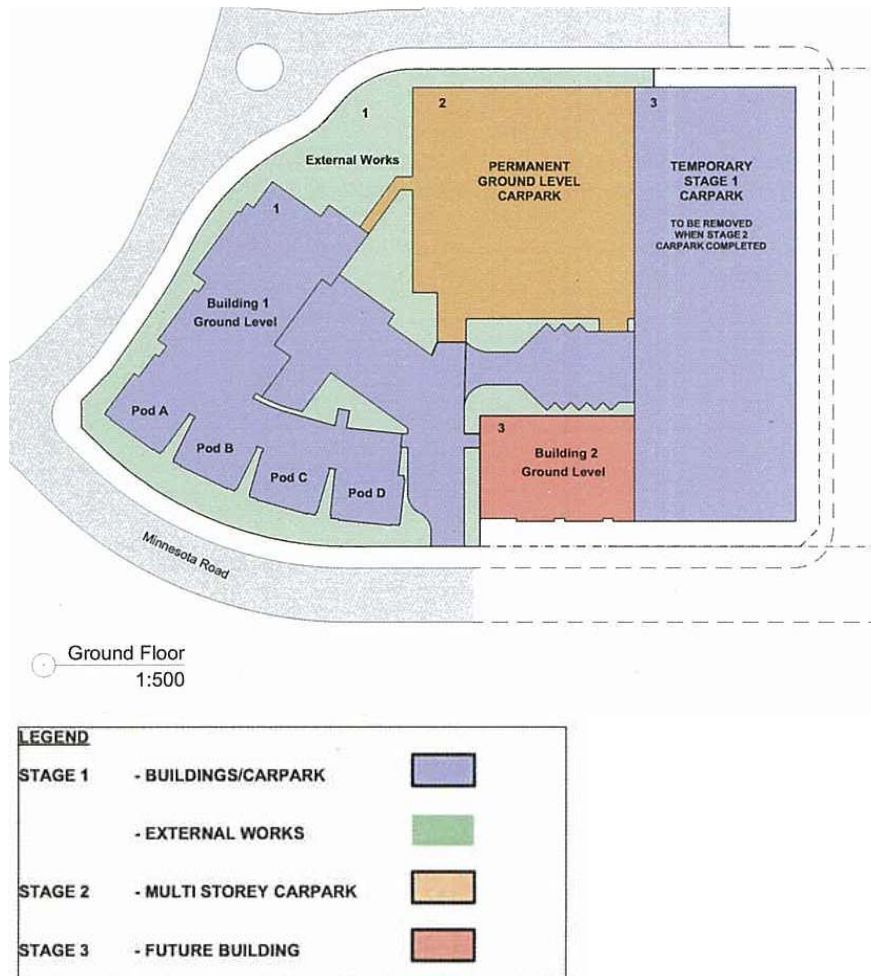
Stage 2: Construction of the multi level car park for 183 vehicles and related access, stormwater and landscaping works and continuation of the Building 1 usage as identified above and on the stages 1 and 2 building usage plans.

Stage 3: Construction of the two level building containing radiology on the ground floor level and the rehabilitation gymnasium with related specialists' rooms on the first floor level and related access, servicing, stormwater and landscaping works.

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Previously approved staging plan(DA/1396/2009/A) above.

The applicant now seeks approval for further modification to the Consent under Section 96(1A) to allow for two stages (refer to plan below) as follows:

Stage 1

The revised stage 1 works include:

- Construction of Building 2 (two storey) only with temporary changes to the internal use and fitout of the building for stage 1 including replacing the radiology on the ground floor and rehabilitation gymnasium on level 1 with:
 - a pharmacy, pathology, consulting rooms and administration offices on the ground floor; and
 - consulting rooms, Centacare Catholic Family Services, physiotherapy treatment room, staff rooms, education room, doctor's overnight accommodation rooms, and administration offices on level 1.
- Construction of a reconfigured temporary car park for a total of 103 vehicles (including 8 accessible spaces).

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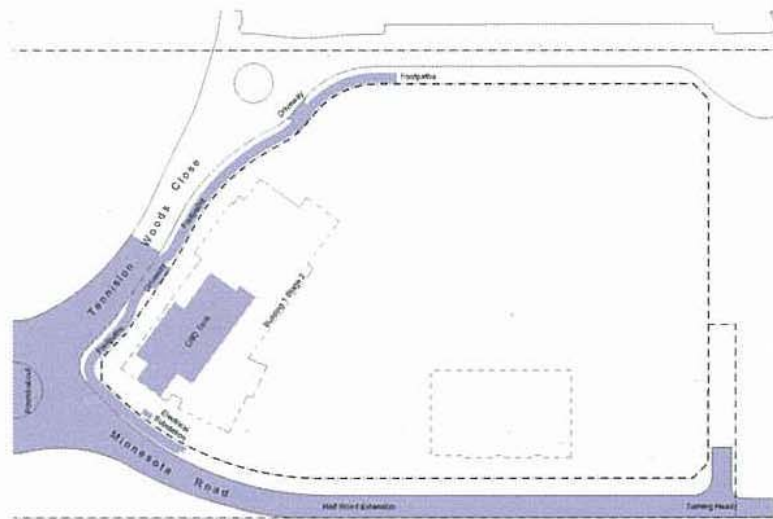
- Construction of an on-site detention basin (designed as part of lower ground floor of Building 1).
- Site works comprising of driveways, footpaths, site perimeter security fencing and landscaping.
- Stage 1 also includes works external to the site comprising:
 - half road extension of Mary MacKillop Drive, new roundabout at junction of Mary MacKillop Drive and Tennison Woods Close, footpaths and driveway crossings along Mary MacKillop Drive and Tennison Woods Close, street trees and landscaping,
 - Sparks Road works including extension of west bound right turn lane and bus stop slabs and footpaths, stormwater and sewer extensions along Mary MacKillop Drive, new street lighting, high voltage cable extensions and electrical substation.

Stage 2

The revised stage 2 works include:

- Construction of Building 1 (three storey) containing staff car park, hydrotherapy pools, medical consulting rooms and facilities, a chemist, café, optometrist, pathology, offices, meeting rooms, conference room and staff area.
- Internal changes to the use and fitout of Building 2 to replace the (temporary) stage 1 uses with radiology on the ground floor and rehabilitation gymnasium and ancillary consulting rooms on level 1.
- Construction of Building 3 comprising the two storey car park for 183 vehicles and demolition of the (stage 1) temporary car parking for 103 vehicles.
- Site works comprising of additional driveways, footpaths, main forecourt, water features, and landscaping to complete the development.

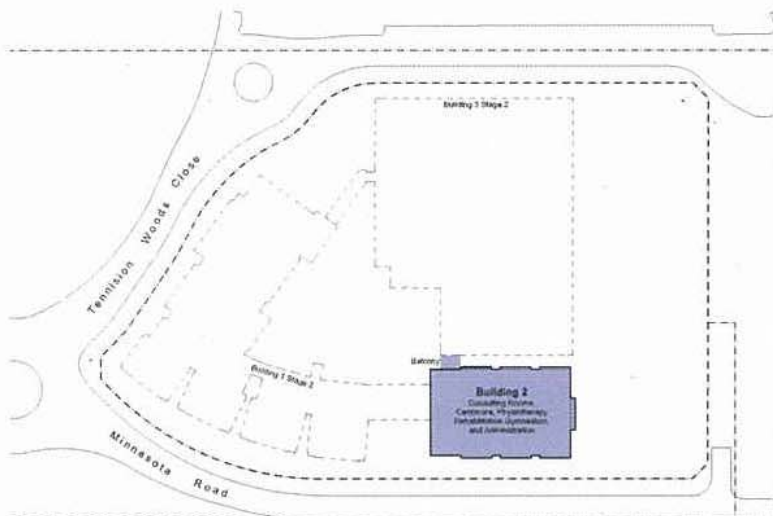
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01 Stage 1 Lower Ground Floor
1:750



02 Stage 1 Ground Floor
1:750



03 Stage 1 Level 1
1:750

Stage 1

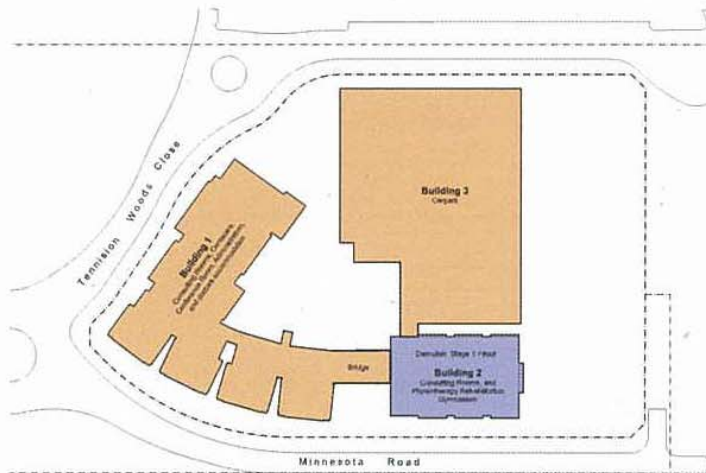
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04 Stage 2 Lower Ground Floor
1:750



05 Stage 2 Ground Floor
1:750



06 Stage 2 Level 1
1:750

Stage 2

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Proposed modified staging plan above.

Additionally, the applicant has provided a comparison between the projected staff numbers for the building from the original consent, the previously approved staging arrangements, and the current modified staging proposal.

	Development Application	Section 96 (Stage 1)	New Section 96 (New Stage 1)
GPs	10	7	5
Specialists	8	4	2
Physiotherapist	2	1	2
Dietician	1	1	1
Counsellor	2	2	2
CentaCare	10	10	10
Diabetes educator	1/3	1/3	1
Radiology	15	10	0
Pathology	5	5	2
Pharmacy	10	10	8
Cafe	4	4	0
Nursing	10	7	5
Admin	28	20	7
TOTAL	106	81	45

*Note. Column 4 titled 'New Section 96 (New Stage 1)' represents the current application.

VARIATIONS TO POLICIES

The original application sought variation to the height of the development under the requirements specified in SEPP (Major Development) 2005 and variation to the parking provisions for the development under Warnervale Town Centre DCP 2008. The Section 96(1A) application does not seek to further vary any applicable development controls.

HISTORY

- On 5 November 2007, the Federal Government announced an investment of up to \$2.5 million to establish a new GP Super Clinic in the north of the Central Coast to deliver improved services to residents. On 22 April 2009, the Department of Health and Ageing (DHA) announced that a funding agreement had been executed with Warnervale Medical Services Pty Ltd to establish the North Central Coast GP Super Clinic at Warnervale Town Centre (WTC).
- Deferred Commencement Consent No.1396/2009 was issued on 29 June 2010 for construction of a Health Services Facility on the site. The application was determined by the Hunter and Central Coast Joint Regional Planning Panel due to the value of the project. Following satisfaction of the Deferred Commencement Conditions, the consent became operational on 22 September 2010.

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- Section 96(1A) application (DA/1396/2009/B) was issued 29 October 2010 for the modification to the wording of Condition 15 of the consent requiring construction of a two lane roundabout. This Section 96 application was originally lodged as Section 96(2) seeking the deletion of Condition 15 requiring construction of the roundabout. Council did not support the proposal and the applicant revised the original intention to alternatively modify the wording of the condition which would allow for the retention of the roundabout but with a single lane arrangement. Due to the changes proposed, the application could now be considered under the provisions of Section 96(1A) due to it being of minimal environmental impact.
- Section 96(1A) application (DA/1396/2009/A) was approved under staff delegation on 16 February 2011 for minor changes and a three stage construction of the approved health services facility.
- DA/226/2010 was approved for a five lot subdivision of the site in two stages on 17 November 2010. This application created the new lot that would accommodate the approved health services facility.

PERMISSIBILITY

The site is zoned R1 General Residential under SEPP (Major Development) 2005 with a “*health services facility*” being permissible with development consent by virtue of Clause 57 of SEPP (Infrastructure) 2007.

A “health services facility” is defined as a *facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:*

- (a) *day surgeries and medical centres,*
- (b) *community health service facilities,*
- (c) *health consulting rooms,*
- (d) *facilities for the transport of patients, including helipads and ambulance facilities,*
- (e) *hospitals”.*

Clause 9 (Part 16) of SEPP (Major Development) 2005, requires that the consent authority have regard for the objectives of a zone when determining a development application. An objective of the R1 zone includes ‘to enable other land uses that provide facilities or services to meet the day to day needs of residents’ under Clause 10(1)(c). The proposed modifications to the Health Services Facility will continue to provide for a land use that will service the day to day needs of residents by providing needed health services, general practitioners and specialist services in the northern part of the Central Coast. The modified proposal remains compatible with each of the other R1 zone objectives. The proposed changes to the staging will assist in facilitating the timely development of the facility.

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Is it Substantially the same Development?

Pursuant to Section 96(1A) of the Act, Council may consider an application to modify a development consent provided that, inter alia:-

- “(a) It is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”

The modifications sought essentially deal with a change to the staging of the works as approved under current development consent (as modified). The extent of site works will not be altered from that which is currently approved. There are changes proposed to the internal fitout and initial use of the buildings as part of the staged works, however, it is considered that the nature of the modifications sought will have minimal environmental impact.

In accordance with the provisions of Section 96(1A)(b) of the Act, Council must be satisfied that the development to which the consent as modified relates is substantially the same development. It is considered from an assessment of the consent (as modified) and the drawings which form part of the Section 96(1A) application that the development in the modified form proposed, would remain substantially the same as that approved. The extent of the modification involves a change to the staging of works with no alterations to the built form and functioning of the approved development. In both qualitative and quantitative terms, the proposal is substantially the same as that which was originally approved by the HCCJRPP.

The application was notified in accordance with the provisions of Section 96(1A)(c) of the Act and DCP 2005, Chapter 70 with no submissions being received.

RELEVANT STATE/COUNCIL POLICIES AND PLANS

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

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Major Development) 2005
- Warnervale Town Centre Development Control Plan 2008
- Wyong Shire Development Control Plan 2005
Chapter 14 - Tree Management

- Chapter 67 - Engineering Requirements
- Chapter 70 - Notification of Development Proposals
- Warnervale Planning Strategy
- Planning For Bushfire Protection 2006

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

Climate Change

The potential impacts of climate change on the proposed development were considered by Council as part of its original assessment of the proposal and there are no changes under the proposed modifications that would require any changes to the earlier consideration of this matter.

ASSESSMENT

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act 1979 and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information.

Section 96(3) of the Act requires that Council in determining an application for modification of a consent, to take into consideration matters referred to in Section 79C(1) as are of relevance to the modifications sought.

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

State Environmental Planning Policy (SEPP) (Major Development) 2005

Warnervale Town Centre (Part 16)

The modifications proposed do not alter the original matters of reference considered under the SEPP (Major Development) 2005. The proposal as modified remains consistent with the R1 zone objectives. The SEPP does not incorporate any further provisions of specific relevance to the proposed modification.

Regional Panel and determination of modifications (Part 3)

The original application was determined by the HCC JRPP. Clause 13F(1)(a) of SEPP (Major Development) 2005 requires that an application made under Section 96(2) of the EP& A Act 1979 (The Act) for which the original development consent was granted by a JRPP would need to be determined by the Panel. However, under Clause 13F(2)(i) of SEPP (Major Development) 2005 Council remains the consent authority for applications of minimal environmental impact made under Section 96(1A) as is the case with this application. The revised staging of the approved development is considered to be of minimal environmental impact and therefore can be considered under Section 96(1A) rather than Section 96(2) of the Act. This means that the application does not need to be determined by the Hunter and Central Coast Joint Regional Planning Panel but can be determined by Council.

State Environmental Planning Policy (SEPP) (Infrastructure) 2007

Development for a Health Services Facility is permissible with development consent within a prescribed zone by virtue of Clause 57 of SEPP (Infrastructure) 2007. The subject site is zoned R1 General Residential under SEPP (Major Development) 2005 and under Clause 56 of SEPP (Infrastructure) 2007, the R1 zone is identified as a prescribed zone for the purpose of Clause 57.

Warnervale Town Centre (WTC) DCP

General

The modifications proposed under the application do not alter the original matters considered for compliance under Warnervale Town Centre (WTC) DCP. Part 2.7 of the DCP provides objectives and controls relating to infrastructure delivery and staging and aims to ensure the timely provision of infrastructure including roads, footpaths, cycleways and community facilities. The modified development remains consistent with this requirement. The proposed modifications to the development warrant consideration of the parking requirements under the DCP for each stage and this is discussed separately immediately below. The DCP does not incorporate any further provisions of specific relevance to the proposed modification.

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Parking

Under Clause 7.4 of WTC DCP 2008 on site parking needs to comply with the required parking rates under Table 4. A total of 226 car parking spaces were provided under the approved plans for the development. A total of 196 spaces are to be located within a 2-level car parking structure located to the northwest of the buildings (ie. identified as stage 2) and 30 spaces in the basement (under stage 1). The 226 spaces represented a variation of 39 spaces from the DCP requirements for the development when based on gross floor area. The variation sought was supported by the JRPP in granting development consent.

The proposed staging of the development requires that the provision of adequate car parking for each stage be achieved. To address the parking demands for stage 1 of the development a temporary car park with 103 spaces is proposed (including 8 accessible spaces). This temporary car park will be wholly removed following completion of Stage 2 which includes the two storey public car park and basement staff car park both designed to service the completed development.

The supporting statement for the proposal has included the following comparison (refer to table below) between the projected staff and visitor numbers and the likely parking demand for the development under the original consent, and for the current modified staging proposal.

	Development application	New Section 96 (New Stage 1)
Staff Numbers	106	45
Outpatients/Hour	166	76
Outpatients/Day	1396	764
85% car use Staff	90	39
80% car use Outpatients	133	61
Total Parking Spaces	226	103

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The parking provision for the revised staging has been calculated using the same methodology as the applicant's original traffic and parking report.

The applicant's traffic consultant has advised that Stage 1 generates a parking demand in the order of 103 spaces. This is based on staff and visitor numbers for stage 1 as outlined below:

- Staff Numbers: 45
- Staff Parking generation (assume 85% car use): **38.25 spaces**
- Visitors/Outpatients per hour: 80.3
- Visitors/Outpatients Parking generation (assume 80% car use): **64.3 spaces**
- Total Parking Generation: 38.25 + 64.26 = 102.6

The calculation of visitor/outpatients per hour by the applicant is further detailed below.

Calculation of Visitors/Outpatients per hour	
5 GP's at 5 Visitors per hour	25
2 Specialists at 3 Visitors per hour	6
2 Physiotherapists at 15 Visitors per hour	30
1 Dietician at 1 Visitor per 45mins	1.33
2 Councillors at 1 Visitors per hour	1
CentraCare at 8 Visitors per hour	8
1 Diabetes Educator at 1 Visitors per hour	1
2 Pathology at 4 Visitors per hour	8
Total visitors/outpatients per hour	80.33

Based on the numbers above, the total parking generation for the development is calculated as 102.6 spaces and this demand has been satisfied by the proposed 103 spaces to be provided in the form of a temporary car park.

It is noted that 19 spaces located within the temporary car park will need to be removed in order to construct the two storey car park under stage 2. Concern has been raised that this number of spaces equates to 18% of total parking for the development at stage 1. The operation of the stage 1 facilities is not considered sustainable with less than the 103 parking spaces calculated. In this regard, it will be necessary to impose a condition requiring the applicant to develop and implement a strategy to provide and maintain 103 parking spaces at all times for use by stage 1 facilities. This will require creation of compensatory spaces elsewhere on the site to cater for the 19 spaces that will be lost during the construction of the two storey car park. There are many options to enable achievement of this requirement including the provision of an additional temporary carpark on the site or, early access to the basement car parking facilities.

The parking generation and provision for stage 2 of the application is identical to the application as originally made. The provision of 226 parking spaces for the completed development remains unchanged and was assessed and approved with the original consent. There is no modification to the layout or number of spaces as previously approved and as now proposed to be constructed under stage 2 works.

Wyong Council DCP 2005 Chapter 67-Engineering Requirements

In respect to DCP Chapter 67 the application has been assessed and no matters of concern exist.

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

The modified proposal does not adversely impact on the character or amenity of the locality and streetscape or on the scenic qualities of the landscape. The scale, form, character, density and design of the development continues to sit well within the locality. There are no significant or unreasonable impacts to the amenity of adjacent properties associated with the modified proposal in terms of privacy or overshadowing.

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

The applicant has identified that all external road works, including the roundabout and half road construction adjacent to the development, bus stops and footpath/shared paths will be completed with stage 1 of the development. This is considered satisfactory and minor amendment to the relevant conditions is recommended to achieve this aim.

Vehicle Access and Parking Design

The vehicle access, circulating roadway and carpark module design for stage 1 are considered satisfactory. The vehicle access, circulating roadway and carpark module design for stage 2 of the application is identical to the application as originally made. The arrangement was scrutinised and approved with the original application, and is supported for the proposed stage 2.

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

There are no changes proposed to this aspect of the proposal under the revised staging arrangements and therefore no further discussion is required.

The impact on utilities supply.*Water and Sewer*

The development is currently not serviced for water supply, and a 375mm diameter watermain must be extended from the north-eastern corner of Sparks Road and Mary MacKillop Drive to the site. A credit is applicable for these works in accordance with the Development Servicing Plan (DSP) 7A. Council's other water and sewer requirements have been reviewed as a result of the application for modification of the development staging. The change in design loading for the development has resulted in amended calculation of developer contributions, water usage limits and sewage discharge limits with the updated requirements incorporated into an amended Section 306 Notice of Requirements.

The proposal is for the construction of a staged construction of the Health Services Facility that will generate an ultimate loading of 35.71 ET (Equivalent Tenement) on Council's water supply and sewerage systems based Stage 1 (8.18ET) and Stage 2 (27.53ET) totalling 35.71 ET.

The effect on heritage significance.

There are no heritage considerations relevant to the proposal that require assessment.

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Any effect on other land resources.

There are no changes proposed to this aspect of the proposal and therefore no further discussion is required.

Any impact on the conservation of water.*Water Cycle Management*

The guiding document for the development in relation to water cycle management is the Integrated Water Cycle Management Strategy for Warnervale Town Centre (IWCM). Conceptual design drawings and supporting documentation were submitted with the previous applications to address the requirements of the IWCM. The applicant has advised that stormwater disposal will continue as detailed on the previously approved stormwater drainage plans.

The previously approved strategy proposed the stormwater quality, flood mitigation and water reuse for the whole of the site is to be catered for in a tank within the basement of Building 1 and a basin adjacent to Building 1. The stormwater quality and flood mitigation elements of the temporary carpark are proposed to be catered for in a temporary basin, with outflows to be directed to the previously discussed tank in the Building 1 basement. Under the revised staging arrangements it is proposed to continue this strategy and this is considered satisfactory.

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

There are no changes proposed to this aspect of the proposal and therefore no further discussion is required.

Any effect on quality of air and microclimate conditions.

There are no changes proposed to this aspect of the proposal and therefore no further discussion is required.

Any effect on the flora and fauna.

The perimeter landscaping works are to be completed under stage 1 of the development. This will provide some visual relief to the portion of the site to remain undeveloped until stage 2. There is no additional flora and fauna impacts that require assessment under the modified staging for the proposal. The earlier modification included construction of a temporary car park under stage 1 that was located on the part of the site previously identified for future development. This work required a further flora and fauna assessment and a revised assessment of significance in respect of the modified proposal, in order to include consideration of the impacts of the temporary carpark. It was concluded that the works were not likely to have any significant impact on any NSW or nationally listed threatened or migratory species matter. Although the internal layout and configuration of that temporary car park has changed, there is no further change to this aspect of the development under the current modification that would require further assessment of the flora and fauna .

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The provision of waste facilities.

There is no change proposed under the Section 96(1A) application to the conditions originally imposed in relation to waste management. Adequate waste storage facilities will be available for the development of each stage.

Whether the development will be energy efficient.

There are no changes proposed to this aspect of the proposal under the revised staging of the development and therefore no further discussion is required.

Whether the development will cause noise and vibration.

There are no changes proposed to this aspect of the proposal under the revised staging of the development and therefore no further discussion is required.

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

The site is identified as being and bushfire prone land, primarily bushfire prone buffer zone with a small portion of Category 1 vegetation on the proposed northern boundary of the site. A bushfire threat assessment was submitted with the original application and reviewed by the NSW Rural Fire Service (RFS) who have issued a Bushfire Safety Authority for the development. There is no change to these conditions as a result of the proposed modification to the staging of the development.

Any risks from technological hazards.

There are no changes to the proposal under the Section 96(1A) application that would result in any adverse risks from technological hazards, therefore no further consideration of this aspect is required.

Whether the development provides safety, security and crime prevention.

There is no change proposed under the Section 96(1A) application to the conditions originally imposed in relation to the principles of Crime Prevention Through Environmental Design.

Any social impact in the locality.

The modified proposal will continue to provide beneficial social impacts through the creation of additional employment and additional health facilities for the Central Coast, albeit on a reduced scale for the initial stage of the development.

Any economic impact in the locality.

The modified proposal will continue to result in direct and indirect employment opportunities for the Central Coast including those for medical practitioners, associated staff, suppliers and support services, albeit on a reduced scale for the initial stage of the development. During the construction period and subsequent operation of the final stage, the development will provide positive benefits to economic growth for the region. There are no changes proposed to this aspect of the proposal that would require further consideration.

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Any impact of site design and internal design.

The staging aspects of the proposal related to parking, access and layout have been assessed and are considered reasonable subject to the original and modified conditions.

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

There is no change proposed under the Section 96(1A) application to the conditions originally imposed in relation to construction management during the works for the development.

Any cumulative impacts.

There are no changes to the proposal under the Section 96(1A) application that would result in any adverse cumulative impacts, therefore no further consideration is required.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):**Whether the proposal fits in the locality. Whether the site attributes are conducive to development.**

The proposed modification to the staging of construction for the development does not alter the suitability of the site for the development. There are no site constraints which under the staging of the proposal would designate the site unsuitable for the development. The modified proposal continues to fit well into the locality and does not change any site attributes. Under the changes proposed the health services facility development continues to be compatible with existing development within the locality.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):**Any submission from the public.**

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

Any submission from public authorities.

The original application for staging of the development under the earlier modification (DA/1396/2009/A) was referred to the NSW Road and Traffic Authority for comment. However, this application has not been referred as the road works proposed under the earlier staging remain unchanged and continue to be constructed under stage 1 of the development. There is no change sought or required under this modified staging proposal in relation to the RTA conditions that were previously imposed.

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THE PUBLIC INTEREST (s79C(1)(e)):**Any Federal, State and Local Government interests and community interests.**

The modified proposal will allow for staging of the employment generating development that will upon completion be beneficial to the community by increasing the provision of medical services and facilities for the Central Coast. There are no matters contrary to the public or community interest associated with the Section 96 application.

OTHER MATTERS FOR CONSIDERATION*Voluntary Planning Agreement*

There is no change proposed to the adopted Voluntary Planning Agreement (VPA) for the development directly in relation to this Section 96(1A) application for revised staging. However, the adopted VPA is currently being amended in response to the earlier staging arrangements. These modifications have no bearing on consideration of the modifications currently being sought.

Water and sewer contributions

The development falls within the Development Servicing Plan for Warnervale-East Wadalba North-west (DSP 7A) and revised developer contribution charges for water supply and sewerage are applicable to the revised staging arrangements.

CONCLUSION

The originally proposed development is employment generating and will be beneficial to the community by increasing the provision of much needed medical services and facilities for the Central Coast Region. In this instance, the variation to the staging is considered to be reasonable in the context of the site and the nature of the development with its positive community and economic benefits. Although the revised staging will result in a reduced scale of the development in the initial stage, it will facilitate the gradual and orderly development of the site towards the eventual completion of the development under the second stage and the resulting economic and health benefits for the region.

The modified development continues to be consistent with the relevant controls for the site and this type of development. The development to which the consent as modified relates, is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) under Section 96 of the Act. The Section 96 application is recommended for approval in the manner shown by the modified conditions on the attached schedule.

ATTACHMENTS

- | | | | |
|---|---------------------------|-----------|-----------|
| 1 | Draft Conditions | | D02731627 |
| 2 | Staging Plans (Colour A3) | Enclosure | D02734613 |

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Date: 11 August 2011
Responsible Officer: Salli Pendergast
Location: 3 Mary MacKillop Drive, WOONGARRAH NSW 2259
Lot 3 DP 1155796
UBD Reference:
Owner: Warnervale Medical Services
Applicant: Warnervale Medical Holdings Pty Ltd
Date Of Application: 30 June 2011
Application No: DA/1396/2009/C
Proposed Development: Health Services Facility (Amended application)
Land Area: 13480.00

Schedule A

In accordance with Section 80(3) of the Act, this consent will not operate until the applicant has provided information to the satisfaction of the Consent Authority to address the matters specified in the conditions of Schedule A. Upon receipt of written information from the applicant in relation to the conditions in Schedule A, the Consent Authority will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of this consent.

In accordance with Clause 95(3) of the Regulation, a twelve (12) month period is given from the determination date of the 'deferred commencement' notice to lodge information that satisfactorily address the required Schedule A conditions, otherwise the 'deferred commencement' will lapse.

- 1 The Voluntary Planning Agreement is to be executed in accordance with the agreed and exhibited terms.
- 2 Elevations shall be submitted to Council demonstrating the colours and materials to be used for the proposed development along the Minnesota Road (eastern) elevation.

Upon compliance with the conditions of deferred commencement and written notification by the Consent Authority, the consent shall become operative subject to the following conditions of Schedule B.

Schedule B

Conditions

- 1 The development taking place in accordance with the approved development plans drawing reference number 1133, plan nos. DA002, DA004, DA005 & DA007 Revision H and plan nos. DA003, DA006, DA008 – DA010 Revision G, dated 17 May 2010,

As modified (under Section 96 application No.DA/1396/2009/C) by plans numbered:

- 1133 S9601/A dated 30.6.11
- 1133 S9604/A dated 30.6.11
- 1133 S9605/A dated 30.6.11
- 1133 S9606/A dated 30.6.11
- 1133 S9607/A dated 30.6.11
- 1133 S9609/A dated 30.6.11

- 1133 DA003/G dated 17.5.10
- 1133 DA004/H dated 17.4.10
- 1133 DA005/H dated 17.4.10
- 1133 DA006/G dated 17.4.10
- 1133 DA007/H dated 17.4.10
- 1133 DA008/G dated 17.4.10
- 1133 DA009/G dated 17.4.10
- 1133 DA010/G dated 17.4.10
- 1133 DA011/A dated 5.7.10

all prepared by MSK Architects and Landscape plan 1627 LP-01 issue F dated 17.09.10 prepared by John Lock and Associates, Stage 1 carpark plan numbered C201-01 dated 22.10.10 prepared by R G H Consulting Group and Stage 1 traffic report prepared by Northern Transport Planning and Engineering P/L dated Dec 2010, except as modified by any conditions of this consent, and any amendments in red.

- 1 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.
- 2 Prior to the occupation of the building, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.
- 4 The strata subdivision of the proposed development does not form part of this consent.

Prior to Release of Construction Certificate:

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

Certificates/Engineering Details

- 5 **Deleted**
- 6 **Stage 2.** The proposed earthen batters adjoining the carpark are to be designed by a practising Civil/Structural Engineer to cater for all expected loads in accordance with AS4678 and AS1170 and other relevant codes and standards. Additionally, the batters must be landscaped and stabilised generally in accordance with Appendix A of Development Control Plan 2005 – Chapter 67 Engineering Requirements for Development. Details are to be submitted to the Council/Principal Certifying Authority prior to issue of a Construction Certificate.
- 7 **All stages.** Prior to the issue of any Construction Certificate, the following protocols are to be implemented in relation to tree and vegetation protection:

- Trees and native vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. The location of any threatened species or threatened communities is also to be marked on all plans.
 - Trees and vegetation outside of the development area are to be protected by the erection of 1.8 metre-high man-proof fencing as per the consulting arborist and ecologist's direction and maintained in good working order for the duration of the works.
 - Erection of tree protection fencing is to be confirmed to Council's Development Ecologist in writing by the consultant arborist/ecologist prior to the commencement of any work
 - All fenced tree protection areas are to be clearly marked as "No Go Area" on all final approved engineering plans.
 - All fenced tree protection areas are to be clearly marked as "No Go Area" on the fencing itself. No clearing of vegetation or storage of vehicles, fill or materials or access is to occur within No Go Areas.
 - The consultant arborist/ecologist may require other habitat and/or trees to be protected via fencing from time to time. This fencing is to be erected at the appropriate root zone protection limits (as determined by the consultant arborist / ecologist), prior to works being carried out around that particular habitat or tree.
 - The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors.
 - The consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements.
- 8 **Stage 1.** Prior to release of any Construction Certificate, the applicant is to prepare and submit to Council's Development Ecologist for approval a Wildlife Management Strategy (WMS) to show how mitigation against native animal welfare issues will be achieved. The WMS is to include the following protocols:
- The consultant ecologist is to identify fauna likely to occur on site and advise on management actions to mitigate any native animal welfare issues;
 - The consultant ecologist is to clearly mark each potential habitat tree required to be removed;
 - The consultant ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. All clearing of habitat trees is to be done under the direct supervision of a consulting ecologist and/or DEC licensed wildlife carer. When fauna are present, the animals are to be removed and relocated to the adjacent bushland/nest boxes prior to felling or the tree shall be sectionally dismantled under the supervision of

the ecologist or wildlife carer before relocating animals to the adjacent bushland/nest boxes;

- Clearing will commence with the most distant vegetation from secure habitat and progressively work toward the retained bushland in order to allow fauna to disperse;
- Trees should be slowly lowered or sectionally dismantled using an excavator or similar technique;
- Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the consulting ecologist;
- Nest boxes are to be provided on a one for one basis for any natural hollow removed by the development and are to be constructed of appropriate durable materials. All nest boxes are to be erected prior to the issue of a Construction Certificate and at least one month prior to vegetation clearance on the site. The monitoring of nest boxes to determine their usage and to carry out repairs or replacement (as required) every six (6) months for a minimum period of three (3) years following erection. Monitoring reports are to be forwarded to Council after each monitoring event.

8A. **Stage 1.** Prior to issue of a construction certificate the applicant is to engage an ecologist to:

- induct relevant subcontractors into these ecological conditions
- supervise the clearing of native trees and the removal of the single hollow bearing tree within the approved development area
- manage any wildlife issues associated with this clearing
- ensure that the northern limit of the approved development area is adequately fenced (1.8m chain wire/mesh) and signposted to prevent any clearing or storage of vehicles, plant, stockpiles and material in the native vegetation to the north of this area
- ensure clearing is in accordance with Council's Clearing in Squirrel Glider Habitat Protocol (Smith 2002)
- Evidence of this engagement and erection of fencing is to be provided to Council prior to issue of a Construction Certificate
- A report detailing the results of this ecological supervision is to be provided to Council prior to Practical Completion of project.

9 **All stages.** Prior to the issue of a Construction Certificate, the applicant is to submit to and gain approval from Council for appropriate methods of disposing of timber, tree waste and other vegetative matter removed through the development activity. Millable timber is to be recycled for use in construction, furniture or fencing or similar or through local saw mills or sawyers. Other tree waste must be woodchip or tub ground or used for firewood. Tree stumps that

cannot be reasonably tub ground may be disposed of to a Council approved site. Unless otherwise approved the resultant materials must be used in final landscape works for soil stabilisation, improvements and rehabilitation.

It is not permitted to dispose of vegetated matter removed through development activity by burning and the NSW Rural Fire Services is unable to provide a permit to dispose of such material in this manner.

Erosion and Sediment Control – Building Sites

- 10 **All stages.** Prior to the issue of a Construction Certificate, the submission to the Principal Certifying Authority of design plans for the control of soil erosion on the site and the prevention of silt discharge into drainage systems and waterways in accordance with Wyong Shire Council's Development Control Plan 2005 – Chapter 67 – Engineering Requirements for Development or Soils and Construction – Managing Urban Stormwater (Blue Book). Details are to include all major stages of construction and sequences of work together with treatments necessary at these stages. The design plans must be approved by the Principal Certifying Authority or an appropriately Accredited Certifier prior to issue of the Construction Certificate.

Food Act Requirements

- 11 **Stage 2.** Prior to the issue of a Construction Certificate, detailed plans and specifications for the food handling areas are to be submitted to and approved by Council's Environmental Health Officer- Food.

Roads

- 12 **All stages.** The provision of additional civil works necessary to ensure satisfactory transitions to existing work as a result of work conditioned for the development at no cost to Council. Design plans are to be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.
- 13 The provision at no cost to Council or the RTA of the following works at Sparks Road and Minnesota Road:

Stage 1

Sparks Road (West Bound)

- Extend the right turn lane into Minnesota Road from 100 metres to 140 metres of vehicle storage. In addition, taper lengths are also to be provided in accordance with the RTA Road Design Guide or approved equivalent.

Stage 2

Sparks Road (West Bound)

- Extend the right turn lane into Minnesota Road from 140 metres to 200 metres.
- Extend the approach auxiliary through lane from 130 metres to 200 metres.
- Extend the departure lane from 130 metres to 200 metres.

Sparks Road (East Bound)

- Extend the approach left/through lane from 70 metres to 120 metres.
- Extend the departure lane from 60 metres to 120 metres.

The lane lengths shown are full width lane lengths. In addition to the lengths shown, taper lengths are also to be provided in accordance with the RTA Road Design Guide or approved equivalent. Detailed design plans of the above works shall be approved by the RTA prior to the issue of a Construction Certificate.

Note: These extended lane lengths may require changes to the operation and arrangement of the Sparks Road/Hiawatha Road intersection.

- 14 **Stage 1.** The provision at no cost to Council of kerb and guttering, half road construction and associated stormwater systems for the full street frontage of the development in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and the Warnervale Town Centre Development Control Plan 2008. The design must include a minimum 6 metre wide road carriageway width and turning head catering for the 8.8m Medium Rigid Vehicle. Additionally the design must accommodate the amended ultimate Minnesota Road formation described below:

- 4.1m footpath (including 2.5m shared path)
- 1.5m on-road cycleway
- 3.25m northbound lane
- 3.25m southbound lane
- 4.2m combined parking and on-road cycleway eastern side of Minnesota Road extension
- 4.1m footpath (including 2.5m shared path)

The design plans must be approved by Council as the Roads Authority prior to the issue of a Construction Certificate.

- 15 **Stage 1.** The provision at no cost to Council of a single lane circulating roundabout at the intersection of the existing Mackillop Close and Minnesota Road. The design must be in accordance with Council's Development Control Plan 2005, Chapter 67 – “Engineering Requirements for developments” and Austroads “Guide to Road Design”. The roundabout shall feature a 16 metre minimum inscribed circle radius and shall be designed to accommodate the swept path of a heavy rigid vehicle (12.5 metre) without mounting the central island. The detailed design plans must be approved by Council prior to the issue of a Construction Certificate.

- 16 **Stage 1.** The provision of a vehicular access crossing in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and Australian Standard AS/NZS2890.1:2004. Detailed design plans must be approved by Council the Roads Authority prior to the issue of a Construction Certificate.

- 17 **Stage 1.** The provision at no cost to Council of a concrete shared path for the full Minnesota Road frontage adjacent to the development. The shared path shall be 2.5 metre wide in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Additionally, the design shall detail the provision of pram ramps facilitating pedestrian/cyclist access across the existing Mackillop Close. The design plans must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.
- 18 **Stage 1.** The completion at no cost to Council of concrete footpaving between the development and the existing bus stops on Sparks Road east of the Minnesota Road intersection. The footpath path within Sparks Road shall be 1.5 metres wide and be designed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Additionally, the design shall include the provision of bus shelters and concrete set down areas at each bus stop in accordance with Council's standard requirements. The design plans must be approved by Council as the Roads Authority prior to issue of a Construction Certificate.
- 19 **Stage 1.** The preparation of a comprehensive road signage and pavement marking plan identifying parking restrictions, internal carpark pavement marking and signage, accesses and traffic management facilities. The plan must include:
- Road signage and pavement marking associated with the roundabout required under this consent.
 - Pavement marking and signage for taxi stand.
 - No Stopping signs placed on the western side of the Minnesota Road extension where the carriageway width does not allow for carparking.

The plan must be submitted to Council for approval by the Local Traffic Committee, prior to issue of the Construction Certificate. Any works in Sparks Road must be approved by the RTA.

Stormwater

- 20 Relocated to Condition No 61A.
- 21 **Stage 1.** Stormwater drainage works connecting into a public system or public land requires approval from Council under Section 68 of the Local Government Act 1993. All works are to be designed and constructed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. Design plans must be approved by Council prior to issue of a Construction Certificate.

- 22 **All stages.** The submission of stormwater drainage details generally in accordance with the Water Sensitive Urban Design and Stormwater Management Report prepared by Ryan Consulting Group and accompanying drawings (Job Number 09114 - Sheets DA02 (Rev C, DA03 (Rev C, DA04 (Rev B), DA05 (Rev B) and DA06 (Rev B)), the Engineers Australia publication Australian Runoff Quality and the National Plumbing and Drainage Code AS/NZS3500.3:2003. The design shall be amended to:

- Reflect the approved layout and staging of the development. The stormwater detention and reuse tanks in the basement of building 1, and water quality basin adjacent to building1, must be provided with stage 1.
- Provide an impermeable barrier to protect the Minnesota Road carriageway.

Detailed design plans must be approved by the Council/Accredited Certifier prior to issue of a Construction Certificate.

- 23 **Stage 1.** The submission of a risk assessment undertaken by a suitably experienced consultant in accordance with the Australian Guidelines for Water Recycling (Stormwater Harvesting and Reuse) must be submitted to Council/Accredited Certifier prior to the issue of a construction certificate. Any mitigation measures identified through the risk assessment must be shown on the plans accompanying the construction certificate application.

Trade Waste

- 24 **All stages.** The submission of a trade waste application and subsequent approval by Council to discharge trade waste into the sewerage system prior to issue of the Construction Certificate.

Vehicle Access and Parking

- 25 **All Stages.** The design of the carpark and accesses shall be prepared in accordance with AS/NZS2890 parts 1, 2 and 6, and shall include the following:
- The access driveway adjoining the existing roundabout on the existing Mackillop Close shall be geometrically designed to meet the requirements of the relevant Austroads manuals.
 - Provision of a dedicated parking space close to the main entry for mini-bus parking. Space geometry to comply with the standard medium rigid vehicle.
 - The remaining access driveway fronting the Mackillop Close intersection shall be designed exit only, and limited to a left turn only. Additional signage, pavement marking and a raised concrete central median shall be provided to reinforce this requirement. The design of the median must consider the manoeuvring of the largest design vehicle anticipated to access the development.
 - Dedicated area for taxis to stand close to the main entry, with pedestrian links to the main entry.

- Design of each pedestrian crossing proposed centrally in the carparking modules as a raised threshold.
 - Pavement marking, appropriate signage and physical controls detailed for the carpark, access driveway and circulation roads.
 - Pavement design able to withstand anticipated vehicle loadings.
- Provision of a turning head generally in the location shown on the approved development plan and catering for an 8.8metre medium rigid vehicle.
- Amendment to the Colonnade exit/carpark entry, to facilitate B99(AS/NZS 2890.1) Swept Path.
- Develop a strategy to maintain 103 parking spaces at all times for use by stage 1 facilities during the construction phase of stage 2.

The design shall be approved by the Council/Accredited Certifier prior to issue of a Construction Certificate for the relevant stage.

26 **All stages.** The lighting design of the carpark (including the temporary car park) and accesses shall be prepared in accordance with AS/NZS1158 and AS4282:1997. Additionally, the following must be considered:

- Adjustment to the lighting at the existing roundabout on the Mackillop Close due to the proposed additional leg.
- Limiting light spill to the future residential subdivision to the east.
- Lighting to the bicycle storage area.

The design shall be submitted approved by the Council/Accredited Certifier prior to issue of a Construction Certificate.

27 **Stage 1.** The provision at no cost to Council of concrete paving 2.5 metre wide adjacent to the existing Mackillop Close carriageway, from the intersection with Minnesota Road to the existing pedestrian crossing. It is recommended that the paving is designed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development. The design plans must be approved by Council/Accredited Certifier prior to issue of a Construction Certificate.

Temporary parking strategy

27A **All stages** A minimum of 103 parking spaces are to be available at all times for exclusive use of stage 1 (building 2) facilities. A strategy to achieve this is to be developed and implemented as part of the development.

Water and Sewer Services/Infrastructure

28 **All stages.** Prior to the issue of the Construction Certificate, the applicant must apply under Section 305 of the Water Management Act 2000 to Council as the Water Supply Authority for any works and contributions required for the obtaining of a Section 307 Certificate of Compliance.

Landscaping

- 29 **All Stages.** A landscape plan, incorporating details of substantial landscape screening:
- i. along the northern elevation of the multi level aboveground car park and around the car park for stage 2 and,
 - ii. around the Radiology Building for stage 3 and,
 - iii. along each of the site boundaries for the temporary car park under Stage 1,

shall be submitted to Council prior to the issue of a Construction Certificate for each relevant stage.

Prior to Commencement and During Works:

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

Approved Plans

- 30 **All stages.** 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.

Aboriginal Relics

- 31 **All stages.** If Aboriginal engravings or relics are unearthed during construction, all work is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the Department of Environment, Climate Change and Water.

Acoustic

- 32 **All stages.** Construction work may only be undertaken in accordance with the provisions of the Department of Environment, Climate Change and Water "Interim Construction Noise Guideline" as identified below:

Monday to Friday 7.00 am to 6.00 pm.

Saturdays 8.00 am to 1.00 pm.

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

Demolition

- 33 **All stages.** Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Plumbing and Drainage Inspector must certify that the works have been undertaken to the satisfaction of Council.

Dilapidation

- 34 **All stages.** The applicant must supply the Consent Authority with a dilapidation report for the adjoining properties, which documents and photographs the condition of buildings and improvements. The report must be submitted to the Consent Authority prior to commencement of work and will be made available by the Consent Authority in any private dispute between the neighbours regarding damage arising from site and construction works.
- 35 **All stages.** A dilapidation report must be submitted to Council as the Roads Authority prior to the commencement of any works. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, water supply, sewer works, street trees, street signs or any other Council assets in the vicinity of the development.

Dust Control

- 36 **All stages.** Appropriate measures shall be employed by the applicant/owner during demolition, excavation and construction works to minimise the emission of dust and other impurities into the surrounding environment to the satisfaction of the Consent Authority.
- 37 **All stages.** In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to eliminate the problem to the satisfaction of the Consent Authority.

Ecology/Trees

- 38 **All stages.** Trees marked on the approved plans and any other trees not specifically indicated for removal on the approved plans, are to be retained and not felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed.
- 39 **All stages.** Prior to the start of works the tree exclusion zone must be constructed and administered to the satisfaction of the Consent Authority in accordance with the endorsed plans including:
- A tree exclusion zone for individual trees and clusters of trees to be retained within open space, road reserves and adjacent to the building envelope.

- Tree protection measures must be installed in accordance with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development prior to commencement of work. Documentary evidence from a qualified Arborist / Horticulturist that suitable tree protection measures have been installed may be submitted to the Principal Certifying Authority and Council, or alternatively Council must be notified to undertake an inspection of the works.
- 40 **All stages.** Council's Development Ecologist is to be notified as soon as practicable (and not more than 24 hours after) if a breach of these ecological protection conditions occurs.
- 41 **All stages.** Trees and native vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage of vehicles, fill or materials or access is to occur within retained areas.
- 42 **All stages.** The management protocols and requirements within these conditions relating to tree and vegetation retention, protection and rehabilitation are to be included in all contract documentation, plans and specifications used by each civil contractor and sub-contractors. In addition the consultant ecologist and arborist are to induct each civil contractor and sub-contractor in relation to these ecological protocols and requirements.
- 43 **All stages.** Any plant stock used in landscaping must be supplied from local provenance specific seed/material and be species appropriate to the native vegetation of the site, Map Unit 28 Narrabeen Buttonderry Footslopes Forest (in accordance with the submitted ecological report recommendations), collected from within the Tuggerah Lakes catchment area. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Habitat Restoration Plan.
- 44 **All stages.** All services, including water and electricity, must be located, designed and installed to minimise or prevent root damage to retained trees. Methods for the installation of services within the tree's canopy perimeter are contained within Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and include under boring and excavation by hand.
- 45 **All stages.** Native fauna must be appropriately managed during clearing and construction phases of the approved works. In this regard, an appropriately licensed fauna ecologist is to be employed to advise and supervise the clearing of trees. Where, in spite of precautions, wildlife is injured, the fauna ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as W.I.R.E.S or Wildlife Arc.
- 45A **Stage 1.** The fauna handling protocol and vegetation management strategies within the Wildlife Management Strategy under the submitted ecological report (Ashby 2010b) are to be implemented.

- 46 **All stages.** Trees containing trunk or branch hollows provide habitat and shelter to native wildlife. Removal of hollow bearing trees is to be done under the advice and supervision of an experienced wildlife carer or consultant who holds an appropriate National Parks and Wildlife Services Licence to mitigate against any animal welfare issues. The wildlife carer or consultant ecologist is to inspect all potential habitat trees prior to removal and identify evidence of fauna use. Should a threatened species be positively identified, all clearing works are to cease and the advice of the National Parks and Wildlife must be sought. When fauna are present, the animals are to be removed and suitably relocated by the ecologist prior to felling or the tree shall be sectionally dismantled under the supervision of the ecologist before relocating animals. Wildlife must be relocated locally to an area with adequate resources and provided with a nest box or relocated hollow under instruction from the licensed carer or consultant.

Voluntary wildlife handlers and carers are not to be employed for supervision or initial advice regarding tree clearing for the purposes of this approval.

- 47 **All stages.** Prior to the commencement of any works, the applicant is to engage a suitably qualified and experienced consulting ecologist, arborist and soil erosion consultant to supervise the construction of each stage of the development and to ensure and certify to Council's Development Ecologist that the trees and vegetation are adequately retained and protected during construction. Evidence of this engagement is to be forwarded to Council's Development Ecologist prior to the commencement of works. The consultant ecologist and arborist are to provide reports to Council's Development Ecologist for review certifying how the proposal is meeting tree retention and protection requirements following completion of the following stages of development:
- Following erection of required tree protection fencing (and prior to the issue of a Commencement of any Works).
 - Following induction of each civil contractor and subcontractor.
 - Following initial clearing and excavation/filling of the site.
 - Following provision of services.
 - Following completion of each construction phase (and prior to the issue of an Occupation Certificate).

Englobo

- 48 **Stage 1.** The development shall not be connected to Council's future water main until Council's Development Construction Engineer has formally accepted the main. A pre-requisite for acceptance will be to successfully comply with Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development for pressure testing of the main, hydrants and valves at the correct height in relation to the finished footpath and markers placed. The hydrant, valves and markers must be protected during dwelling construction by erecting a barrier. Hydrant, valves and markers are to be clearly visible at the completion of the dwelling landscape works. Water meters will not be connected until the mains are accepted.

Application can be made to Council's Development Engineer for a temporary water supply once the main is accepted.

Erosion and Sediment Control

- 49 **All stages.** 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.**
- 50 **All stages.** 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.**
- 51 **All stages.** 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.**
- 52 **All stages.** 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.**

General

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

Other Authorities

- 54 **All stages.** Other public authorities may have separate requirements and should be consulted prior to commencement of works in the following respects:
- Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments;
 - AGL Sydney Limited for any change or alteration to gas line infrastructure;
 - Energy Australia for any change or alteration to electricity infrastructure or encroachment within transmission line easements;

- Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure.

Site Requirements

- 55 **All stages.** The provision of a temporary closet on site from the time of commencement of building work to ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in the building activity. The temporary closet is to be a water closet connected to the sewerage system or approved septic tank or a chemical closet supplied by a licensed contractor.
- 56 **All stages.** All building materials, plant and equipment must be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and to prevent damage to the road reserve. The storage of building materials on Council's recreation reserves and/or road reserves is prohibited. **Note: On the spot fines may be imposed by Council for non-compliance with this condition.**
- 57 **All stages.** 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.
- 58 **All stages.** 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.

Survey Reports

- 59 **All stages.** To ensure that siting, height and view sharing objectives are achieved, a survey of each floor level must be undertaken by a registered surveyor and submitted to the Principal Certifying Authority prior to the wall frames being erected. The survey is to detail that the boundary setbacks and finished floor levels are in accordance with the approved plans. In the case of roof structures the level of the roof ridge must be confirmed prior to the fixing of the roof cladding.

Waste Management

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

- 61 **All stages.** 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.
- 61A **All stages.** The submission of a plan of management to Council for approval under the Roads Act/Local Government Act for any works for the development that impact on any public roads or public land for the construction phase of the development, prior to that section of work commencing. The plan is to include a Traffic Control Plan and/or a Work Method Statement for any works or deliveries that impact the normal travel paths of vehicles, pedestrians or cyclists or where any materials are lifted over public areas.

Particular attention shall be given to the proximity and operation of the adjacent school. This plan must be certified by an appropriately accredited/qualified person.

Prior to Release of Occupation Certificate:

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

Bicycle Parking

- 62 **All stages.** To encourage the use of alternate transport modes by staff, secure bicycle parking/storage, change rooms and lockers must be provided to accommodate a minimum of 20 cyclists. Additionally, a minimum of 20 public bicycle storage spaces for patrons must be located in close proximity to the building entrances and be highly visible and well illuminated to minimise the likelihood of theft and vandalism. The installation and dimensions of the facility shall be in accordance with NSW Bicycle Guidelines 2005 and Guide to Traffic Engineering Practice – Bicycles, Part 14 – Austroads. These works must be completed prior to the issue of an Occupation Certificate.

Building Code of Australia

- 63 **All stages.** Compliance with the relevant provisions and requirements of the Building Code of Australia.

Certificates/Engineering Details

- 64 **Stage 2.** The construction of the landscaped and stabilised structural earthen batters adjoining the carpark. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 65 **Stage 1.** The provision of Works as Executed information as identified in Council's Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development prior to issue of the Occupation Certificate. The information is to be submitted in hard copy and in electronic format in accordance with Council's "CADCHECK" requirements. This information is to be approved by Council prior to issue of the Occupation Certificate.

- 66 **All stages.** The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.
- 67 **Stage 1.** A Subdivision Certificate is to be issued by the Certifying Authority prior to the registration of the plan of subdivision and prior to the issue of an Occupation Certificate. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

Dilapidation

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

Disability Access

- 69 **All stages.** Access to and throughout the buildings shall comply with the Building Code of Australia, AS1428.1-2001 and the objectives of the *Disability Discrimination Act 1992* (Commonwealth).

External Materials

- 70 **All stages.** The completed development must be in compliance with the external colours and materials submitted with the application and as shown on the materials board / model / photomontage.

Food Act Requirements

- 71 **Stage 2.** No food handling, (as defined by the NSW Food Act 2003), is permitted in the food premises prior to the issue of the Occupation Certificate.
- 72 **Stage 2.** All liquid trade waste is required to pass through a basket arrestor with fixed screens, fitted to all floor wastes and sinks, before being discharged into the sewerage system.
- 73 **Stage 2.** Compliance with the requirements of the New South Wales Food Act 2003, the Food Regulation 2004, and AS4674–2004 – Design, Construction and Fitout of Food Premises, and AS1668, Part 11 – Mechanical Ventilation, for all food preparation and food storage areas, including liquor areas.
- 74 **Stage 2.** The installation of hand wash facilities with a minimum dimension of 500mm x 400mm providing warm running water through a common mixing spout with hands-free tap operation (consisting of elbow or wrist operated tap levers, foot or hip operated tap levers, or electronic sensor tap operation).

Landscaping

- 75 **All stages.** To ensure landscaping works are properly completed, the landscape designer must provide certification to the Principal Certifying Authority certifying that landscaping has been implemented in accordance with the landscape plan, prior to issue of an Occupation Certificate. Where Council is not the Principal Certifying Authority, a copy of the certificate must be provided for Council's records.

Other Authorities

- 76 **All stages.** Compliance with the General Terms of Approval of the Mine Subsidence Board as outlined in its correspondence dated 9 June 2010
- 77 **All stages.** Compliance with the General Terms of Approval of NSW Rural Fire Service as outlined in its correspondence dated 4 February 2010.

Roads

- 78 **Stage 1.** All road signage and pavement marking works must be provided in accordance with the plans approved by the Local Traffic Committee and approved by Council prior to issue of the Occupation Certificate.
- 79 **All stages.** All road works on Sparks Road must be approved by the RTA prior to the issue of the Occupation Certificate.
- 80 **All stages.** All additional civil works required to ensure satisfactory transitions to existing work as a result of work conditioned for the development works are to be approved by Council prior to issue of the Occupation Certificate.
- 81 **Stage 1.** All works within a public road such as kerb and guttering, road pavement, drainage, footpaths, cycleways and vehicular access crossings must be in accordance with Development Control Plan 2005, Chapter 67 - Engineering Requirements for Development and approved by Council as the Roads Authority under the Roads Act 1993, prior to the issue of an Occupation Certificate.
- 82 **Stage 1** All works relating to bus servicing facilities must be approved by Council prior to issue of the Occupation Certificate.
- 83 **Stage 1** Minnesota Road shall be dedicated to Council as public road, at no cost to Council, from Sparks Road to the northern extent of works, including widening for the proposed roundabout. Details confirming registration of the plan of subdivision must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Stormwater

- 84 **All stages** The construction of the stormwater management system, including water quality control and stormwater harvesting devices. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

- 85 **Stage 1** A maintenance and operation manual for the constructed stormwater management system must be completed by a suitably qualified consultant and submitted to the Registered Proprietors/Owners Corporation prior to the issue of the Occupation Certificate. Documentary evidence must be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 86 **All stages** The construction of the carpark and accesses in accordance with AS/NZS2890 parts 1, 2 and 6. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Subdivision Works

- 87 **Stage 1.** The registration of reciprocal Rights of Carriageway for Mackillop Close, over Lots 7 & 8 in DP 7738 under the relevant provisions of the Conveyancing Act 1919.

Vehicle Access and Parking

- 88 **All stages.** The construction of the carpark and accesses in accordance with AS/NZS 2890 Parts 1, 2 & 6. Certification of the construction by a suitably qualified consultant is to be provided prior to issue of the Occupation Certificate

Waste Management

- 89 **All stages.** For safety, amenity and maintenance reasons, the waste storage area must be constructed to the following standards:
- Floors must be constructed of concrete, graded and drained to an approved drainage outlet connected to the sewer and finished to a smooth even trowelled surface;
 - Walls must be constructed with solid impervious material and shall be cement rendered internally to a smooth even steel trowelled surface;
 - All intersections between the walls and floors shall be coved with coving having a minimum radius of 25mm;
 - All entry points into the room must be banded to prevent the escape of liquid waste. Banding shall be for 110% of the likely liquid storage waste and constructed in such a manner that does not obstruct the removal of waste receptacles from the room or create a safety risk to users;
 - Adequate ventilation shall be provided;
 - Adequate lighting shall be provided;
 - The ceiling must have a minimum height of 2.1m from floor level and be finished with a smooth faced non-absorbent material capable of being easily cleaned;
 - Waste storage areas shall prevent the access of vermin;

- Waste receptacles used shall be compatible with Wyong Council's waste collection service;
- The door to the storage area shall be weatherproof and shall be openable from the inside at all times;
- Hot and cold water hose cocks shall be located inside or within close proximity to the waste storage areas to facilitate cleaning.

Water and Sewer Services/Infrastructure

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

General

- 91 **All stages** The development shall comply with those measures outlined in the "Water Conservation and Energy Minimisation Standards" Statement.
- 91A. **All stages** A report detailing the results of the ecological supervision required under Condition 8A is to be provided to Council prior to occupation of each of the stages.

Ongoing Operation:

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

Advertising Signs

- 92 No advertisement or signage shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - Advertising Signs. The sign shown on the south west elevation does not form part of this consent.

Amenity

- 93 As lighting may have the potential to interfere with the foraging pattern of threatened microchiropteran bats, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises. Lighting shall be restricted to only that which is absolutely necessary and, of a type that does not spill light pollution outside of the target area.
- 94 No sound shall be emitted from any device or from any source or activity that may either impair or impinge upon the use and enjoyment of adjoining properties or properties within the near vicinity, by the occupiers thereof. Noise emissions must comply with EPA and the relevant State/Regional/Local Environment Planning Policy requirements.

- 95 Any security alarm installed on the premises must be fitted with a 'cut-off' device limiting any sounding of the alarm to maximum duration of ten (10) minutes, with no repeat sounding until manually reset; and or 'silently wired' to a security firm.

Ecology/Trees

- 96 All external lighting is to be of a type that minimises overspill into retained vegetated areas.

External Materials

- 97 The external finish must be maintained and any graffiti removed.

Landscaping

- 98 All landscaping is to be maintained to maturity through the use of mulch and watering and allowed to achieve their natural height to the satisfaction of the Consent Authority. Where any approved landscaping dies or is substantially damaged within 5 years of planting, it must be replaced and maintained to maturity.

Safer by Design

- 99 To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following measures:
- a. In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting to AS1158 is to be provided to all common areas including the car park areas, common open space and any common stair access to these areas and pedestrian routes, particularly including the waste storage areas.
 - b. This lighting shall ensure consistency to avoid contrasts between areas of shadow/illumination and preferably be solar powered and with an automatic/timed switching mechanism, motion sensor or equivalent for energy efficiency. Such lighting shall be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets. Car parking lighting system is to be controlled by sensors to save energy during periods of no occupant usage.
 - c. Adequate signage is to be provided and maintained to a legible standard within the development to identify pedestrian and vehicular facilities, entry/exit points and direct movement within the development. Clear concise signage using simple text and international language to specify location of telephones/public transport/toilets/ rest areas, expected behaviour (eg. alcohol free zones), emergency help location, alternative walking/cycling routes etc.
 - d. The design, installation and maintenance of landscaping (and associated works) within pedestrian routes around the site shall not impede visibility and clear sight lines along the pedestrian footway from one end to the other.

- e. The means to isolate the components of each use within each of the buildings shall be incorporated into the development, including the security keying of lifts and doors and other measures for access control.
- f. The development shall be designed and constructed to minimise the opportunities for concealment or entrapment spaces with the means to isolate components of the development after hours from direct public access.
- g. The development management shall adopt an ongoing policy of rapid repair of vandalism and graffiti and ensuring that all lighting and external fixtures are in working order. The use of durable and easily maintained external materials and finishes. The installation of sturdy, non corrosive catches, bolt and locks on doors/windows.
- h. Provision of CCTV system to the interior and exterior of the facility (as outlined on page 39, Section 4.5 of the Statement of Environmental Effects dated May 2010, prepared by JLA).

Stormwater

- 100 All stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective.

General

- 101 The conference room shall only be used by those health professionals associated with the health services facility during business hours (9.00am to 5.00pm). Any use of the conference room by external parties is to occur outside business hours.
- 102 Any party utilising the conference room after business hours shall cease use of the room by 10.00pm.
- 103 The hydrotherapy pool and rehabilitation gym shall only be used by those health professionals associated with the health services facility and their patients. The hydrotherapy pool and rehabilitation gym are not to be used for public/commercial purposes.
- 104 The temporary car parking provided under stage 1 (totalling 103 parking spaces) shall remain available at all times within the development for use by the public and staff associated with the Stage 1 use of Building 2 until completion and operation of the multi level car park under Stage 2.

4.1 Proposed Acquisition of Land at Palmdale

TRIM REFERENCE: F2011/01897 - D02731943

AUTHOR: Paul Forster; Property Services Coordinator,

MANAGER: Greg Ashe, Manager Economic and Property Development

SUMMARY

Approval is sought for the General Manager to bid at auction for the purchase of Lot 1 DP 1012816 No 31 Palmdale Road Palmdale

RECOMMENDATION

- 1** *That Council endorse the proposal to acquire Lot 1 DP 1012816 No 31 Palmdale Road Palmdale for operational purposes.*
- 2** *That Council authorise the General Manager, or his delegate, to attend the sale auction and bid on behalf of Council.*

BACKGROUND

The subject site is currently zoned 7(b) Scenic Protection and consists of 41,380sqm of land.

The property is improved with a large single story residence and lockup garages.

The property is owned by Roads and Traffic Authority which now deems the property surplus to its requirements and now proposes sale by auction.

Council owns the land to the east of the property and the purchase of this parcel of land.

PROPOSAL

It is proposed to acquire Lot 1 DP 1012816 No 31 Palmdale Road Palmdale for operational purposes.

The property offers Council a range of opportunities for development in conjunction with council's existing holdings in the Ourimbah area and to utilise this land for the purposes of materials storage and the recycling of excavated materials from Councils operations.

The agent is under instructions from the RTA not to give any advice on likely sale price however recent sales evidence suggests a value in the \$650,000 - \$750,000 range.

The property will be auctioned on site on Saturday 17 September 2011.

The property may be let as a residential tenancy until such time as the property is fit for the purpose of its acquisition or the preferred development opportunity is clarified.

CONCLUSION

The purchasing opportunity has arisen suddenly and only a brief window of time is available to Council to take advantage.

**ATTACHMENTS**

Nil.

5.1 Extension Of Contracts CPA/145091 - Hire of Minor Plant and Equipment, CPA/145088 - Hire of Plant and Machinery and CPA/145089 - Hire of Tipping Trucks and

TRIM REFERENCE: CPA/145088 - D02679628

AUTHOR/ MANAGER: John Barnard; Manager Plant Fleet Depots

SUMMARY

Report recommending the extension of each of the following contracts:

Contract CPA/145091 – Hire of Minor Plant and Equipment

Contract CPA/145088 – Hire of Plant and Machinery

Contract CPA/145089 – Hire of Tipping Trucks

All for the period 1 February 2012 to 31 July 2012.

RECOMMENDATION

- 1 That Council agree to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2012 to 31 July 2012.**
- 2 That Council approve an increase of \$325K to the total value of contract CPA/145091 to meet the additional costs for the life of the contract (revised contract value of \$2,500K).**
- 3 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145091 for the period 1 February 2012 to 31 July 2012.**
- 4 That Council agrees to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2012 to 31 July 2012.**
- 5 That Council approve an increase of \$1,600K to the total value of contract CPA145088 to meet the additional costs for the life of the contract (revised contract value of \$9,700K).**
- 6 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145088 for the period 1 February 2012 to 31 July 2012.**
- 7 That Council agree to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2012 to 31 July 2012 (nil increase to the contract value).**
- 8 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145089 for the period 1 February 2012 to 31 July 2012.**

5.1 Extension Of Contracts CPA/145091 - Hire of Minor Plant and Equipment, CPA/145088 - Hire of Plant and Machinery and CPA/145089 - Hire of Tipping Trucks and (contd)

BACKGROUND

Council at its meeting held on 9 February 2011;

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

- 1 *That Council exercise its option to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2011 to 31 January 2012.*
- 2 *That Council exercise its option to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2011 to 31 January 2012.*
- 3 *That Council exercise its option to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2011 to 31 January 2012.*

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

AGAINST: NIL”

Due to the nature and diversity of operations, WSC needs to externally hire minor plant, heavy plant & machinery and tipping trucks. To ensure these items are readily available at the most competitive rates, tenders are invited every two to three years. The current contracts are due to expire on 31 January 2012 after Council having twice exercised the option to extend each by a further year.

When a requirement arises, it is met from WSC’s own resources wherever possible. If not available due to previous allocations or the equipment is not owned by WSC, Plant Pool Coordinators source the required equipment from the list of approved suppliers using the most economical and suitable supplier as each situation demands.

The anticipated expenditure against the three tenders for their original 3 year term is as follows:-

all in \$'000's	CPA/145088	CPA/145089	CPA145091
Approved Tender value (over 3 years)	\$8,100	\$3,000	\$2,175
Spend on Tender to end June '11	\$6,453	\$1,620	\$1,665
Months tender run (to end June '11)	29	29	29
Average monthly spend to end June '11	\$223	\$56	\$57
Extrapolated spend to end of current contract	\$8,010	\$2,011	\$2,067
Extrapolated % actual to approved at end of contract	99%	67%	95%
Anticipated spend for 6 month extension (includes 25% contingency ¹)	\$ 1,669	\$ 419	\$ 431
Revised contract value incl. extension	\$9,679	retain original contract value	\$2,498
Revised value - rounded	\$9,700	\$3,000	\$2,500
Increase to contract value	\$1,600	n/a	\$325

Note 1 - 25% contingency (for 6 months only) due to higher allocation to Roads programs in 2011/12

5.1 Extension Of Contracts CPA/145091 - Hire of Minor Plant and Equipment, CPA/145088 - Hire of Plant and Machinery and CPA/145089 - Hire of Tipping Trucks and (contd)

PROPOSAL

It is proposed to extend the 3 contracts through to 31 July 2012, beyond their original term which was due to end 31 January 2012,.

The proposed extensions are being requested to realise the favourable conditions that the present contract rates present.

A comparison of the current contract rates with general industry standard rates found the current rates (adjusted for CPI in February 2011) continue to provide Council with a competitive financial advantage. The current demand for plant, truck and equipment hire caused by the Queensland flood damage reconstruction program and major local projects such as the Branxton F3 freeway development has pushed up rates and it is expected that rates will increase at the next calling of Tenders. On that basis, it is believed the current arrangements will continue to provide value for money to Council. It is considered that there is no commercial or operational advantage to be gained from a fresh tendering exercise at this point in time.

To date, all contractors have been found to be in compliance of their obligations under the contract.

Tendered rates for equipment, in line with the CPI rise, will be adjusted on the contract anniversary.

BUDGET

Procurement of plant and machinery will continue to be centrally co-ordinated by Council's Plant and Fleet Unit and charged to the respective maintenance or project budgets as transactions are processed, rather than from an allocation made to these contracts. The estimated value of the contract is therefore not a budget figure but rather it is an indication of the overall scope of the arrangement. The actual value of the arrangement will vary in response to the nature and timing of Council's maintenance and works programs.

CONCLUSION

It is recommended that Council approve an additional six month term for each of the following contracts with the currently tendered Contractors for the period 1 February 2012 to 31 July 2012:-

- 1 Contract CPA 145091 – Hire of Minor Plant and Equipment.
- 2 Contract CPA 145088 – Hire of Plant and Machinery.
- 3 Contract CPA 145089 – Hire of Tipping Trucks.

ATTACHMENTS

Nil.

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

TRIM REFERENCE: CPA/198064 - D02687744

AUTHOR: Elfi Blackburn; Coordinator Waste Management

MANAGER: Greg McDonald; Director Infrastructure Management

SUMMARY

Evaluation and selection of tenders for Contract No. CPA/198064 Hire of Plant and Trucks for Buttonderry Waste Management Facility.

RECOMMENDATION

- 1** *That Council accept all conforming tenders received for the hire of plant and trucks for the operation of Buttonderry Waste Management Facility for inclusion on a priority ranking list for a period of twelve months.*
- 2** *That Council authorise the Director Infrastructure Management to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA/198064 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.*
- 3** *That Council approve an estimated annual expenditure for all plant and trucks against this contract of \$782,860.00 including a 10% contingency (excl GST) however actual expenditure may vary with fluctuations in demand.*

BACKGROUND

Since January 1999 Council has operated the Buttonderry Waste Management Facility (BWMF) using a combination of hire plant and trucks, contracted services and internal labour. Due to the specialised, consistent and long term nature of the work at BWMF, it has been found advantageous to create a pool of available hired plant and trucks specifically for work at the facility. To ensure that the plant and trucks are procured at the most competitive rates, tenders have been invited for various individual items of plant and operators as follows:

- Dozer (D6 or equivalent) with operator
- Bogie Trucks with operators
- 20 Tonne Excavator with operator

Previous contracts for the provision of plant and trucks for BWMF also included a backhoe and bogie truck combination. Under this proposed contract, a backhoe and bogie truck combination and a second 20 tonne excavator will not be required as these plant items will be provided by Council's Plant Pool.

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

The dozer is required to spread top soil, excavation material or other suitable material on batters of closed or operational landfill cells and assist with the construction of cell walls. It may also be required to win cover material, rocks or other materials as directed. The dozer is required on average three days per week.

Bogie trucks are required to transport cover material, crushed concrete, rock or waste material. From time to time bogie trucks may also be required to collect materials such as clay, crushed concrete etc from locations outside the facility. Generally two bogie trucks are required five days per week.

The excavators are required to load cover material, rocks, crushed concrete or other materials onto bogie trucks, construct and remove batters and cell walls, push up stockpiles, cover asbestos waste and screen concrete or rocks. Generally, two twenty tonne excavators are required five days per week. As the main excavator is provided by Council's Plant Pool it is anticipated that only one excavator will be hired under this contract.

To ensure that Council is providing appropriate transparency around the use of the priority lists for plant and trucks hired under this contract, the following procedure will apply.

1. All complying plant and trucks will be placed on a priority list in order of their ranking (ranking of "1" being the highest).
2. The process of engaging plant as required will be co-ordinated by Plant Pool staff on behalf of the Director, Infrastructure Management.
3. To ensure this process follows the priority list approved by Council at all times, Plant Pool staff will use an electronic system for managing the engagement of plant and trucks. This system allows for the electronic management of priority lists for plant items including records of make and model of plant, registration numbers and contractor details.

As Plant Pool staff contact contractors in order of the ranking according to the priority list, the system will record the date and time of calls and the availability of a contractor's plant. Warnings are flagged in the system if the procedures are not followed correctly. Reports will be generated from the software system and recorded in Council's Corporate Record system on a regular basis.

It should be noted that while it may be likely for trucks ranked 3 or lower on the priority list to be called upon from time to time during periods of high activity, there is a low probability for a dozer or excavator with a ranking of 2 or lower to be required.

The current contract will expire on 30 September 2011.

Tender Process

Tenders were invited by way of public invitation. Advertisements were placed in the Sydney Morning Herald on 24 May 2011 and the Central Coast Express Advocate on 25 May 2011. Tenders were also advertised on Council's e-Tender website. The advertised closing date was 16 June 2011.

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

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

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

- 1 Addendum 1 advising tenderers that it was not permitted to tender one and the same Plant Item a second or more times under a different tenderer's name and the minimum size of the dozer was 20 tonne (6 June 2011).

Tenders closed at Council Chambers at 2.00 pm on 16 June 2011.

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.
- 2 Ability to manage environmental and safety risk.

Weighted Criteria:

- 1 Assessed level of Local Content (MANDATORY)
- 2 Price
- 3 Plant offered and compliance with technical specification
- 4 Track record and past performance

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, external advisors and presentations made by the shortlisted tenderers.

The evaluation was conducted according to the following process.

- Assessment of receipt of tenders.
- Assessment of conformance of tenders.
- Detailed weighted evaluation tenders.
- Due diligence checks on preferred tenderers.

Assessment of Receipt

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

No.	Tender	Tendered Plant Item	Status
1	Andy's Earthworks Pty Ltd	Dozer	Submitted on time
		Bogie	
		Excavator (23 t)	
		Excavator (12 t)*	
2	Bowsmark Investments Pty Ltd	Dozer	Submitted on time
		Bogie	
		Excavator	
3	Catt & Sons Pty Ltd	Bogie 1	Submitted on time
		Bogie 2	
4	Environmental Land Contracting Pty Ltd	Dozer	Submitted on time
		Bogie	
		JCB Road tipper*	
		Excavator (22 t x 2)	
		Excavator (30 t)	
		Excavator (14 t)*	
5	Hall Group Enterprises Pty Ltd t/a Hall Earthmoving	Dozer	Submitted on time
		Bogie	
		Excavator	
6	John E Hogan Pty Ltd	Bogie	Submitted on time
7	Mozaf Pty Ltd t/a Active Excavation Works	Bogie	Submitted on time
		Excavator 1	
		Excavator 2	
8	R.K. Talbot Enterprises Pty Ltd	Bogie (x2)	Submitted on time
9	RL Equipment Pty Ltd	Bogie	Submitted on time
10	R. W. Leete Pty Ltd	Dozer	Submitted on time

No.	Tender	Tendered Plant Item	Status
11	Scape Constructions Pty Ltd	Excavator	Submitted on time
		Dozer (15.6 t)*	
12	Talbot Plant Hire Pty Ltd	Bogie	Submitted on time

* See Assessment of Conformance below.

Assessment of Conformance

The Request for Tender specified a D6 or equivalent Dozer with a minimum weight of 20 tonnes, Bogie Trucks and an Excavator with a minimum weight of 20 tonnes. All plant items are required with an operator on a wet hire basis.

Tender No. 1 (from Andy's Earthworks Pty Ltd) included an alternative tender in addition to a conforming tender. The alternative tender offered a 12 tonne excavator. BWMF has no use for this plant at the present time and therefore the alternative Tender No.1 was not included in the detailed evaluation.

Tender No 4 (from Environmental Land Contracting Pty Ltd) included an alternative tender in addition to a conforming tender. The alternative tender offered a 14 tonne excavator and a JCB Road Tipper. BWMF has no use for these plant items at the present time and therefore the alternative Tender No.4 was not included in the detailed evaluation.

Tender No 11 (from Scape Constructions Pty Ltd) included an alternative tender in addition to a conforming tender. The alternative tender offered a 12 tonne excavator. BWMF has no use for this plant at the present time and therefore the alternative Tender No.11 was not included in the detailed evaluation.

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

Weighted Evaluation

Tenders were scored against each of the weighted evaluation criteria (including price and non-price elements). The score for the suitability of the plant and conformance with technical specifications was based on an inspection undertaken by a Council mechanic. Some plant could not be inspected because reasonable attempts to contact the Tenderer to book an inspection were unsuccessful, the plant was located outside the Sydney to Newcastle region or was not available for inspection.

All plant that could not be inspected by a Council mechanic received a zero score in accordance with the tender documents. In the event that these items of plant will be required at BWMF, a plant inspection to confirm the acceptability of the plant would be arranged prior to the commencement of any work. In all cases where a score of zero was applied for the suitability of the plant item, a sensitivity analysis was undertaken to determine whether a higher score would change the overall ranking. It was found that the ranking would not change.

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

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**.

Council adopted the Local Preference Policy to encourage the development and promotion of business and industry within the Central Coast. Under this policy preferences will be applied to the provision of goods and services that have Local Content. The Local Content criteria will receive a mandatory weighting of 10% of the total evaluation criteria and other price and non-price criteria will receive a maximum cumulative weighting of 90%. However, the maximum adverse financial implication to Council per procurement transaction will be limited. For procurement of services the limits are as follows:

Expenditure Range – Most Competitive Offer (ex GST)	Maximum unfavourable financial implication %
>\$20,000 to <\$50,000	10% or \$5,000 above the price component of the Most Competitive Offer, whichever is the lower
\$50,000 to <\$150,000	7.5% or \$11,250 above the price component of the Most Competitive Offer, whichever is the lower
\$150,000 to <\$500,000	5% or \$25,000 above the price component of the Most Competitive Offer, whichever is the lower.
\$500,000 to <\$1M	3.5% or \$35,000 above the price component of the Most Competitive Offer, whichever is the lower.
>\$1M	2.5% above the price component of the Most Competitive Offer, up to a maximum of \$50,000.

Details of each category assessment are shown below.

DOZER

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

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

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
9	R.W. Leete Pty Ltd.	84.5
5	Hall Group Enterprises Pty Ltd	80.9

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
1	Andy's Earthworks Pty Ltd	60.0
4	Environmental Land Contracting Pty Ltd	48.2
2	Bowsmark Investments Pty Ltd	41.5

Tender No 9 (from RW Leete Pty Ltd) has been assessed the most competitive offer.

Only the dozers from R.W Leete Pty Ltd and Hall Group Pty Ltd could be inspected by the Council mechanic. The other 3 dozers received a score of 0, however a sensitivity analysis confirmed that the ranking would not change even if these dozers had received a score of 100%.

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	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
Price Component of Most Competitive Offer	\$164,415.00
Financial Impact Limitation To Be Applied to Preferred Offer	\$8,220.75

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	Weighted Evaluation Score	Weighted Evaluation Score	Ranking
		(Pre-application of Local Preference)	(Post application of Local Preference)	
		Most Competitive Offer	Preferred Offer	
9	R.W. Leete Pty Ltd.	84.5	94.5	1
5	Hall Group Enterprises Pty Ltd	80.9	90.9	2
1	Andy's Earthworks Pty Ltd	60.0	64.7	3
4	Environmental Land Contracting Pty Ltd	48.2	58.2	4
2	Bowsmark Investments Pty Ltd	41.5	43.5	5

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 R.W Leete Pty Ltd was assessed as the Preferred Offer.

R.W Leete Pty Ltd has provided a dozer and operator under previous contracts at BWMF and has been found to be very cooperative and has completed all work to a high standard.

Bogie Trucks

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

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

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
12	Talbot Plant Hire Pty Ltd	85.6
9	RL Equipment Pty Ltd	83.6

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
3	Catt & Sons Pty Ltd	81.7
3	Catt & Sons Pty Ltd	80.3
8	R.K. Talbot Pty Ltd	79.9
	R.K. Talbot Pty Ltd	79.4
6	John E Hogan Pty Ltd	68.6
5	Hall Group Enterprises Pty Ltd	66.6
7	Mozaf Pty Ltd t/a Active Excavation Works	55.0
4	Environmental Land Contracting Pty Ltd	53.0
1	Andy's Earthworks Pty Ltd	50.5
2	Bowsmark Investments Pty Ltd	46.7

Tender No 12 (from Talbot Plant Hire Pty Ltd) has been assessed the most competitive offer.

The Bogie trucks tendered by Environmental Land Contracting Pty Ltd, Hall Group Enterprises Pty Ltd and Mozaf Pty Ltd could not be inspected by Council's mechanic. These plant items received a score of 0, however a sensitivity analysis confirmed that the ranking would not change even if they had received a score of 100%.

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	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
Price Component of Most Competitive Offer	\$157,400.00

5.2

Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility (contd)

Policy Criteria	Criteria Applied to Tender Assessment
Financial Impact Limitation To Be Applied to Preferred Offer	\$7,870.00

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	Weighted Evaluation Score	Weighted Evaluation Score	Ranking
		(Pre-application of Local Preference)	(Post application of Local Preference)	
		Most Competitive Offer	Preferred Offer	
12	Talbot Plant Hire Pty Ltd	85.6	95.6	1
9	RL Equipment	83.6	93.6	2
3	Catt & Sons Pty Ltd	81.7	91.7	3
3	Catt & Sons Pty Ltd	80.3	90.3	4
8	R.K. Talbot Pty Ltd	79.9	89.9	5
	R.K. Talbot Pty Ltd	79.4	89.4	6
6	John E Hogan Pty Ltd	68.6	78.6	7
5	Hall Group Enterprises Pty Ltd	66.6	76.6	8
4	Environmental Land Contracting Pty Ltd	53.0	63.0	9
7	Mozaf Pty Ltd t/a Active Excavation Works	55.0	56.1	10
1	Andy's Earthworks Pty Ltd	50.5	55.2	11
2	Bowsmark Investments Pty Ltd	46.7	48.7	12

Following the assessment of Local Content, the order of the rankings changed. Tender No. 4 from Environmental Land Contracting Pty Ltd was ranked higher than Tender No. 7 from Mozaf Pty Ltd. This change in ranking would result in a positive financial impact as the estimated contract amount for Environmental Land Contracting Pty Ltd is lower than the estimated contract amount for Mozaf Pty Ltd. Mozaf received a higher score than Environmental Land Contracting Pty Ltd during the pre-application of Local Content because of higher scores for track record.

It should be noted that generally only two bogie trucks are required on-site at any one time. The change in rankings due to the application of the local preference policy occurred between Bogie trucks ranked 9 and 10. This means there is a low likelihood that Bogie trucks will be sourced from the priority list that have received a ranking lower than 5.

Talbot Plant Hire and RL Equipment received the highest ranking. Both companies have provided plant and operators under previous contracts at BWMF and have been found to be highly cooperative and have delivered high quality work.

Excavators

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

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

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
5	Hall Group Enterprises Pty Ltd	74.1
4	Environmental Land Contracting Pty Ltd	70.3
4	Environmental Land Contracting Pty Ltd	70.3
11	Scape Constructions Pty Ltd	68.4
2	Bowsmark Investments Pty Ltd	64.3
7	Mozaf Pty Ltd t/a Active Excavation Works	62.7

Tender No.	Tender	Weighted Evaluation Score (Pre application of Local Preference)
		Most Competitive Offer
7	Mozaf Pty Ltd t/a Active Excavation Works	59.4
4	Environmental Land Contracting Pty Ltd	57.8
1	Andy's Earthworks Pty Ltd	56.8

Tender No 5 (from Hall Group Enterprises Pty Ltd) has been assessed the most competitive offer.

As none of the excavators could be inspected by Council's Mechanic they all received a score of 0 for suitability.

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	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
Price Component of Most Competitive Offer	\$235,600.00
Financial Impact Limitation To Be Applied to Preferred Offer	\$11,780.00

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	Weighted Evaluation Score	Weighted Evaluation Score	Ranking
		(Pre-application of Local Preference)	(Post application of Local Preference)	
		Most Competitive Offer	Preferred Offer	
5	Hall Group Enterprises Pty Ltd	74.1	84.1	1
4	Environmental Land Contracting Pty Ltd	70.3	80.3	2
4	Environmental Land Contracting Pty Ltd	70.3	80.3	2
11	Scape Constructions Pty Ltd	68.4	78.4	4
4	Environmental Land Contracting Pty Ltd	57.8	67.8	5
2	Bowsmark Investments Pty Ltd	64.3	66.3	6
7	Mozaf Pty Ltd t/a Active Excavation Works	62.7	63.8	7
1	Andy's Earthworks Pty Ltd	56.8	61.5	8
7	Mozaf Pty Ltd t/a Active Excavation Works	59.4	60.5	9

Following the assessment of Local Content, the order of the rankings changed. Tender No. 4 from Environmental Land Contracting Pty Ltd was ranked higher than Tender No. 2 from Bowsmark Investments Pty Ltd. The financial impact of the **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$11,780**
- Actual financial impact of Preferred Offer: **\$13,680**

The financial impact to Council in accepting the tender from Environmental Land Contracting Pty Ltd is above the financial limitations set by the Local Preference Policy. The change in ranking therefore cannot be accepted.

In addition the order of rankings also changed between Tender No 7 from Mozaf Pty Ltd and Tender No 1 from Andy's Earthworks Pty Ltd. Tender No 7 was ranked higher than Tender No 1. The financial impact of the **Preferred Offer** under the Local Preference Policy was assessed as:

- Limitation of financial impact to Council (as above): **\$11,780**
- Actual financial impact of Preferred Offer: **\$10,490**

The financial impact to Council in accepting the tender from Andy's Earthworks Pty Ltd is within the financial limitations set by the Local Preference Policy. The change in ranking therefore can be accepted.

It should be noted that generally only one excavator will required at any one time in addition to the Plant Pool provided excavator. The change in rankings due to the application of the local preference policy occurred between excavators ranked 8 and 9. There is a very low likelihood that excavators will be sourced from the priority list that have received a ranking lower than 2 and hence the impact on Council due to the Local Content Policy is most likely nil.

Hall Group currently provides a dozer and operator to BWMF. The equipment is always of good quality, well maintained and operators are highly skilled.

Due Diligence

All conforming tenderers were subjected to an in-house assessment of safety systems, and environmental management systems as well as referee checks.

On the basis of the information provided by the tenderers and independent referees, it is considered that all tenderers are capable of addressing safety and environmental risks and have the resources necessary to satisfactorily complete the works.

All Tenderers ranked high on the priority list are local contractors with a history of successfully completed contracts similar in nature and scope to the current 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.

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

necessary to provide a contingency sum in addition to the tender price to allow for unforeseen additional works that may become necessary during the course of the project.

Contract Risks

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

Generic Risks

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

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

Specific Risks Leading to Contract Variations

The following is a major risk that Council bears in relation to this contract:

- Unforeseen circumstances or conditions may require a greater utilisation of plant and trucks anticipated or additional plant to be brought in thus increasing the estimated contract cost.

Risk Contingency

The above risks are considered to be low/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 \$70,000.00 (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 \$782,860.00 (excl GST), which incorporates the contingency allowance, will not be exceeded

BUDGET

The above risks are considered to be low/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 \$70,000.00 (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 \$782,860.00 (excl GST), which incorporates the contingency allowance, will not be exceeded.

The hire of trucks and plant are funded from Buttonderry tip operation budget.

TIME-FRAME

The contract period is for twelve months commencing on 3 October 2011.

APPROVALS

No approvals are required.

CONCLUSION

An assessment has been made of tenders received for various combinations of plant to be used at the Buttonderry Waste Management Facility. The ranked tenders shown for plant items listed in this report are recommended for acceptance and engagement in order of priority as shown in the report.

ATTACHMENTS

- 1 Confidential - Assessment of Tenders (D02713825 - Distributed under Separate Cover) Enclosure

6.1 2010-11 Annual Plan - June Quarter Review

TRIM REFERENCE: F2004/07006 - D02598639

AUTHOR: Mellissa McKee, Corporate Planning Executive

MANAGER: Cate Trivers, Manager Financial Services

SUMMARY

This paper reports on Wyong Shire Council's progress performance as measured against the organisation's Annual Plan for 2010-2011. The report covers the period for the twelve months ending 30 June 2011 (Q4).

RECOMMENDATION

- 1 That Council receive the fourth Quarterly Review report on the WSC 2010-11 Annual Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**
- 4 That Council approve proposed budget "carry-overs" from 2010-2011 to 2011-2012 as contained in the detailed report enclosure.**

BACKGROUND

Council is required to prepare and adopt a Review of its Annual Plan progress each quarter in accordance with s.203 of Local Government (General) Regulations 2005.

Budget review statements and revision of estimates

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

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

CURRENT STATUS

The interim June 2011 Quarter Management and Budget report (Q4) is included as an enclosure.

Year-end statutory accounts will be finalised in September 2011 and reported to Council for referral to audit on 12 October 2011.

They will then be reported back to Council for formal adoption complete with audit reports on 26 October 2011. Council's external auditors, Price Waterhouse Coopers and the Auditor General, will be conducting audit program between 23rd August and 23rd September.

This report is as at 30 June 2011 provides an interim financial result based on reconciliation information up to the 11 August 2011.

At the time of preparing this report the Joint Water Equalisation with Gosford City Council had not been completed and the final reviews of revenue and expense accruals, asset disposals, new grants, waste remediation costs, and contingencies and provisions had yet to be finished.

End-of-Year Issues

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

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

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

The Q4 Enclosure includes a comprehensive list of budget carry-overs, which fall into four categories.

1. Work-In-Progress (WIP)

Proposals for WIP carry-overs which have been submitted for adoption, do not include minor recurrent expenditures but are the result of a significant budget allocation where a project remains incomplete as at the 30 June 2011.

2. Carry-Overs - Internal Restrictions

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

3. Carry-overs Grant & Contributions

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

4. 2010-2011 Restricted Budget Adjustments

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

Financial Implications

Variations requiring Council's approval are outlined in the enclosed report.

Proposed Budget Carry-overs are detailed in the enclosures and relate to under-expended projects where there is committed expenditure but no specific budget allocation or resources are available in the 2011-2012 budgets, or where there is a restricted asset funding source and / or grant funding resulting in commitments to complete works in the future.

Principles of Sustainability

N/A

CONSULTATION

All departments were consulted and involved in the preparation of this report.

GOVERNANCE

Quarterly reporting of Council's financial and operating performance is mandatory.

CONCLUSION

All requirements of the relevant legislation governing management reporting have been met.

The advice from the Responsible Accounting Officer that Council's financial position is "satisfactory" – not withstanding that further management actions/decisions will be required to maintain that position.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Business Report Q4 - June 2011 (D02745165 - Distributed Under Separate Cover) | Enclosure |
| 2 | Annual Plan June 2011 Quarter Review (D02706210 - Distributed Under Separate Cover) | Enclosure |

6.2 Contract Variations and Finalisation - July 2011

TRIM REFERENCE: D02710888

AUTHOR: John McCarthy; Purchasing Coordinator

MANAGER: David Witherdin; Manager Contracts and Project Management

SUMMARY

This paper reports on variations, proposed variations or finalisations to contracts with a value greater than \$150,000.00 (excl GST).

The report covers contract variations processed in July 2011.

RECOMMENDATION

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

Contract Title	Contract No	Adjusted Contract Value (excl GST)	Additional Budget Approval
Provision of Property Manager Services – Mardi to Mangrove Link Project	CPA/146302	\$774,545.00	\$45,000.00
Provision of Cleaning Services	CPA/178719	\$205,760.00	\$15,600.00

- 3 That Council note the additional expenditures requested are within approved program budgets.

BACKGROUND

Contracts entered into by Council are awarded either by Council resolution or under delegated authority. The Local Government Act 1993 section 55 requires that contracts of an estimated value greater than \$150,000.00 (excl GST) must be publicly tendered and approved by Council resolution.

Contracts of an estimated value less than \$150,000.00 (excl GST) are awarded under delegations made by Council to the General Manager or his/her delegate.

Contracts routinely require variations during the course of the contract due to unforeseeable circumstances, changes in design or changes in service demand on the finished product.

All contracts commonly include a contingency sum to cover unforeseen changes. It is generally expressed as a percentage of the contract value, being typically 10% of the contract value, but may vary between 5% and 30% or more depending upon the nature of the contract, or may be expressed as a specific dollar value.

The need to vary contracts (explained above) arises out of differences in estimating strategies where two extremes denote a range of risk that offers Council a choice of budget/estimate methodology.

Council estimates on the basis of known costs of assessment, design and construction. This approach allows budgets to maximise the number of works undertaken in an annual program, at the optimal risk level of programs being materially curtailed as unforeseen needs arise.

Budgets for projects are established within the Annual Plan. When tenders are called, specific approvals are sought from Council in accordance with section 55 of the Act. It is not uncommon for additional approvals to be sought within the approved project budget as un-forecast changes (from the tender approval) occur in the works.

THE PROPOSAL

The report for July 2011 includes a requirement to seek Council's formal approval for additional funding on 2 contracts to ensure compliance with section 55 of the Local Government Act 1993.

The variations relates to an increase funds request for Property Management Services for the Mardi to Mangrove pipeline project and additional funding for Council's Cleaning Services contract. Details of the variations are contained in Attachment 1.

Summary for July period.

Variations processed in July 2011	2
Contracts requiring increase to the contract budget estimate	2
Contract where current funds are sufficient to complete	0
Contracts finalised in July 2011	1

OPTIONS

The variations reported in Attachment 1 were required to ensure the reported contracts could be progressed in a timely and effective manner to deliver best value for Council and ensure compliance with the contract conditions.

Council's approval of these variations is the recommended option to ensure sufficient approved funds are available for contract payments to be made and to ensure Council's compliance with section 55 of the Local Government Act 1993.

STRATEGIC LINKS

Strategic links for the various contracts were identified in the initial assessment and approval reports for each contract.

FINANCIAL IMPLICATIONS

Increased expenditure is identified in the recommendation with the source of funds detailed in Attachment 1.

PRINCIPLES OF SUSTAINABILITY

This proposal applies good governance improving Council processes by being consistent and demonstrating a sound basis for the variation of contract estimates to ensure better outcomes for the community via appropriate allocation of resources.

CONSULTATION

Consultation has occurred with all Contract Officers responsible for the management of contracts reported in Attachment 1.

GOVERNANCE

These contract variations are reported to Council to ensure compliance with Section 55 of the Local Government Act and Part 7 - Tendering of the Local Government (General) Regulation 2005.

CORPORATE RISKS

This report contributes to the mitigation of the following risks identified in Council's Risk Register:

Identified Risk	Rating	Actions to Mitigate
Budget Control Inadequate budget control that creates significant funding shortfalls leading to an inability to provide priority services. (shorter-term consequence)	Moderate	Monthly reporting of variations.
Legislative Requirements Council non-compliance with legislative requirements leading to penalties, civil claims and/or contractual disputes.	Low	- Monthly reporting of variations. - Local Government Act requirements in relation to Tenders.

CONCLUSION

Variations detailed in this report are driven by "normal" contract issues.

The reported contracts are generally within planned expenditure in terms of coverage, quantity and quality albeit in this instance one contract value was understated.

ATTACHMENTS

- | | | |
|---|-------------------------------|-----------|
| 1 | Contract Variations July 2011 | D02709445 |
| 2 | Contracts Finalised July 2011 | D02709447 |

Attachment 1
Contract Variations for July 2011

Provision of Property Manager Services – Mardi to Mangrove Link Project

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value Of Variations	(f) = (a) + (e) Actual Contract Value	Source Of Funds	Expenditure to Date
CPA/146302	N/a	ME Barry Consulting Pty Ltd	\$ 150,000.00	Nil	579,545.00	45,000.00	624,545.00	774,545.00	M2M Project	729,546.70
Individual Variations for Reporting Period										
			Description					Description		Value
										\$
Variation 11										

	<p>As reported to Council on the 22 June 2011 the engagement of ME Barry Consulting Pty Ltd is due to end on 31 August 2011.</p> <p>Mary-Ellen Barry has been contracted by Council to provide Property Manager services for the Mardi to Mangrove Link Project. This project is ongoing and still requires the services provided by Mary-Ellen Barry.</p> <p>Due to the knowledge and expertise brought to this position and project knowledge gained since her engagement Mary-Ellen Barry, her continued engagement to provide Property Management services is considered essential.</p> <p>The rate charged for Mary-Ellen Barry services are considered to be competitive and good value for Council. Her further engagement is therefore recommended.</p>
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As reported to Council on the 22 June 2011 the services provided by ME Barry Consulting Pty Ltd are due to expire on the 31 August 2011.

Due to the knowledge and expertise brought to this position and project knowledge gained since her engagement, the continued engagement of ME Barry Consulting Pty Ltd to provide Property Management services is considered essential.

Budget increases are within the Mardi to Mangrove Link Project funding allocation.

Provision of Cleaning Services

Contract Number	Date of Council Approval	Contractor	(a) Approved Contract Value	(b) = (a) + Contingency Total Approved Budget	(c) Value of Variations Previously Reported	(d) Value of Variations For Reporting Period	(e) = (c) + (d) Total Value Of Variations	(f) = (a) + (e) Actual Contract Value	Source Of Funds	Expenditure to Date
CPA/178719	8 Sep 2010	Academy Services Pty Ltd	183,390.00 (Per annum)	183,390.00 (Per annum)	6,770.00	15,600.00	22,370.00	205,760.00 (Per annum)	Multiple cost centres	138,890.22

Individual Variations for Reporting Period

Description	Value	Description	Value
Variation 2 This variation is for the cost of additional relief cleaning at the Wyong Civic Centre, due to internal staff movements and higher than anticipated leave requirements. This variation identifies the estimated cost to continue this service through to November 2011 including CPI increases.	15,600.00		\$

This contract is a schedule of rates period contract expiring in October 2011. Although there are two optional one year extensions available to Council they will not be exercised due to unsatisfactory supplier performance.

This variation will cover relief cleaning cost until a new contract is awarded. This is anticipated to be let by November 2011.

Additional funding is allocated within the relevant asset owners operational budgets.

Attachment 2
Contracts Finalised July 2011

SIGNIFICANT CONTRACTS FINALISED – JULY 2011							
Contract Number	Date of Council Award	Name of Contractor	Contract Description	Contract Price Type	Approved Expenditure Ex. GST \$	Final Contract Value Ex. GST \$	Comments
CPA/117144	23 Jan 2008	Water Treatment Australia Pty Ltd	Toukley Reclaimed Effluent Treatment Plant Augmentation Work	Lump Sum	2,461,064.40	2,268,681.10	Contract works were delivered within the resolved budget estimate.

6.3 Wyong Shire Business Awards

TRIM REFERENCE: F2004/06635 - D02715923

AUTHOR/ MANAGER: Greg Ashe; Manager Economic and Property Development:

SUMMARY

Report on the establishment of a Wyong Shire Regional Business Awards event.

RECOMMENDATION

- 1 That Council support the establishment of a Wyong Shire Regional Business Awards event commencing 2012.**
- 2 That Council request the General Manager to form an establishment committee comprising representatives from Wyong Regional Chamber of Commerce, Lakes Entrance and District Chamber of Commerce and Council representatives.**
- 3 That Council endorse the provision of funding for the event in the 2012/13 Strategic Plan.**
- 4 That Council request the General Manager to submit regular reports on the progress in the establishment of the event to Council for consideration.**

BACKGROUND

At the Council meeting held on June 22 2011 it was resolved that the General Manager enter into negotiations with the Wyong Chamber of Commerce, North Lakes Chamber of Commerce and The Entrance Chamber of Commerce with the view to establish a Wyong Shire Regional Business Awards event.

CURRENT STATUS

Council communicated the proposal to each of the Chambers with the following responses being received.

Wyong Regional Chamber of Commerce. (WRCC)

WRCC have responded by saying that they support the concept and would be willing to participate in the establishment of the event. In supporting the concept they also state that they wish to continue with their own Business Awards scheduled for October 2011 with a regional awards event proposed for 2012.

Northern Lakes Regional Business Chamber (NLRBC)

NLRBC have responded by saying that the concept was considered by the Executive where it was decided that due to their own awards night being highly successful they wished to continue with their current model and not to participate in the regional event.

Lakes Entrance and District Chamber of Commerce. (LEDCC)

LEDCC have advised that they are supportive of the concept and they also would be willing to participate in the establishment of the event.

THE PROPOSAL

It is proposed that a Wyong Shire Regional Business Awards event be planned for 2012 based on the support of WRCC and LEDCC and their willingness to participate in the preparatory work required .

Further it is proposed that a Committee be formed comprising a representative from each of the supportive Chambers of Commerce and a Council representative to commence the establishment of the event for 2012. This will include guidelines for conducting the event and the level of funding required.

Council will receive reports on the progress of planning for the event.

OPTIONS

The only other option is not go-ahead with the concept, however with support of two of the three Chambers of Commerce it is felt that the benefits of a regional event would far outweigh any decision to continue with the current situation of individual Chambers of Commerce holding events.

STRATEGIC LINKS

Annual Plan

Contributes to the strengthening of the Economic Base of the Shire through identification and development sustainable income strategies for the organisation in respect of property-related activity.

Contribution of Proposal to the Principal Activity

It is anticipated that that a Wyong Shire Business Awards event would raise the profile of business activity in the Shire and be an attraction for the business houses to either increase or improve the services being provided. This may then lead to the attraction of additional commercial interests in the Shire.

Budget Impact

For this event to be successful it will require funding from Council particularly in the early years. At this stage the level of funding is not known , however one of the early planning requirements of the committee proposed to be set up to establish the event is to identify the level of funding required. Once this is identified it can then be factored into the 2012/13 Strategic Plan.

CONSULTATION

The three Chambers of Commerce in the Shire were contacted to gauge their level of support for the concept of having a Wyong Shire Regional Business Awards Event. Two of the Chambers have indicated their support and willingness to participate in establishing the

event, the other Chamber has advised that they would like to continue with their own awards event.

GOVERNANCE AND POLICY IMPLICATIONS

It is proposed that a Committee be formed comprising representatives of the two supporting Chambers and Council staff to plan the establishment of the event. All guidelines and policies relating to the event will be subject to further reports and endorsement by Council.

CONCLUSION

Council through resolution has indicated that the establishment of Wyong Shire Regional Business Awards will contribute to a positive commercial profile for the Shire and provide additional attraction for commercial operators to locate in Wyong.

WRCC and LEDCC have indicated their support and willingness to join with Council and assist in establishing recognition of business success by way of Annual Awards, commencing with an inaugural Wyong Shire Regional Business Awards Event in 2012.

The way is clear for establishing an operating group to oversee and operate the proposed event.

ATTACHMENTS

Nil.

6.4 Warnervale Town Centre July 2011 Progress Report

TRIM REFERENCE: F2004/00535-08 - D02715917

AUTHOR/ MANAGER: John Pearce; Senior Development Manager

SUMMARY

The Council has requested a monthly update on the progress of the Warnervale Town Centre project. This report shows the current status of the Warnervale Town Centre project for the month of June 2011.

RECOMMENDATION

- 1** *That Council receive the report on Warnervale Town Centre July 2011 Progress Report.*
- 2** *That Council decline the Expressions of Interest as lodged but enter into discussions with the interested parties.*
- 3** *That staff prepare a further report to Council detailing any favourable options that arise from these discussions.*

KEY PROGRESS ITEMS

At the recent Ministers meeting 14 July coordinated by the Department of Premiers and Cabinet the Department of Planning gave an undertaking to revise the density targets by July end and to finalise the DCP by the end of August. Council received the density targets on the 3rd of August and staff are currently reviewing the revised targets prior to adopting into the Contributions Plan.

Council has put up a strong case to the Office of Environment & Heritage (formerly DECCW), the Lower Hunter Spotted Gum Ironbark Forest should not be adopted as occurring within the Wyong Shire. Council is again meeting with OE&H August 17 to continue in an advocacy role to achieve a resolution of this issue.

Council has adopted a program management plan for the overall management of the project. This plan will consider the following issues over the coming months. After initial work has been completed a council briefing will be schedule to discuss these issues in the coming months.

- Delivery timescale & Staging Plan influenced by cash flow modelling for delivery of Councils commitments,
- Asset management inputs into the long term financial plan, for example whole of life costs and income projections.
- Preparation of grant applications
- Risk Management Plan

CURRENT STATUS**Deliverable Status**

	Scheduled Start	Scheduled Completion	% Work Complete
Milestone 1: DCP Amendments			
Hill Top Park Review of height relationships between the town centre and park and location of community facilities. Objective; Integrated with rezoning and roads rationalization.	February 2010	May 2011	100%
Milestone 2: Entry Road;			
Negotiating Deed of Agreements and budgets with adjoining landowners.	January 2011	May 2011	60%
Milestone 3: Biocertification			
Council, DECCW, DoP & Department of Premiers and Cabinet met to discuss the adopted methodology and next steps for WTC	March 2011	March 2011	100%
Council to draft Bio-certification Agreement with DECCW	April 2011	Dependant on DECCW	
Biocertification Strategy placed on public exhibition	May 2011		
Milestone 4: Sparks Rd Intersection			
Council continuing ongoing dialogue with RTA requesting actual extent of intersection scope and cost.	March 2011	On going	
Milestone 5: Railway Station			
Railcorp finalizing Plan of management	May 2011		
Railcorp is preparing a response to outstanding issues such as stormwater management, non compliance with the DCP and integration with services on site for submission to council together revised Statement of Environmental Effects. Awaiting lodgement under the current DA.	April 2011	June 2011	100%
WSC to respond		May 2011	Dependant on others
Milestone 6: S94 Contribution Plan			
Contribution Plan is continually updated with changing amendments to the DCP. The following tasks are dependant on the DoP.			
Adjust Contribution Plan upon 1. receipt of asset managers confirmation of infrastructure costing , 2. deletions of infrastructure items and 3. additional revenue from DCP amendments	April to May 2011	August 2011	90%

Deliverable Status

	Scheduled Start	Scheduled Completion	% Work Complete
Briefing of Council seeking approval to exhibit.	Sept	Oct	DoPI to finalise DCP
Forward to DoP seeking approval to exhibit	Oct	Nov	
Exhibit plan for public comment.	Oct	Nov	
Report to Council on results of exhibition.	Nov	Dec	
Notify Department of Planning of adoption of the plan.	Dec	Dec	
New Ministerial Direction given.	Dec	Jan 12	
Contributions Plan comes into force.	Jan 12	Jan 12 end	

Expressions of Interest.

Early 2011 Council publically advertised an Expression of Interest for the development of Council owned lands in WTC.

Council received 2 submissions in response to the EOI.

The first party proposed a land swap with Council about 3.64hect of their B2 Local Centre land for about 5.69hect of Councils R1 land. The terms were a cash payment to Council for the difference in value between the two parcels of land, payable over 5 years.

The second proposal, essentially are offering their management skills to bring the land to market with the approach to develop the site by Council into super lots (land subdivision) then the sale of the super lots with design controls to fund development on other super lots by Council

Neither of the proposals, in their current form is attractive to Council, however it is recommended that further discussion be undertaken with the parties to determine if a more viable option can be developed.

Stakeholder Liaison

PSG Meetings continue on a monthly basis.

Warnervale Update newsletter sent to over 7,000 residents around the WTC was well received with many residents thanking Council for the update.

ATTACHMENTS

Nil

6.5 Letter to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11)

TRIM REFERENCE: F2006/00264 - D02731191

AUTHOR: Nicole Dixon; Natural Resources Officer Environmental Monitoring

MANAGER: Greg White, Manager Natural Resources

SUMMARY

Following recent exploration in the area covered by the Petroleum Exploration Permit 11 (PEP11) offshore of the NSW coast, the six coastal Councils from Gosford to Great Lakes (including Wyong Shire) propose to write in collaboration, to relevant state and federal Ministers seeking changes to the offshore mining process. This report requests authorisation for Wyong Shire Council's Mayor to sign the letters, as signed by the five other coastal Council Mayors.

RECOMMENDATION

- 1 That Council receive the report on letters to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11).**
- 2 That Council authorise the Mayor as signatory to the letters to relevant State and Federal Ministers as attached to this report.**

BACKGROUND

At it's Ordinary Meeting held on 28 July 2010 it was *resolved unanimously on the motion of Councillor Graham and seconded by Councillor Wynn:*

- "1. That Council receive the report on the Proposed Asset Energy Ltd PEP11 Exploration Drilling Program*
- 2 That Council note the submission dated 22 July 2010 in respect of the proposed Asset Energy Ltd PEP11 Exploration Drilling Program.*
- 3. That Council approach both Gosford and Lake Macquarie City Councils to develop a joint program opposing off shore mining.*

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

AGAINST: NIL"

6.5 Letter to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11) (contd)

Furthermore, Lake Macquarie City Council (LMCC) resolved on 18 October 2010 at its Ordinary Meeting to:

- 1 *Organise a public information session to inform the community of Lake Macquarie about the proposed offshore gas/oil exploration and potential impacts. The proponent, Asset Energy, also be invited to attend this public information session.*
- 2 *Publish Lake Macquarie Council's State and Federal submissions to this proposal on its website.*
- 3 *Invite other potentially impacted coastal Councils to a joint meeting to consider implications and a possible joint response.*
- 4 *Invite the proponent, Asset Energy, to provide a briefing to Councillors on the proposal*

This report addresses Wyong Council resolution No 3 in conjunction with LMCC resolution No 3.

On 22 March 2011 a meeting of staff from LMCC, Gosford City, City of Newcastle, Port Stephens and Wyong Councils was held in order to consider the offshore exploration proposal, the State and Federal processes for offshore mining and discuss a collaborative approach going forward.

The key recommendations to come from the meeting were to send a joint response from the Mayor of each Central Coast and Hunter coastal council to the relevant Federal and State Ministers requesting changes to be made to, and information that is more detailed provided on, the current consultation, emergency response, compliance and legislative requirements for offshore petroleum exploration and mining to increase knowledge, transparency and allow for public scrutiny.

LMCC staff arranged for letters to be drafted and reviewed by staff from all involved Councils. At this time Great Lakes Council became aware of the initiative and requested to become a signatory on the letters.

The letters have been reviewed and are considered as appropriate response to Council's resolution.

Contained in Attachment 2 is one copy of the letter that has been prepared to relevant Ministers as signed by the five other coastal Council's. Please note, that as the letters have been approved and signed by the five other Councils, there is no opportunity to change the content of the letters.

ATTACHMENTS

- | | | |
|---|--|-----------|
| 1 | Offshore Mining PEP11 - Background | D02731208 |
| 2 | Letter to Relevant Ministers regarding Offshore Mining | D02739291 |

Further background information on offshore exploration under Petroleum Exploration Permit 11:February 2011:

Lake Macquarie City Council invited Asset Energy to brief Councillors and the public about its plan for gas exploration and mining off the NSW Coast adjacent to the Central Coast / Hunter, this invitation was accepted by Asset Energy. Lake Macquarie City Council officers arranged two information sessions for 21 February 2011, to occur after the Asset Energy Community Consultative Committee (CCC) meeting planned for that day, Nicole Dixon attends these meetings on behalf of Wyong Shire Council.

On Saturday 12 February 2011, Asset Energy staff advised that they were unable to attend these meetings as insufficient data had been analysed from the first exploration drill in December 2010. Council officers have requested a date for a rescheduled CCC and information sessions. None has yet been provided by either Industry & Investment NSW or Asset Energy.

December 2010:

Asset Energy drilled a petroleum exploration well off the NSW Coast in Petroleum Exploration Permit 11 (PEP11). PEP11 lies offshore of the NSW coast between Sydney and Newcastle. The offshore area adjacent to NSW is jointly administered by the Commonwealth and NSW (the Minister for Mineral & Forest Resources).

July 2010:

Asset Energy Ltd submitted an application to explore for hydrocarbon (gas) reservoirs in Permit Area PEP11 under the Commonwealth *Offshore Petroleum & Greenhouse Gas Storage Act 2006* (OPGGSA).

Council had opportunity to comment on the Environmental Plan for the activity as well as the Oil Spill Contingency Plan.

The proposal was to drill a petroleum exploration well within the PEP11 area to assess the hydrocarbon reservoirs. The drilling of the well was scheduled to commence in September 2010, however did not commence until December 2010. Four potential sites for drilling were identified within the Permit Area. Of the four possible sites, two were close to the Wyong Local Government area, these being located approximately 20km offshore of the Bateau Bay/Forrester's Beach area and also offshore of Catherine Hill Bay. The site for exploration was eventually determined to be the most Northern of the four identified, which was located approximately 25km from the shore of Port Stephens and 45 km from Newcastle.

October 2009:

Council commented on the Geophysical Site Survey for the application, and stated its concerns relating to the proposal and offshore mining in general.

November 2008:

Council would recall passing the resolution reproduced below in November 2008 outlining its concerns regarding the proposed off shore exploration.

Council at its meeting held on 12 November 2008 resolved on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- "1 *That Council call on both the State and Federal governments to fully assess the environmental impact of both the exploration activity and the potential mining activity associated with this application before any exploration licence application is considered.*

- 2 *That Council make a formal submission to both the NSW government and Federal government who are jointly handling the exploration licence application, to reject the application if it is found to be environmentally damaging.*
- 3 *That Council call on the NSW and Federal Governments to rule out any further coal exploration off the NSW coast from the Illawarra to Port Stephens.*
- 4 *That Council embark on a campaign to inform the public on the process and possible negative impacts of such an offshore mining proposal. "*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, SYMINGTON,
WEBSTER AND WYNN.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT

Lake Macquarie City Council



4th August 2011

Katrina Hodgkinson
State Minister for Primary Industries
Governor Macquarie Tower
Level 30, 1 Farrer Place
SYDNEY NSW 2000

Dear Minister

Subject: Offshore Mining Exploration - Coal and Petroleum (Gas) Petroleum Exploration Permit (PEP 11)

We write on behalf of Gosford City, Wyong Shire, Lake Macquarie City, City of Newcastle, Port Stephens, and Great Lakes Council's in relation to our collective concerns about the public consultation processes, compliance, and environmental issues relating to offshore mining activities and future proposals in PEP 11.

Previously, in Councils' role to support our elected representatives, written responses addressing proposals from Energie Future and Asset Energy for coal gasification and gas exploration, have been separately submitted to relevant government agencies.

We have found the timeframes provided to local Councils, the process for submissions, the transparency, and feedback provided on submissions for offshore mining activities in PEP 11 have been unsatisfactory to date.

In an attempt to rectify this situation, we jointly request the following:

1. That the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* be amended to allow for the release of studies and relevant documents to the public.

During the public submission phase 'Useful' contribution is stifled due to current legislative constraints around 'commercial in confidence' that prohibits Department of Primary Industries from releasing Environmental Impact and Management Statements to the general public.

2. That the minimum time for local government to respond to proposals be extended to eight weeks.

This would allow Local Government to review these technical documents and engage experts, if needed, to interpret the documents prior to making a submission.

3. That direction be provided on the Community Consultative Committee (CCC) process.

If a CCC is formed then:

- The community (including indigenous) need to adequately represented.

▶ Our Ref:

Letter to State Member for Primary Industries Katrina Hodgkinson Offshore Mining ~ PEP 11.DOC

126-138 Main Road Speers Point NSW 2284 Box 1906, Hunter Region Mail Centre NSW 2310
Phone: 02 4921 0333 Fax: 02 4958 7257 Email: council@lakemac.nsw.gov.au Website: www.lakemac.com.au

ABN: 81 065 027 868

- Minutes should be recorded by an independent administrator not Asset Energy or any other major proponent or stakeholder.
 - The committee be provided with opportunity to input and comment on the agenda.
 - The chair of the committee be fully independent. While there was no evidence that this was not the case, the perception amongst some members of the community was that the Association of Mining Related Councils was not able to present as independent in this instance.
4. That Industry & Investment, as the Department approved to assess proposals, does not advise that the general public send submissions to the proponent (Asset Energy in this case). It is known that at least one of the Councils, was advised by Department of Primary Industries to direct public submissions to Asset Energy. This is of major concern and we need assurance that this is not the procedure promoted by Industry & Investment for public submissions in the future.

With regard to emergency response, contingency plans and compliance by current proponents Asset Energy and Energie Futures, we would like:

1. An outline of how an offshore mining emergency response system operates. In your response could you please include the following:
 - What is the warning system for an oil spill or gas leak?
 - How long will it take from the time of an oil spill or gas leak to implement emergency response actions on site?
 - What material and personnel are needed to be deployed in the event of an oil spill or gas leak?
 - Where is the material sourced from? Is it stored somewhere in readiness? If not how long will it take to get the material on-site?
 - Are adequate personnel on call to respond to an emergency?
 - What measures are in place to relocate wildlife and people that may be affected by an offshore oil spill?
 - A statement on how compliance with standardised and agreed environmental and safety measures be monitored and resourced.
2. The five Councils also have major concerns regarding environmental impacts from offshore mining activities specifically in PEP 11 and do not support offshore mining in this instance, on a number of grounds including:
 - Effects on the northern whale migration that typically occurs between June and August and their southern return that typically occurs during September and October. Any negative impacts on whales directly impact tourism and the local economy.

- Concern regarding the ability of local governments to meet greenhouse gas emission reduction targets for their local government areas. For example, Lake Macquarie City Council has adopted a 3% per annum carbon pollution reduction target for activities conducted within the City of Lake Macquarie.
- The impacts on Marine Parks and adjacent coastal ecosystems in the event of a major oil spill, or gas leak.

We look forward to hearing from you in relation to the specific matters raised above. Could you please address all correspondence to Dr Alice Howe, Manager Sustainability, Lake Macquarie City Council. Dr Howe can be contacted on 4921 0337 if you wish to discuss anything or need further information .

Yours faithfully

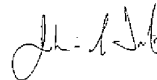


Cr Greg Piper
Mayor of Lake Macquarie City

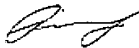


Colleen Worthy-Jennings
General Manager's Representative
Gosford City Council

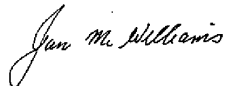
Cr Doug Eaton
Mayor of Wyong Shire Council



Cr John S Tate
Lord Mayor of City of Newcastle



Cr Bob Westbury
Mayor of Port Stephens Council



Cr Jan McWilliams
Mayor of Great Lakes Council

cc

Martin Ferguson - Federal Minister for Resources and Energy

Chris Hartcher – NSW Minister for Resources and Energy

Director General - Department of Trade and Investment, Regional Infrastructure and Services, Resources and Energy Division.

6.6 Draft Minutes - Wyong Shire Grants Committee Meeting - Adjourned 21 July 2011 and Reconvened 10 August 2011

TRIM REFERENCE: F2008/02110 - D02731550

AUTHOR: Jacquie Elvidge; Councillor Services Officer

MANAGER: Lesley Crawley; Manager Corporate Governance

SUMMARY

A meeting of the Wyong Shire Grants Committee was adjourned on 21 July 2011 and reconvened on 10 August 2011 to consider part of item 3.2 concerning the Central Coast Women's Health Centre – Baby Expo application.

RECOMMENDATION

- 1 *That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.*
- 2 *That Council adopt the recommendations included in the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.*
- 3 *That Council allocate \$1,340 from the 2011-12 Community Benefit Grant program as follows:*

Applicant	Project	Amount Recommended
Central Coast Community Women's Health Centre	Assist with holding of Baby Expo - 8 October 2011	\$1,340

BACKGROUND

A meeting of the Wyong Shire Grants Committee was held on 21 July 2011, adjourned and reconvened on 10 August 2011. Minutes of that meeting are as follows:

WYONG SHIRE COUNCIL

MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING OF COUNCIL

ADJOURNED FROM 21 JULY 2011 MEETING
HELD IN THE COMMITTEE ROOMS
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 AUGUST 2011
COMMENCING AT 4.45 PM

At the 21 July 2011 Grants Committee meeting The Mayor, Councillor Eaton, declared the Committee did not have a quorum to deal with part of item 3.2 concerning the Central Coast Women's Health Centre – Baby Expo application, and announced the meeting be adjourned to reconvene on 10 August 2011 at 4.45pm to consider this matter.

~~~~~  
**PRESENT**

Councillors D J Eaton (Chairperson), D P Vincent and General Manager's Representative - Manager Corporate Governance.

**IN ATTENDANCE**

Manager Community and Cultural Development and Administration Officer.

The Chairperson, Councillor D J Eaton declared the meeting open at 4.52 pm and advised that the meeting is being recorded.

**APOLOGY**

An apology was received from Councillor L A Matthews on her inability to attend the meeting as she declared a pecuniary interest in the matter at the 21 July 2011 meeting.

**3.2 Community Benefit Grants - Applications Round 1 2011-12**

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**COMMITTEE RECOMMENDATION**

*That Council allocate \$1,340 from the 2011-12 Community Benefit Grant program as follows:*

| <b>Applicant</b>                              | <b>Project</b>                                    | <b>Amount Recommended</b> |
|-----------------------------------------------|---------------------------------------------------|---------------------------|
| Central Coast Community Women's Health Centre | Assist with holding of Baby Expo - 8 October 2011 | \$1,340                   |

**THE MEETING** closed at 4.55 pm.

**ATTACHMENTS**

*Nil.*

## **6.7 Request for Funding - Central Coast Innovation Plan**

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TRIM REFERENCE: F2004/12960 - D02740240

MANAGER:

Greg Ashe; Manager Finance

### **SUMMARY**

A request for funding of \$20,000 in year 1, \$15,000 in year 2 and \$10,000 in year 3 from Regional Development Australia for the Central Coast Innovation Plan has been received. Subject to Gosford City Council providing a similar contribution it is proposed that Council support the request.

### **RECOMMENDATION**

***1. That Council provide funding of \$20,000 in year 1, \$15,000 in year 2 and \$10,000 in year 3 to the Central Coast Innovation Plan subject to Gosford City Council providing similar funding and milestones in the plan being met.***

### **BACKGROUND**

On July 20 this year Dr Anton Kriz from Regional Development Australia (RDA) Innovation Advisory Committee provided a presentation to Councillors on the Central Coast Innovation Plan. The program objectives of this plan are as follows:

- To pilot an Innovation Champions Program
- Establish three networks in the Cluster Program
- To establish a Monitoring program to measure the level of innovation activity generated by the programs and in the region as a whole.
- To implement a series of activities for establishing a more innovative local business sector.

Each of these objectives are aimed at stimulating business innovation on the Coast which should then lead to increased employment.

### **CURRENT STATUS**

Following the briefing to Councillors in July by the RDA Innovation Advisory Committee, they have now made a request for funding from Council. This funding request over three years is :

- Year 1 \$20,000
- Year 2 \$15,000
- Year 3 \$10,000

A similar request has also been made to Gosford City Council

In support of their request they advise that the Federal Government has offered \$100.00 towards the project as long as the region can match it through local funds.

DRAFT

There further advice is that the following region funding has been secured or is being considered.

RDA are supporting the project with \$14,000 and in-kind support of an incubator office and meeting rooms valued at \$6,000 a year.

The University of Newcastle has offered to support the program by offering two PHD scholarships and Dr Anton Kriz as the projects Chief investigator. This is valued at \$70,000 Trade and investment NSW are considering a proposal to assist the project for \$50,000.

Support from both Wyong and Gosford Councils would result in the region required funding being received.

The project also relies on support from 30 organisations from the business sector. This is currently being arranged.

### THE PROPOSAL

In view of the benefits that could flow onto the business sector and particularly the opportunities for job creation on the Coast it is proposed that subject to Gosford City Council also making a similar contribution Council support the project over three years. This support is subject to the milestones in the plan being met.

This will result in \$20,000 in year 1, \$15,000 in year 2 and \$10,000 in year 3 being provided.

Whilst funding was not provided in the original budget it is proposed that the required funding for 2011/12 budget be provided from the Economic Development Product budget. Should funding for the remainder of the year result in a budget shortfall then it will be handled as part of the quarterly reviews. Also future years funding be included in the respective years annual budget.

### STRATEGIC LINKS

#### Wyong Shire Council Strategic/ Annual Plan

| <i>Principal Activity</i>                | <i>Service Economic and property Development</i> | <i>Key Activity and Objectives Strengthen the Economic Base of the Shire.</i> | <i>Financial Line Item No and Description</i> | <i>Impact on Key Performance Indicators/ Service Performance Indicators</i> |
|------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------|
| <i>Economic and property Development</i> | <i>Economic and property Development</i>         | <i>Strengthen the Economic Base of the Shire.</i>                             | NA                                            | NA                                                                          |

#### Contribution of Proposal to the Principal Activity

As the plan is aimed at stimulating innovation to businesses on the Coast, this should strengthen the Economic Base of the Shire.

**Budget Impact**

As the funding requirement of \$20,000 for this project was not provided in the 11/12 original budget it will have to be considered in the adjustments for 2011/12. In addition, future years funding of \$15,000 and \$10,000 respectively should be included in each years budget.

**CONSULTATION**

A presentation on the Central Coast Innovation Plan by Dr Anton Kriz from RDA's Innovation Advisory Committee was made to Councillors on July 20 2011.

**CONCLUSION**

The RDA Innovation Advisory Committee have outlined a number of benefits that should flow through to the coast business sector. with the implementation of the Central Coast innovation Plan. With this being the case it is proposed that Council support the request subject to Gosford City Council also agreeing to support the plan and that the plan milestones are met. This means that \$20,00 in funding will be required 2011/12 with \$15,000 and \$10,000 required in ensuring years.

**ATTACHMENTS**

*Nil.*

DRAFT

## **7.1 Information Reports**

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TRIM REFERENCE: F2011/00027 - D02726005

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 Quarterly Update on Section 94 Contributions

TRIM REFERENCE: F2004/00552 - D02669073

AUTHOR/MANAGER: Martin Johnson; Manager Land Use Planning and Policy Development

### SUMMARY

This report provides the current status of Council's Section 94 and drainage contributions (excluding water and sewer) for the quarter March to June 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.

| @ 30/6/2011           |        |                         |                      |        |                            |                         |
|-----------------------|--------|-------------------------|----------------------|--------|----------------------------|-------------------------|
|                       |        | Section 94              |                      |        | Drainage                   |                         |
|                       |        | Projected<br>Income YTD | Actual<br>Income YTD |        | Projected<br>Income<br>YTD | Actual<br>Income<br>YTD |
| Budgewoi              | 1.00%  | \$36,000                | \$25,407             | 0.00%  | \$0                        | \$0                     |
| The Entrance          | 10.00% | \$360,000               | \$196,529            | 0.00%  | \$0                        | \$0                     |
| Gorokan               | 1.00%  | \$36,000                | \$57,398             | 0.00%  | \$0                        | \$0                     |
| Warnervale            | 58.00% | \$2,088,000             | \$906,774            | 92.00% | \$368,000                  | \$280,330               |
| Ourimbah              | 2.00%  | \$72,000                | \$43,853             | 0.00%  | \$0                        | \$0                     |
| Southern Lakes        | 5.00%  | \$180,000               | \$51,715             | 2.00%  | \$8,000                    | \$7,643                 |
| San Remo              | 7.00%  | \$252,000               | \$0                  | 0.00%  | \$0                        | \$0                     |
| Toukley               | 2.00%  | \$72,000                | \$8,270              | 0.00%  | \$0                        | \$0                     |
| Wyong                 | 10.00% | \$360,000               | \$93,395             | 6.00%  | \$24,000                   | \$36,864                |
| Shire Wide            | 2.00%  | \$72,000                | \$41,386             | 0.00%  | \$0                        | \$0                     |
| Northern<br>Districts | 2.00%  | \$72,000                | \$16,628             | 0.00%  | \$0                        | \$0                     |
|                       |        | <b>\$3,600,000</b>      | <b>\$1,441,355</b>   |        | <b>\$400,000</b>           | <b>\$324,837</b>        |

The projected income for 2010/2011 is \$4,000,000. Projected income for 2011/2012 was 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 has fallen 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.

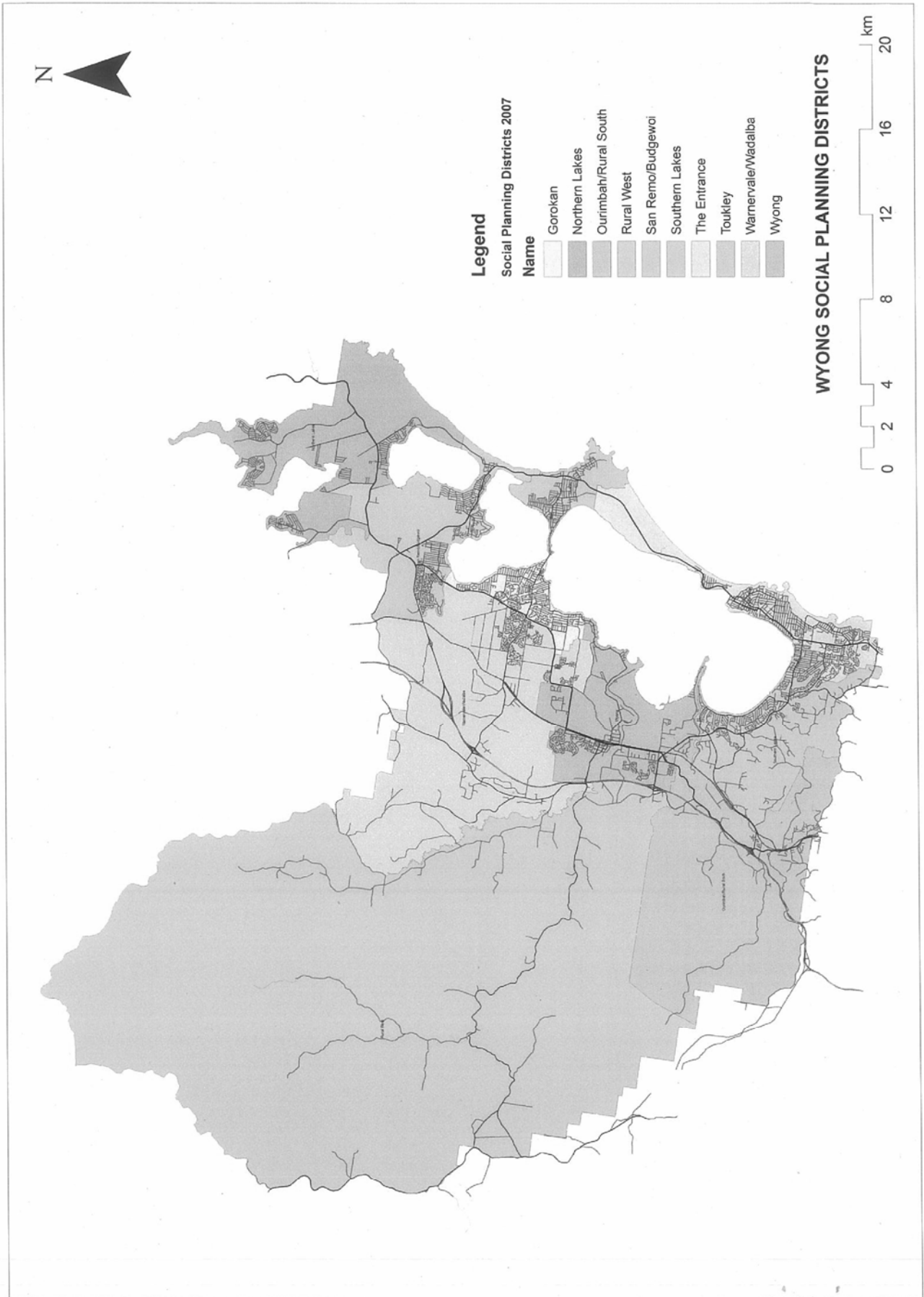
In respect to credits owed to developers, the current liability is \$16,560,408. It should be noted, however, that this liability does not all fall due today, but is spread over a number of years. It should also be noted that Council has recently received a number of representations from developers seeking to have Council address this liability by way of a refund in the immediate future rather than to delay it. The S94 account does not have adequate funds to repay these credits and we are therefore negotiating with a number of developers in an attempt to rationalise our outstanding liabilities whilst acknowledging the developers claims.

In respect to capital works, all future identified works are covered by the monies to be collected under the relevant s94 plan other than for Warnervale. In respect to Warnervale, there is a gap of over \$20M. In the meantime, Council continues to carry out priority infrastructure projects based on available income as determined by way of the priority listing agreed upon by Councillors during the Councillor weekend workshop in February 2011. This process will be repeated as part of the work involved in preparing the Strategic Plan for future years. With respect to the Warnervale Road update, item 8.1 of this business paper provides more detail regarding the applicable S894 funds collected and the current significant shortfall which is directly related to development activity and broader market conditions.

In addition, Council has a liability to the RTA for the upgrade of Craigie Avenue and the Pacific Highway. This liability forms part of the total amount of \$16,560,408 referred to above. This liability is being paid off by way of an annual payment, the amount repaid each year being directly dependent upon contributions received.

### **ATTACHMENTS**

- |   |                                                                                             |           |
|---|---------------------------------------------------------------------------------------------|-----------|
| 1 | Contribution Credits (Confidential Enclosure D02742284<br>Distributed under Separate Cover) | Enclosure |
| 2 | Plan showing the Location Boundaries of the Plans                                           | D02742404 |



### **7.3 Response from Minister for Transport on Warnervale Village Railway Station and Level Crossing**

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TRIM REFERENCE: F2007/00274 - D02701467

AUTHOR: Scott Duncan; Senior Strategic Planner

MANAGER: Martin Johnson, Land Use Planning and Policy Development

#### **SUMMARY**

Following Council's request on 9 March 2011 the following advice has been received from Gladys Berejiklian MP, Minister for Transport.

#### **RECOMMENDATION**

***That Council receive the report on Response from Minister for Transport on Warnervale Village Railway Crossing and Level Crossing.***

#### **BACKGROUND**

Council at its meeting held 9 March 2011, resolved on the motion of Councillor Best and seconded by Councillor McNamara:

- "1 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.*
  
- 2 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)."*

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

AGAINST: COUNCILLORS MCBRIDE, MATTHEWS, SYMINGTON AND VINCENT

Council has received the following response from the Gladys Berejiklian MP, Minister for Transport (see Attachment).

The attached response from Gladys Berejiklian MP, Minister for Transport appears to leave the door open to further discussions on funding an over head rail bridge if closure of the existing level crossing in Warnervale Village is justified on grounds of strategic and regional network connectivity, accessibility of the future residential and employment precincts, road/traffic safety and capacity.

These issues will be examined as part of Council's Traffic, Transport and Movement Study which is underway to support the Precinct 7A rezoning within Warnervale and Hamlyn Terrace. A joint meeting will be organised by Council to discuss funding options and requirements for the needs analysis of any future crossing with Department of Transport and RailCorp shortly.

Please note that the reference to Precincts 4, 5 and 7 in the attached letter is the numbering system which is used in the draft North Wyong Shire Structure Plan. These areas coincide with the boundaries of the Precinct 7A rezoning study area.

#### **ATTACHMENTS**

- 1 Response letter dated 14/04/2011 - re future Warnervale Rail Station - NSW Minister for Transport D02677676



**The Hon Gladys Berejiklian MP**  
Minister for Transport

BN11/00203

Mr Michael Whittaker  
General Manager  
Wyang Shire Council  
Po Box 20  
WYONG NSW 2259

Dear Mr Whittaker,

Thank you for your letter of 14 April 2011 regarding the future of Warnervale Railway Station and level crossing.

I appreciate the importance of these issues to the Wyong local community.

There are a number of concerns that require consideration in relation to the existing Warnervale Station, building of the new North Warnervale Station and the future of the existing level crossing.

In light of the complexities surrounding the railway stations, I have requested that the Department of Transport and RailCorp undertake a review of the issues. Following consideration of the outcomes of the review, a further response will be provided.

I am advised that the existing road/rail crossing of Warnervale Road and the Central Coast Rail Line at Warnervale Station is within the area affected by the draft North Wyong Shire Structure Plan. The planned increase of industrial, retail and residential land development within the area, combined with access to the rail line at the proposed Warnervale Town Centre will change transport and traffic patterns significantly.

The Department of Transport advises that Council has engaged a consultant to conduct a Traffic, Transport and Movement Study to support the rezoning of Structure Plan Precincts 4, 5 and 7. The Study will need to identify the impact of the proposed development on the location of infrastructure and indicative layout of these precincts and consider a range of scenarios, and I understand that any decision on the future of the existing Warnervale Station and level crossing will be informed by Council's current rezoning and investigation process.

- 2 -

BN11/00203

The option of replacing the level crossing with a road-over-rail bridge at this location would need to be justified on the grounds of strategic and regional network connectivity, accessibility of the future residential and employment precincts, road/traffic safety and capacity.

Noting the above, I am advised that the needs analysis of the future function of the level crossing should be undertaken jointly by all stakeholders including Wyong Shire Council, the Department of Transport and RailCorp in determining the responsibility for funding the existing crossing, and provision for an upgraded crossing in any form, if that is to be provided.

Thank you for taking the time to write to me. If you wish to discuss your concerns in more detail, may I suggest that you call Mr John Brewer of the Department of Transport, who is responsible for road network strategy, on (02) 8202 3873.

Yours faithfully,



**Gladys Berejiklian MP**  
**Minister for Transport**

- 6 JUL 2011

cc. The Hon Brad Hazzard MP  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW  
Member for Wakehurst

## 7.4 General Works in Progress

TRIM REFERENCE: F2004/07830 - D02708397

AUTHOR/S: Peter Sheath; Manager Design and Projects & Josette Matthews; PA to Manager, IM Support

MANAGER: David Witherdin; Manager Contract and Project Management

### SUMMARY

This report shows the current status of significant capital and maintenance expenditure in progress, as at the end of July 2011. General Water and Sewerage services are not included.

### RECOMMENDATION

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

### ROADS AND STORMWATER SECTION OVERVIEW

#### Capital Works In Progress

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

| Item Description                                           | Est Cost                      | Start Date | % Spent | % Comp | Est Comp Date | Comments                                                                   |
|------------------------------------------------------------|-------------------------------|------------|---------|--------|---------------|----------------------------------------------------------------------------|
| Lindsay St, between Bonnieview and Koorinda St, Long Jetty | \$819K                        | 5/7/11     | 13      | 25     | Sept 2011     | Drainage complete. Road dig-out complete. Kerb & gutter being constructed. |
| Donald Ave, Kanwal Drainage Upgrade                        | \$37K                         | 25/5/11    | 67      | 100    | Complete      | Savings due to scope change.                                               |
| Oleander St/Evans Road Shared Path, Canton Beach           | Total day labour & Contractor | 20/6/11    | 109     | 100    | Complete      |                                                                            |
| Horns Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah   | \$232K                        | 6/12/10    | 92      | 98     | Sept 2011     | Road sealing and vegetation restoration to be completed early Spring.      |

| Item Description                                                   | Est Cost | Start Date | % Spent | % Comp | Est Comp Date | Comments                                                                                                                                   |
|--------------------------------------------------------------------|----------|------------|---------|--------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Hidden Valley Bridge Reconstruction, Ourimbah Creek Rd, Ourimbah   | \$357K   | 30/3/11    | 95      | 95     | Sept 2011     | Road sealing and vegetation restoration to be completed in early spring                                                                    |
| Palmdale Road Bridge #2 Reconstruction                             | \$415K   | 1/8/11     | -       | -      | Oct 2011      | Site establishment beginning. Planning for placement of temporary bridge crossing.                                                         |
| Wilfred Barrett Drive Road, Shoulder widening for RTA bicycle lane | \$791K   | 4/5/11     | 61      | 99     | Aug 2011      | Line marking outstanding. Savings due to use of specialist local paving machinery, which enabled day works rather than costly night works. |
| Wyuna Ave Pedestrian Refuge on Wilfred Barrett Drive (for RTA)     | \$201K   | 19/5/11    | 60      | 70     | Mid Aug 2011  | Delayed by wet weather, concrete works and turfing to be completed.                                                                        |
| Cabbage Tree Bay – Toe Drainage Structure                          | \$1.46M  | 5/6/11     | 45      | 80     | Sept 2011     | Works progressing well. Works ahead of schedule and under budget.                                                                          |

### General Maintenance Work

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

|                                           | North                    | South                                                                            |
|-------------------------------------------|--------------------------|----------------------------------------------------------------------------------|
| <b>Drainage Maintenance</b>               | Tuggerawong<br>Tacoma    | Long Jetty<br>Berkeley Vale<br>Bateau Bay<br>The Entrance<br>Tumbi Umbi<br>Mardi |
| <b>Replacement of Damaged Foot paving</b> | Charmhaven<br>Lake Haven | Bateau Bay                                                                       |



|                                | North                                                                                                                                                                                                   | South                                                                                                                                                             |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sign Maintenance</b>        | Toukley<br>Kanwal<br>Hamlyn Terrace<br>Blue Haven<br>Wadalba<br>Budgewoi<br>Tuggerawong<br>San Remo<br>Canton Beach<br>Wyongah<br>Jilliby<br>Yarramalong<br>Buff Point<br>Gwandalan<br>Summerland Point | Toowoan Bay<br>Berkeley Vale<br>Ourimbah<br>Long Jetty<br>The Entrance<br>Killarney Vale<br>Shelly Beach<br>Bateau Bay<br>Tuggerah<br>Wyong<br>Mardi<br>Chittaway |
| <b>Shoulder Restoration</b>    | Jilliby                                                                                                                                                                                                 | Nil<br>The Entrance                                                                                                                                               |
| <b>Heavy Patching</b>          | Lake Haven<br>Charmhaven<br>Hamlyn Terrace                                                                                                                                                              | The Entrance North                                                                                                                                                |
| <b>Table Drain Maintenance</b> | Charmhaven<br>Budgewoi<br>Toukley<br>Gwandalan<br>San Remo<br>Wyongah<br>Chain Valley Bay Nth                                                                                                           | Long Jetty<br>Bateau Bay<br>Killarney Vale<br>Tumbi Umbi<br>Berkeley Vale<br>The Entrance<br>Ourimbah                                                             |
| <b>Rural Road Grading</b>      | Dooralong<br>Yarramalong<br>Ravensdale<br>Jilliby<br>Kiar                                                                                                                                               | Ourimbah<br>Palmdale<br>Tuggerah                                                                                                                                  |
| <b>Carpark Maintenance</b>     | Nil                                                                                                                                                                                                     | Nil                                                                                                                                                               |
| <b>Fencing</b>                 | Nil                                                                                                                                                                                                     | Nil                                                                                                                                                               |
| <b>Vegetation control</b>      | Jilliby<br>Woongarra<br>Halloran<br>Hamlyn Terrace<br>Toukley<br>Mannering Park<br>Yarramalong<br>Dooralong                                                                                             | Tuggerah<br>Berkeley Vale<br>Tumbi Umbi<br>Ourimbah<br>The Entrance<br>Killarney Vale<br>Long Jetty<br>Tumbi Umbi                                                 |

## CONTRACTS AND PROJECT MANAGEMENT SECTION

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

## 7.4

## General Works in Progress (contd)

| Item Description                                                                                                 | Est Cost (excl. GST) | Start Date | % Spent | % Comp | Est Comp Date                                               | Comments                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------|----------------------|------------|---------|--------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CPA/115479<br>The Rehabilitation and Redevelopment of Bateau Bay Landfill                                        | \$17M                | Dec 2006   | 98      | 98     | Southern Softball Diamonds due for completion October 2011. | Construction works proceeding under Council's direct management. Turf completed to all fields. The Entrance AFL Club has relocated to the new AFL field. Tenders have closed for the construction of the southern softball cages and remaining site fencing. |
| CPA/136020 (complete), CPA/162445 (complete) and CPA/181535 Gwandalan Landfill Remediation – Investigations Only | \$290K               | Nov 2007   | 98      | 98     | August 2011 (RAP & concept design)                          | Preliminary and detailed site investigations completed. Draft Remedial Action Plan (RAP) report received and reviewed. Final (amended) report to be received.                                                                                                |
| CPA/136021 (complete) and CPA/168802 (complete) Tumbi Landfill Remediation – Investigations only                 | \$190K               | Nov 2007   | 75      | 75     | Feb 2012 (RAP & concept design)                             | Preliminary and detailed site investigations completed. Tenders for Remedial Action Plan (RAP) to be invited in September 2011.                                                                                                                              |
| CPA/142750 (complete) and CPA/173290 (complete) Shelly Beach Landfill Remediation – Investigations only          | \$185K               | Nov 2007   | 75      | 75     | Feb 2012 (RAP & concept design)                             | Preliminary and detailed site investigation completed. Tenders for Remedial Action Plan (RAP) to be invited in September 2011.                                                                                                                               |
| CPA/144547 Construction of Stormwater Treatment Works, Colongra Bay Rd, Lake Munmorah                            | \$270K               | Jan 2010   | 80      | 95     | August 2011                                                 | All work completed except for grates to stormwater pits due to be completed by August.                                                                                                                                                                       |
| CPA/144772 - Consultancy for Investigation and Design of T22 Sewer Pump Station upgrade – Budgewoi               | \$172K               | Mar 2008   | 96      | 98     | August 2011                                                 | Contract awarded to Cardno (NSW) Pty Ltd. Final design and tender documents currently being reviewed. Construction cost estimate is \$2.1M.                                                                                                                  |

## 7.4

## General Works in Progress (contd)

| Item Description                                                                                                                                         | Est Cost (excl. GST)     | Start Date         | % Spent    | % Comp    | Est Comp Date                        | Comments                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------|------------|-----------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CPA/147230 - Consultancy for Investigation and Design of T8 Sewer Pump Station upgrade – Norah Head                                                      | \$150K                   | Jun 2008           | 100        | 100       | August 2011                          | Contract awarded to Cardno (NSW) Pty Ltd. Final design and Specification are now completed. Construction cost estimate is \$1.95M, however construction has been deferred to after 2011/12 Financial Year. |
| CPA/155500 - Consultancy for Investigation and Design of C3 and C6 Sewer Pump Station upgrades, and new C16 Sewer Pump Station – San Remo and Blue Haven | \$163K                   | Dec 2008           | 92         | 90        | August 2011                          | Contract awarded to SMEC Australia Pty Ltd. Final design and tender documents currently being reviewed. Preliminary project construction cost estimate \$1.32M.                                            |
| CPA/158361 Construction Work for Stormwater Treatment Works in Reach 2, Saltwater Creek                                                                  | \$630K                   | May 2009           | 85         | 85        | Mar 2013                             | Hunter Land Management achieved Practical Completion in March 2010. Bush regeneration and maintenance works will continue for two years. Further desilting work to be undertaken in August.                |
| CPA/135454 & CPA/197275 Design and Construction Advice for Toe Drainage Structure, Cabbage Tree Harbour                                                  | \$420K<br>\$20K          | 2008<br>April 2011 | 100<br>100 | 100<br>75 | SCE (Feb 2011)<br>WP (Sept 2011)     | Construction by Council's day labour progressing well.                                                                                                                                                     |
| CPA/160358 Project Management Services for the Clearing and Engineering Works Associated with Sub Division of Council land at Sparks Road Warnervale.    | \$170K                   | Mar 2009           | 91         | 99        | Sept 2011                            | Council day labour started bulk earthworks on site end of March 2011. Works delayed due to wet weather. Revised completion date Sept 2011 subject to weather.                                              |
| CPA/164637 Preliminary Investigation (complete)                                                                                                          | \$250K (three contracts) | Dec 2009           | 100        | 100       | Complete (Preliminary Investigation) |                                                                                                                                                                                                            |

## 7.4

## General Works in Progress (contd)

| Item Description                                                                                                                                                                            | Est Cost<br>(excl. GST) | Start Date               | % Spent       | % Comp        | Est Comp Date                                                                        | Comments                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------------------|---------------|---------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CPA/185467 Detailed Investigation<br>Toukley Landfill<br>(Sewage Treatment Plant and Transfer site)<br><br>CPA/196356 - Remedial Action Plan and Concept Design for former Toukley Landfill |                         | Nov 2010<br><br>May 2011 | 100<br><br>10 | 100<br><br>10 | Complete (Detailed site investigation)<br><br>August 2011 Remedial Action Plan (RAP) | Detailed site investigation completed in June 2011 by Douglas Partners P/L.<br><br>Engagement of Golder & Assoc. for completion of the Remedial Action Plan (RAP) by the end of August 2011.                                                                                     |
| CPA/164957 – Tuggerah Lakes Saltmarsh Rehabilitation ( TL19 & TL20 – Berkeley Vale)                                                                                                         | \$500K                  | Feb 2011                 | 67            | 67            | September 2011                                                                       | Work has now been substantially completed following the lowering of lake water level after the major storms experienced during July. Minor fencing and site restoration work to be undertaken.                                                                                   |
| CPA/172612 Construction of Hamlyn Terrace Community and Sporting Facility                                                                                                                   | \$7.53m                 | Apr 2010                 | 73            | 85            | End August 2011 for Community Centre.<br><br>Sports fields use possibly early 2012.  | The Community Centre and northern car park (Portion 2) will be complete by late August; laying of the turf (Portion 1) to the playing field has been delayed until Spring to maximise growth potential; the balance of the works (Portion 3) will be completed by end of August. |
| CPA/173286 (complete)<br>CPA/181554 Remediation of Mardi Landfill – Design only                                                                                                             | \$350K                  | N/A                      | 10            | 15            | April 2012 (Detailed design)                                                         | Detailed design contract awarded to SMEC. Design work commenced in June and currently in progress.                                                                                                                                                                               |
| CPA/179982 Replacement of Pope Air Conditioning Equipment at Wyong Civic Centre                                                                                                             | \$240K                  | Jan 2010                 | 100           | 100           | June 2011                                                                            | Work completed.                                                                                                                                                                                                                                                                  |

## 7.4 General Works in Progress (contd)

| Item Description                                                                                                              | Est Cost (excl. GST) | Start Date | % Spent | % Comp | Est Comp Date                                     | Comments                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------|------------|---------|--------|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CPA/184446 – Shelly Beach SLSC Construction                                                                                   | \$3.23M              | Oct 2010   | 70      | 90     | Building end August 2011, Roadwork 31 August 2011 | Projected Contract completion date end August 2011. Roadworks have commenced and are due for completion end of September 2011                                                                                       |
| CPA/184454 – Soldiers Beach SLSC Construction                                                                                 | \$3.2M               | Oct 2010   | 88      | 99     | Building 10/8/11; Roadworks 20/8/11               | Project is nearing completion with final painting and fitout underway. Roadworks have commenced and programmed for completion 20 August 2011.                                                                       |
| CPA/184904 Construction of Stormwater Treatment Works, Catalina Rd & Liamena Av San Remo                                      | \$415K               | Nov 2010   | 80      | 100    | Completed July 2011                               | Works completed. Practical Completion granted 20/7/11.                                                                                                                                                              |
| CPA/189208 & CPA/189207 Landfill Gas Installations Monitoring & Report Buttoderry Waste Management Facility                   | \$160K               | Nov 2010   | 65      | 65     | April 2012                                        | Subsurface landfill gas encountered around active landfill area. Regular ongoing monitoring continues. Tenders for gas management strategy to be invited in September 2011.                                         |
| CPA/189210<br>CPA/194091<br>CPA/201014<br>New Cell 4.3 at Buttoderry Waste Management Facility. Investigation and design only | \$430K               | Nov 2010   | 10      | 10     | June 2012                                         | Site survey and geotechnical investigations finalised. Contract for Area 4 Development Strategy awarded in June 2011 and currently in progress. Documentation for detailed design tenders for cell 4.3 in progress. |
| F2008/02330 McKenzie Reserve Foreshore Stabilisation Works and Upgrade of Recreational Facilities                             | \$200K               | Dec 2010   | 40      | 50     | June 2012                                         | Main shelter upgrade works underway. Landscaping and playground upgrade works expected to be completed September 2011.                                                                                              |

| CONTRACTS REACHING PRACTICAL COMPLETION IN LAST THREE MONTHS |                                                                                                          |                              |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------|
| Contract No.                                                 | Contract Description                                                                                     | Date of Practical Completion |
| CPA/184901                                                   | Construction of Stormwater Treatment Works, Gascoigne Rd Gorokan as part of the Estuary Management Plan. | 10 June 2011                 |
| CPA/173205                                                   | Sewer main rehabilitation, various locations in Wyong Shire                                              | 31 May 2011                  |
| CPA/184904                                                   | Construction of Stormwater Treatment Works, Catalina Rd & Liamena Av San Remo                            | 20 July 2011                 |

| CONTRACTS STILL IN DEFECTS LIABILITY PERIOD |                                                                                                           |                                                                                                                                                                                                    |                         |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Contract No                                 | Contract Description                                                                                      | Contract Status                                                                                                                                                                                    | % Completed             |
| CPA/117144                                  | Toukley Reclaimed Effluent WTP Augmentation Works                                                         | Completed. Bank Guarantee released                                                                                                                                                                 | 100                     |
| CPA/127662                                  | Mardi Suite of Works<br><br>Mardi Transfer System, High Lift Pump Station and Intake Tower (Baulderstone) | Practical Completion<br><br>Separable Portion 1 - 26 November 2010<br>Separable Portion 2A - 26 November 2010<br>Separable Portion 2B - 26 November 2010<br>Separable Portion 3 - 26 November 2010 | <br><br><br><br>66      |
| CPA/140816                                  | The Entrance Community Facility Stage 2 – Construction                                                    | Defects liability period expired 24 April 2010. Final account yet to be finalised – now in formal dispute with contractor                                                                          | 100                     |
| CPA/142295                                  | Mardi Suite of Works<br><br>High Voltage Upgrade to Mardi Dam site (Poles and Underground)                | Practical Completion<br><br>Separable Portion 1 - 10 August 2010<br>Separable Portion 2 - 10 August 2010<br>Separable Portion 3 - 27 August 2010                                                   | <br><br>99<br>99<br>91  |
| CPA/153228                                  | Construction of Woongarah Sports Facility                                                                 | Practical Completion 4 June 2010<br>Defects being repaired by Contractor                                                                                                                           | 98                      |
| CPA/160794                                  | Construction of the Northern Section of the Link Road                                                     | Practical Completion<br><br>Separable Portion 1 – 16 March 2010<br>Separable Portion 2 - 1 September 2010<br>Separable Portion 3 - 15 November 2010                                                | <br><br>100<br>90<br>75 |
| CPA/154562                                  | Toukley Sewage Treatment Plant Inlet Works Upgrade                                                        | Practical Completion 10 December 2010                                                                                                                                                              | 70                      |
| CPA/160330                                  | Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire                           | Practical Completion 1 October 2010                                                                                                                                                                | 80                      |

| <b>CONTRACTS STILL IN DEFECTS LIABILITY PERIOD</b> |                                                                                           |                                              |                    |
|----------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------|--------------------|
| <b>Contract No</b>                                 | <b>Contract Description</b>                                                               | <b>Contract Status</b>                       | <b>% Completed</b> |
| CPA/160331                                         | Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire           | Practical Completion 30 August 2010          | 90                 |
| CPA/164633                                         | Excavation & lining of Cell 4.2B Buttonderry Waste Management Facility                    | Practical Completion 28 August 2010.         | 95                 |
| CPA/171026                                         | Installation of Subsoil drainage at Halekulani Oval, Kurraba Oval and Killarney Vale Oval | Practical Completion 1 December 2010         | 60                 |
| CPA/173205                                         | Sewer main rehabilitation, various locations in Wyong Shire                               | Practical completion achieved on 31 May 2011 | 30                 |
| CPA/174474                                         | Stormwater Treatment Works Project #6, Parkside Dr Charmhaven                             | Practical Completion 29 October 2010         | 75                 |
| CPA/177219                                         | Amenities Block at Tenth Avenue, Budgewoi                                                 | Practical Completion 30 September 2010       | 80                 |
| CPA/184901                                         | Construction of Stormwater Treatment Works, Gascoigne Road, Gorokan                       | Practical Completion granted 10 June 2011    | 100                |

**ATTACHMENTS***Nil.*

## 7.5 Activities of the Building Certification and Health Unit and Development Assessment Unit

TRIM REFERENCE: F2004/07830 - D02711150

AUTHOR: Jane Doyle; Senior Administration Support Officer, Environment and Planning

MANAGER: Lynn Littlefield, Team Coordinator Environment and Planning

### SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and the Building Certification and Health Unit which covers the submission and determination of development, construction and subdivision applications for the month of July 2011.

### RECOMMENDATION

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

#### Development Applications Received and Determined

| Type:        | Number Received: | Estimated Value \$: | Number Determined: | Estimated Value \$: |
|--------------|------------------|---------------------|--------------------|---------------------|
| Commercial   | 10               | 2,522,572           | 9                  | 1,484,228           |
| Industrial   | -                | -                   | 1                  | 150,000             |
| Residential  | 80               | 14,998,602          | 64                 | 9,309,844           |
| Other        | 6                | 51,900              | 3                  | 18,000              |
| <b>Total</b> | <b>96</b>        | <b>17,573,074</b>   | <b>77</b>          | <b>10,962,072</b>   |

**Note:** Included in the number of development applications received in the "Commercial" and "Residential" categories were additions to an existing Aged Care Facility at Norville, valued at \$1.9M and a Residential Flat Building consisting of 28 townhouses located at Mardi, valued at \$6M.

#### Subdivision Applications Received and Determined

| Type:        | Number Received: | Number of Lots: | Number Determined: | Number of Lots: |
|--------------|------------------|-----------------|--------------------|-----------------|
| Commercial   | -                | -               | -                  | -               |
| Industrial   | 1                | 13              | 1                  | 13              |
| Residential  | 2                | 1               | 3                  | 2               |
| Rural        | -                | -               | -                  | -               |
| <b>Total</b> | <b>3</b>         | <b>14</b>       | <b>4</b>           | <b>15</b>       |



**Net Median Turn-around Time**

The net median turn-around time in working days for development applications determined during the month was **15** days. There were no priority applications determined during the month.

**Other Approvals and Certificates**

| <b>Type:</b>                                                | <b>Number Determined:</b> |
|-------------------------------------------------------------|---------------------------|
| Trees                                                       | 29                        |
| Section 149 D Certificates ( <i>Building Certificates</i> ) | 15                        |
| Construction Certificates                                   | 45                        |
| Complying Development Certificates                          | 13                        |

**State Environmental Planning Policy No 1**

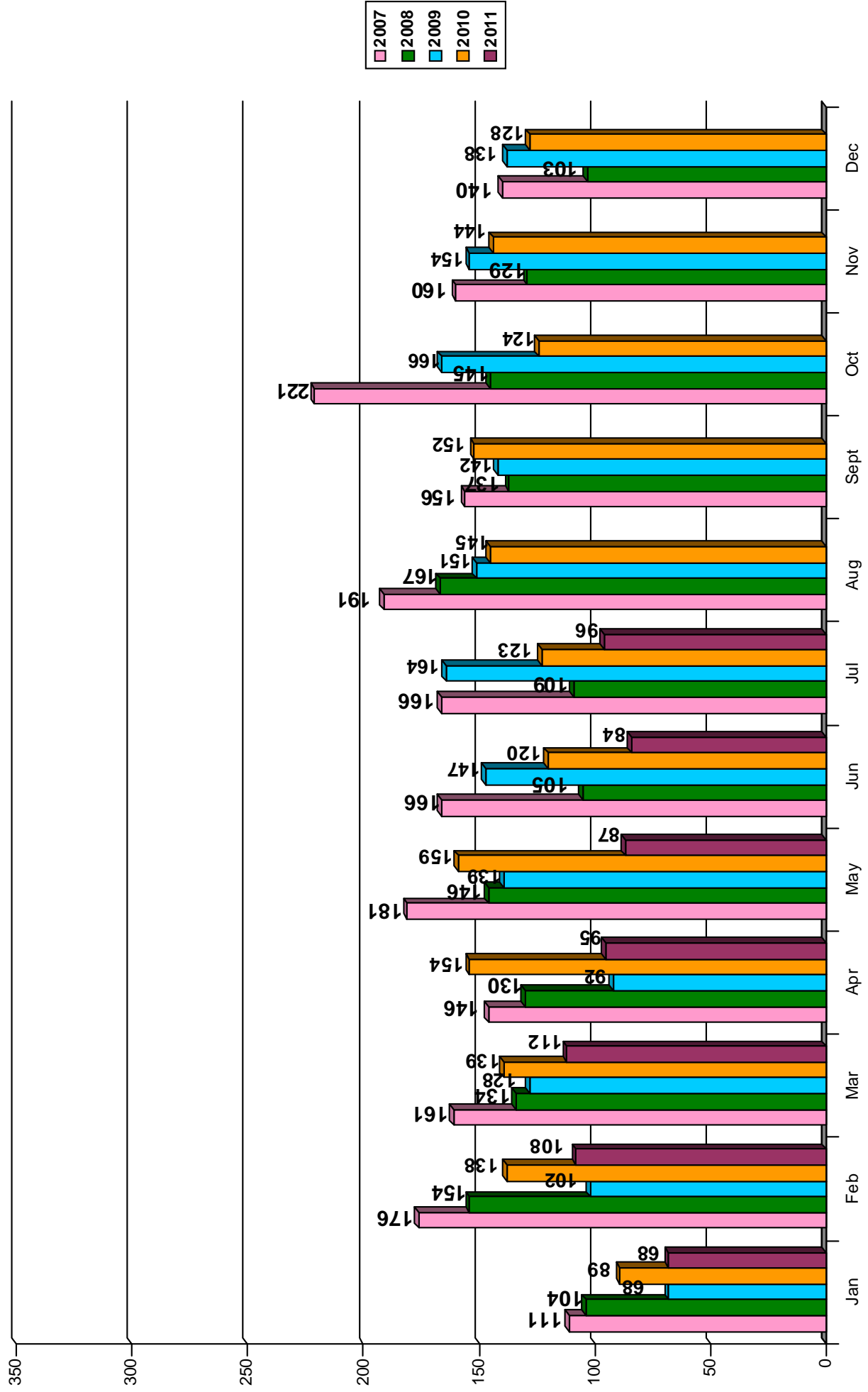
There were no applications that relied on SEPP 1 variations for the month of June that were in excess of a 10% variation.

**ATTACHMENTS**

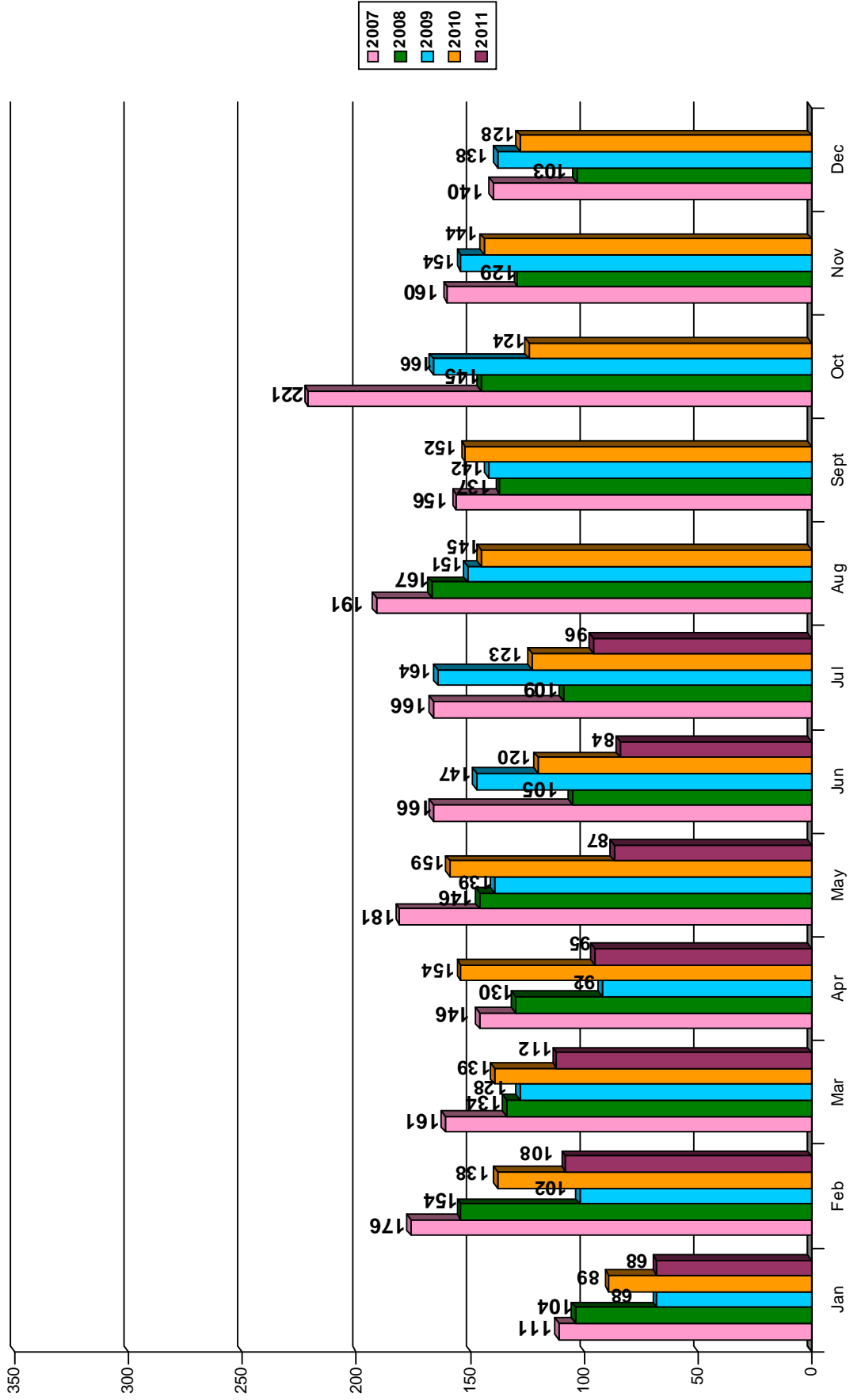
- 1    Graphs - Development Applications, Lodged, Determined and Construction Certificates Determined

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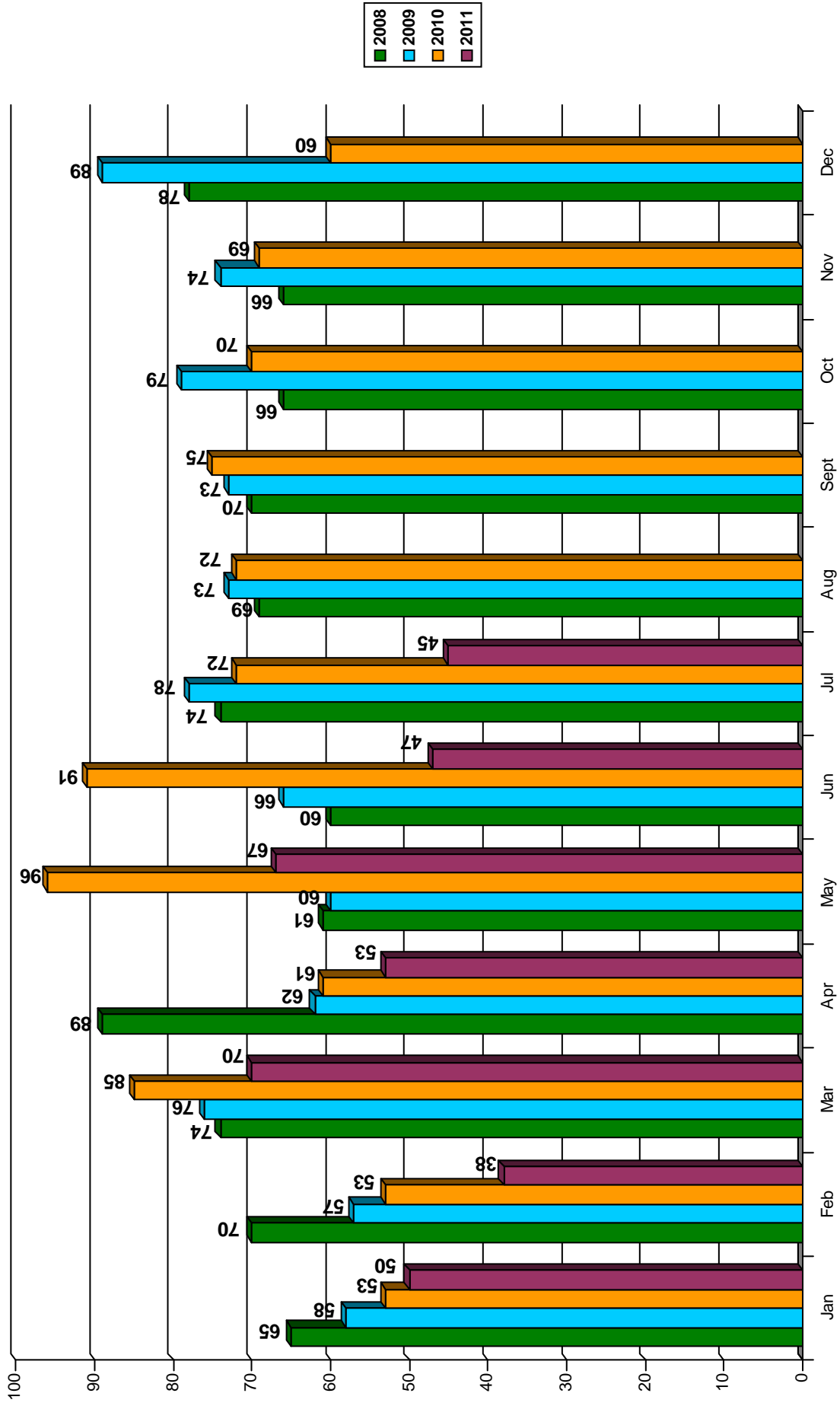
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**CCs DETERMINED**



## **7.6 Results Of Water Quality Testing for Beaches and Lake Swimming Locations**

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TRIM REFERENCE: F2004/06822 - D02711174

AUTHOR: Jon Scorgie; Senior Environmental Health Officer

MANAGER: Rob Van Hese, Manager Compliance and Regulation

### **SUMMARY**

Reporting on the results of bacteriological tests for primary recreation water quality for the beaches in Wyong Shire and lake swimming sites in the Tuggerah Lakes catchment for the month of July 2011.

### **RECOMMENDATION**

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

#### **Primary Recreation Water Quality Monitoring Program**

Wyong Shire beaches are regularly monitored for swimming safety in accordance with the latest National Health and Medical Research Council (*NHMRC Guidelines for Managing Risks in Recreational Water (2008)*). These guidelines have superseded NHMRC (1991), however, they still allow for beaches to be awarded a star rating based upon the potential for sewage and stormwater contamination. These star ratings are awarded as detailed in the Table 1 below.

Wyong Shire Council has been in partnership with the Office of Environment and Heritage (OEH) in implementing the "Beachwatch" program during the bathing season of summer, October through to April.

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

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

- 1 That Council adopt the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee being:
  - a That all lake water quality testing sites that are not designated "lake swimming locations", be removed from future Beachwatch programs commencing 1 July 2010.**

- b That future results of water quality testing for lake locations that are not designated swimming locations continue to be monitored to detect changes in water quality and the results of such testing be submitted to the Estuary Management Unit.*

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

AGAINST: COUNCILLORS BEST AND EATON"

Although the Office of Environment and Heritage's Beachwatch program becomes inactive during the winter season, Council continues to sample once a month to assess any changes in water quality. If these monthly results indicate high levels of sewage and stormwater contamination, further investigations are triggered to determine the source of its origin. For our winter program, Council have continued to apply Beachwatch's acceptable indicator levels for faecal contamination "enterococci" of 200cfu/100ml and apply our results to their star rating, see Table 1 below.

Additionally, Council is still required to monitor the ocean outfalls five times a month, year round. This monitoring and sampling regime is undertaken in accordance with the OEH "Environmental Protection License's", this sampling is carried out at ten sites around Norah Head and Wonga Point.

As a part of the National Health and Medical Research Council - Guidelines for Managing Risks in Recreational Water 2008 (NHMRC 2008), OEH's Beachwatch program has requested that all sites be re-evaluated to identify their potential pollution sources and the risk that they may pose to human health. The potential pollution sources identified in this evaluation will lead to management strategies being developed for each site so that risk to human health can be minimised. Advisory signs have been erected at all lake sampling sites advising "This area can be affected by Stormwater Pollution for up to 3 Days after heavy rain. Swimming during this period in NOT Recommended". The signs have been erected to advise the public that there is a potential for poor water quality at the site due to the stormwater inundation after heavy rain. It does not mean that the water quality is poor at all times.

**Summary of results for July 2011 (Winter Program)**

For the month of July all ocean and lake beach sites achieved a star rating that is defined as being safe for swimming under the NHMRC 2008 for all of the sampling days.

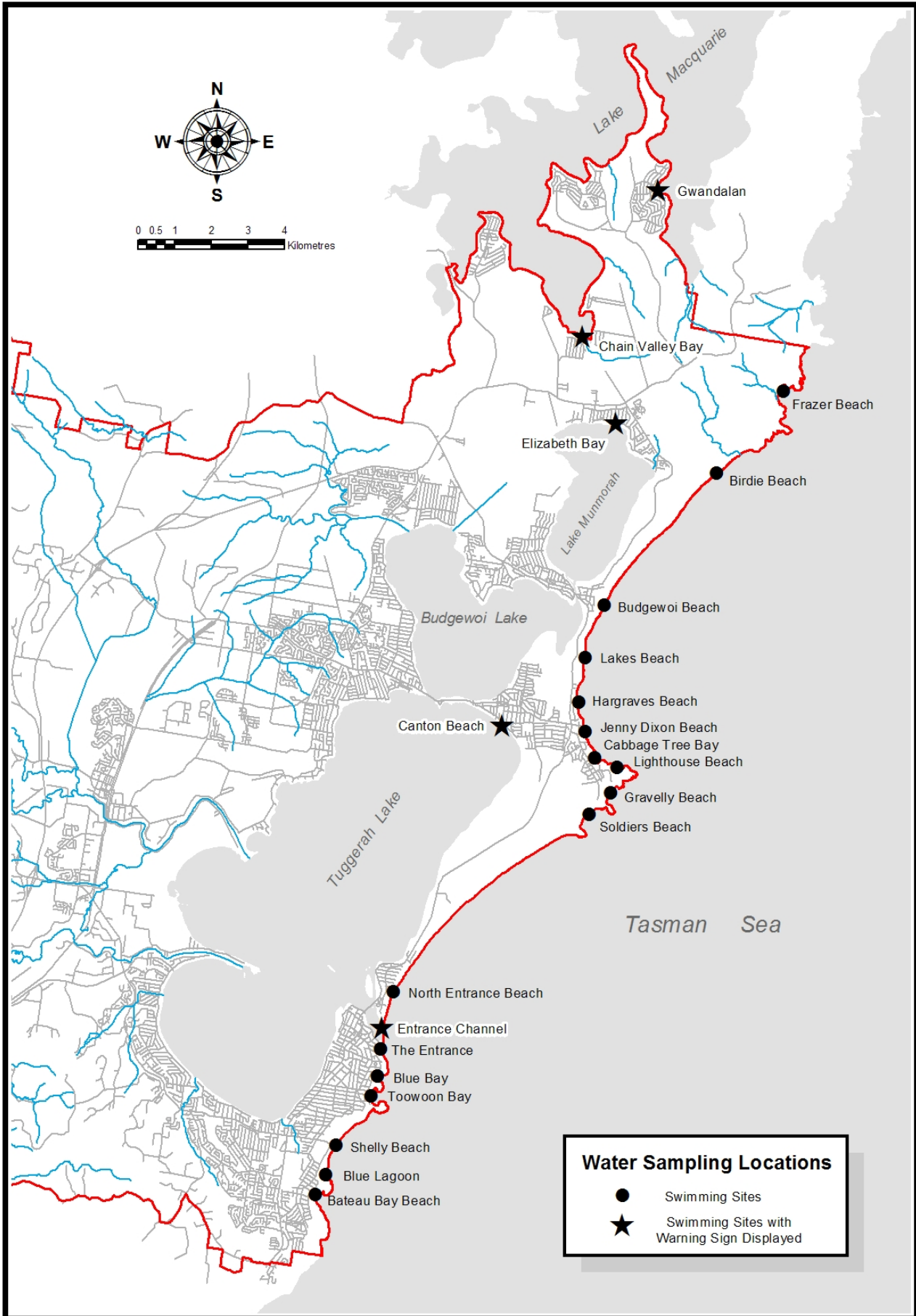
A definition of the star rating system can be seen in Table 1 below.

**Table 1: NHMRC Star Rating Interpretation**

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

**ATTACHMENTS**

- 1 Water Sampling Locations D02345961





## 7.7 Works in Progress - Water Supply and Sewerage

TRIM REFERENCE: F2004/07830 - D02712019

AUTHOR: Vanessa Trzcinka; Technical Operations Engineer Water and Sewerage Operations

ACTING MANAGER: Daryl Mann; Water and Sewerage Operations

### SUMMARY

Water supply and sewerage works in progress and completed for July 2011.

### RECOMMENDATION

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

### WATER SUPPLY

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

| Item Description                                                                                       | Est Cost \$ | Start Date | % Spent | % Comp | Est Comp Date | Comments                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------|-------------|------------|---------|--------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pacific Hwy, Wyong<br>Werrina Pde, The Entrance<br>Pacific Hwy, Lake Munmorah<br>Teamster CI, Tuggerah | 27,000      | Jul 2011   | 50      | 50     | Sept 2011     | Work has commenced at various locations to install 100mm fire services, 50mm domestic water and sprinkler services to provide potable water supply to industrial businesses developing on the Central Coast.<br><br>This work is being funded by the Developer.                                                                                                          |
| Soldiers Beach SLSC                                                                                    | 10,000      | Jul 2011   | 80      | 80     | Aug 2011      | Work is nearing completion to install approximately 18m of 100mm PVC water pipe to provide potable water supply to the newly constructed surf life saving club. The work also includes the installation of 100mm fire service and 40mm domestic water service and associated fittings.<br><br>This work is being funded as part of the Soldiers Beach Surf Club upgrade. |

| Item Description                                                                           | Est Cost \$ | Start Date | % Spent | % Comp | Est Comp Date | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------|-------------|------------|---------|--------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dudley St, Lake Haven                                                                      | 120,000     | May 2011   | 80      | 60     | Jul 2011      | <p>Initial scope of works to relocate approximately 80m of 100mm MPVC water pipe and 375mm polyethylene pipe at the intersection of Dudley St and Chelmsford Rd East Lake Haven has altered with an additional 50m of pipe required to be constructed. This is due to a conflict with the invert levels of an existing drainage pipe at the intersection of Dudley St, Chelmsford Rd and Panorama Ave, Lake Haven.</p> <p>Consequently, the length of directional boring has increased by 23m and the construction of the water main in Dudley St has also increased by approximately 27m. Pressure testing of the bored water main has been completed and complied with Development Control Plan 67 (DCP 67).</p> <p>Subsequently the estimated cost of the work has increased from \$80k to approximately \$120k. This work forms part of the Roads and Drainage upgrade work and is being partially funded by Water &amp; Sewerage and Roads and Drainage Capital Works Program.</p> |
| Bateau Bay<br>Killarney Vale<br>Ourimbah<br>The Entrance<br>Tuggerah<br>Watanobbi<br>Wyong | 500,000     | Jul 2011   | 5       | 10     | Jun 2012      | <p>Ongoing water main, stop valve and hydrant replacement works are underway to improve system supply operations.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Item Description       | Est Cost \$ | Start Date | % Spent | % Comp | Est Comp Date | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------|-------------|------------|---------|--------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gavenlock Rd, Tuggerah | 240,000     | May 2011   | 120     | 80     | Sept 2011     | <p>Collar inspections are underway on the 600mm mild steel cement lined water trunk main in Gavenlock Rd Tuggerah. This is preventive maintenance work in aid of the proposed future subdivision development work in Tuggerah.</p> <p>This trunk main forms an integral part of the water supply infrastructure transferring potable water from Mardi Water Treatment Plant to Kanwal Reservoir, thus supplying potable water to the residents north of Kanwal.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p> <p>Costs have exceeded the estimated cost due to the number of unexpected repairs required to the older 600mm water trunk main.</p> |

**SEWERAGE**

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

| <b>Location</b>                                                                                                                                          | <b>Est Cost \$</b> | <b>Start Date</b> | <b>% Spent</b> | <b>% Comp</b> | <b>Est Comp Date</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|----------------|---------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bateau Bay<br>Berkeley Vale<br>Blue Haven<br>Budgewoi<br>Buff Point<br>Gorokan<br>Killarney Vale<br>Lake<br>Munmorah<br>Long Jetty<br>Watanobbi<br>Wyong | 150,000            | Jul 2011          | 10             | 15            | Jun 2012             | <p>Ongoing sewer main and manhole replacement and adjustment works are underway to improve system operations.</p> <p>Council's maintenance program of CCTV inspections, replacing sections of sewer mains and repairing manholes and junctions causing operational problems due to root infestation and stormwater infiltration.</p> <p>This work is being funded by the Water and Sewerage Operations and Maintenance Program.</p> |
| Neville Cl,<br>Bateau Bay                                                                                                                                | 25,000             | June 2011         | 25             | 25            | Jul 2011             | <p>Work is underway to construct 3 manholes and 6 sewer junctions on the existing 150mm UPVC sewer main to support the residential subdivision development at Lots 700, 706, 715 and 722 DP 801739.</p> <p>This work is being funded by The Developer.</p>                                                                                                                                                                          |

## PROCESS

### Water Treatment

All treated water produced by Mardi Water Treatment Plant, for the period 1 to 31 July 2011 met the health requirements of the Australian Drinking Water Guidelines produced by the National Health and Medical Research Council.

### Sewage Treatment

On the 21, 22 and 23 July respectively the volume of treated effluent discharged from Norah Head and Bateau Bay ocean outfalls exceeded the licence allowance. Although this constituted a breach of the licence conditions it is not considered to be a pollution issue.

All effluent that was discharged through the outfalls was fully treated in accordance with the licence conditions.

The excess volume was exacerbated by a long period of heavy rainfall within the Wyong local government area which resulted in localised flooding and associated increased levels of Budgewoi and Tuggerah Lakes causing submergence of local sewerage systems and allowing the ingress of storm and lake water.

Council staff are undertaking work around the foreshores to identify and repair any damaged or dislodged sewage manholes and faulty sewerage systems that may have contributed to the non compliance situation.

The Office of Environment and Heritage, as regulator, has been advised of the breach.

### Sewerage Overflows

There were two reported sewage overflow incidents in July 2011.

The first incident occurred on 21 July and resulted from a pipe break in a sewage rising main located adjacent to 315 Lakedge Ave, Berkeley Vale. As sewage escaped into a local reserve and Tuggerah Lake the Office of Environment and Heritage (OEH) and the Department of Health were advised. Although the pipe was repaired and the site remediated access to the surrounding area was restricted pending the satisfactory outcome of health related testing of local surface waters.

The second incident occurred on 22 July at C3 Sewage Pumping Station at Birdwood Drive, Charmhaven. Heavy rain at the time contributed to higher than normal infiltration of stormwater into Council's sewerage system and resulted in a minor overflow of sewage into Wallarah Creek. This incident was reported to OEH. Investigations are continuing to identify the source of infiltration."

## WATER STORAGE

| <b>Monday, 8 August 2011</b>                                                                                                                                                                                                                                                                                       |                           |                               |                         |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------|--------------------------------------|
| <b>STORAGES</b>                                                                                                                                                                                                                                                                                                    |                           |                               |                         |                                      |
| <b>Storage</b>                                                                                                                                                                                                                                                                                                     | <b>Capacity Full [MI]</b> | <b>Volume in Storage [MI]</b> | <b>Percent Full [%]</b> | <b>Storage Change over last Week</b> |
| Mangrove Dam                                                                                                                                                                                                                                                                                                       | 190000                    | 63,873                        | 33.6                    | Up 125 ML                            |
| Mardi Dam                                                                                                                                                                                                                                                                                                          | 7400                      | 5,459                         | 73.8                    | Down 266 ML                          |
| Mooney Dam                                                                                                                                                                                                                                                                                                         | 4600                      | 4,595                         | 99.9                    | Down 5 ML                            |
| <b>Total</b>                                                                                                                                                                                                                                                                                                       | <b>202000</b>             | <b>73,927</b>                 | <b>36.6</b>             | <b>Down 146 ML</b>                   |
| <b>STORAGE:</b>                                                                                                                                                                                                                                                                                                    |                           |                               |                         |                                      |
| <ul style="list-style-type: none"> <li>Total stored water volume has increased by 0.8% since last month.</li> <li>This day last year the volume stored as a percentage of total capacity was 6.7% lower.</li> </ul>                                                                                                |                           |                               |                         |                                      |
| <b>HUNTER TRANSFERS:</b>                                                                                                                                                                                                                                                                                           |                           |                               |                         |                                      |
| <ul style="list-style-type: none"> <li>Hunter Water Corporation supplied 0 ML last week keeping this year's supply to 12 ML.</li> <li>Gosford/Wyong supplied 0 ML to Hunter Water last week keeping this year's supply to 0 ML.</li> </ul>                                                                         |                           |                               |                         |                                      |
| <b>GROUND WATER BORES:</b>                                                                                                                                                                                                                                                                                         |                           |                               |                         |                                      |
| <ul style="list-style-type: none"> <li>Groundwater Bores supplied 1.1 ML last week, increasing this years supply to 110.5 ML</li> </ul>                                                                                                                                                                            |                           |                               |                         |                                      |
| <b>WATER USAGE &amp; RAINFALL</b>                                                                                                                                                                                                                                                                                  |                           |                               |                         |                                      |
| <b>Period</b>                                                                                                                                                                                                                                                                                                      | <b>Water Usage [MI]</b>   | <b>Rainfall [mm]</b>          |                         |                                      |
|                                                                                                                                                                                                                                                                                                                    |                           | <b>Somersby WTP</b>           | <b>Mardi WTP</b>        | <b>Mangrove Dam</b>                  |
| Week to date                                                                                                                                                                                                                                                                                                       | 479                       | 11                            | 2                       | 11                                   |
| Previous week                                                                                                                                                                                                                                                                                                      | 463                       | 0                             | 12                      | 1                                    |
| Current week last year                                                                                                                                                                                                                                                                                             | 486                       | 21                            | 30                      | 16                                   |
| This year to date                                                                                                                                                                                                                                                                                                  | 16,104                    | 1,265                         | 1,146                   | 745                                  |
| Same period last year                                                                                                                                                                                                                                                                                              | 15,613                    | 764                           | 761                     | 624                                  |
| <p>Week to date consumption was 479 ML, 1.4% less than the same week last year and 3.5% more than the previous week.</p> <p>Consumption this year to date is 16,104 ML, 3.1% more than the same period last year.</p> <p>Level 3 Water Consumption Target for the week ending Monday, 15 August 2011 is 528 ML</p> |                           |                               |                         |                                      |

## ATTACHMENTS

Nil.

## **7.8 Enterprise Risk Management Strategy Project**

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TRIM REFERENCE: F2011/01389 - D02713475  
AUTHOR: Jeff Simpson; Internal Auditor  
MANAGER: Brian Glendenning, General Counsel

### **SUMMARY**

The Enterprise Risk Management Strategy project will establish the principles, framework and processes through which risk management will be undertaken across the organisation. The project will develop a strategy and action plan to help embed risk management into the culture of the organisation and for it to be seen as an essential tool in making better decisions to help achieve value adding objectives. The draft project plan is provided as an attachment to assist Councillors understand the key goals of the project, key roles and responsibilities and overall approach.

### **RECOMMENDATION**

***That Council receive the report on Enterprise Risk Management Strategy Project.***

### **BACKGROUND**

The 2010 Service Delivery Review identified that "continued effort is required to embed risk management as a key part of program planning and review". It required as an action item for an Enterprise Risk Management Strategy (ERMS) to be developed. The undertaking of this project is in specific response to that action item. The project is planned to extend through to June 2013 in order that sufficient time and resource is made available to ensuring that risk management becomes a normal part of every day decision making within Council.

### **CURRENT STATUS**

A Project Control Group consisting of the Executive Team and several key managers has been established which demonstrates the high level of executive commitment. The Internal Auditor has been appointed Project Manager which will bring to the project a wide understanding of the risks across the organisation.

A tender process has commenced to bring in external enterprise risk management expertise to help achieve the key goals of the project and resource the delivery of educational and risk work shop activities. It is expected that an appointment will be made by 31 October 2011.

Councillors will be directly involved in the project through both educational and risk workshop activities and will be expected to sign off on the strategy and formal risk policy and framework documentation once finalised towards the end of the project in June 2013.

### **ATTACHMENTS**

- 1 Enterprise Risk Management Strategy Project Plan - Council Meeting 24 August 2011 D02713443

|                                     |                     |
|-------------------------------------|---------------------|
| Draft Project Management Plan       |                     |
| Enterprise Risk Management Strategy |                     |
| Revision Number:<br>Tender          | Date: 9 August 2011 |

## 1 Project Overview

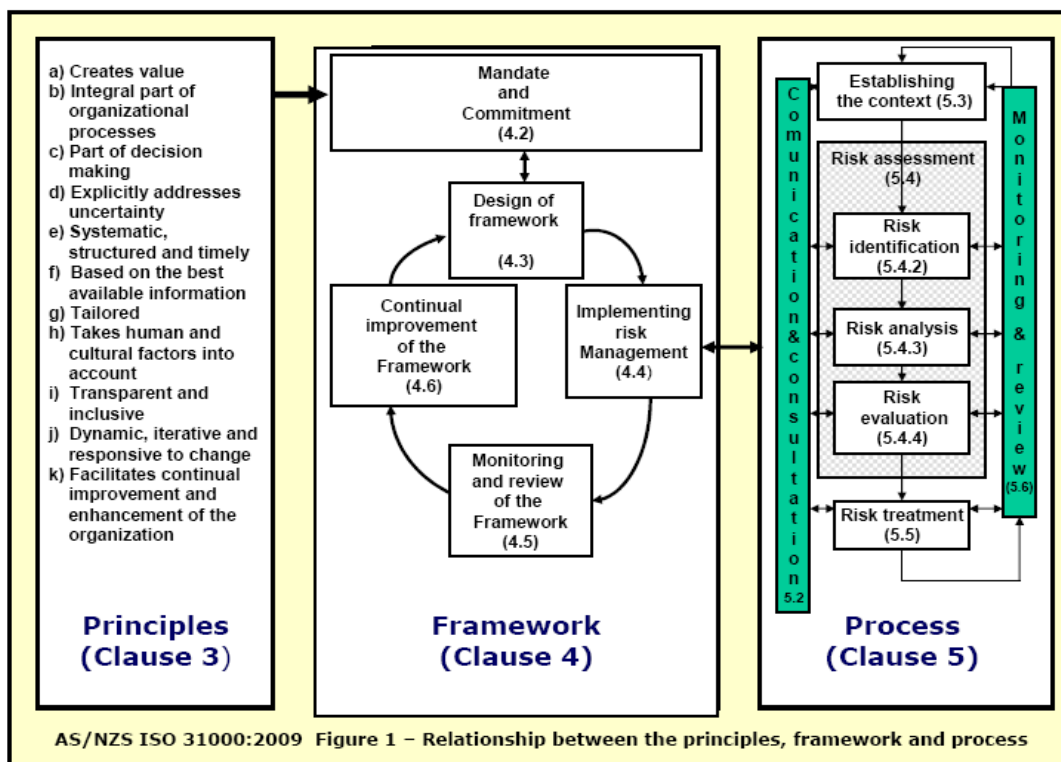
Enterprise Risk Management (ERM) is an essential component of the good governance framework in any organisation. It is essential that risk management becomes a normal part of every day decision making within Council rather than being a separate task which is undertaken from time to time. It needs to be part of the culture of the organisation and seen as an essential tool in making better decisions to help achieve value adding objectives.

The 2010 Service Delivery Review identified that "continued effort is required to embed risk management as a key part of program planning and review". It required as an action item for an Enterprise Risk Management Strategy (ERMS) to be developed. The undertaking of this project is in specific response to that action item.

The project will cover the development of a strategy and a plan for its delivery. The project will establish the principles, framework and processes through which risk management will be undertaken across the organisation. The project will engage external risk management expertise to provide advice on the development of the strategy and help facilitate educational and risk workshop activities.

**AS/NZS** ISO 31000:2009, the International Standard for Risk Management, provides guidance on risk management in the context of principles, framework and processes as illustrated below:





The project will be guided by AS/NZS ISO 31000:2009. However it will also be guided by the external expert's advice and tailored specially by the input from Councillors and staff.

### 1.1 Problem/Opportunity Statement & Background

WSC has incorporated reasonably good risk management processes in a number of its activities. Focus has however often been on the mechanical process rather than allowing it to be an integral part of the decision making process.

This project will build on the successful risk management processes within the organisation to bring it to the next level. This will require commitment of staff time and ERM expertise to help develop an ERMS that has ownership and commitment from Councillors and staff.

The project will provide a methodology and risk management framework to better enable sound decision making to become entrenched within the organisation. This will assist Council's decision making process to be quantified and prioritised with regards to importance, possible consequences and outcomes for the business and its stakeholders. The key to any ERMS is to establish a corporate framework around decision making that is documented, understood and accepted by Councillors and staff. This will then assist the organisation to allocate resources in accordance with the composite risk profile established.

## 1.2 Project Goals & Strategic Alignment

The key goals for the project are:

- To provide a proven management system that will nurture a culture that embraces quantifiable risk management that supports innovation and benefits realisation
- To establish procedures that ensures risk management is seamlessly embedded in policies, processes and systems and thus everyday decision making across the whole of Council
- To develop simple reporting mechanisms which creates an environment where there is a transparent and accountable engagement of the risk management process
- To establish a system that can evolve so that learnings on risk management are transferred within the organisation through the identification of key organisational risks and corporate accepted responses

Through achieving these key goals the project will help Council better achieve its overall objectives and the delivery of value adding outcomes.

Strategically it is important that:

- an enterprise-wide risk management framework is developed, guided by AS/NZS ISO 31000:2009 ie a framework of policies, procedures, management information reporting and an integrated system that pulls together, risk management, legislative compliance and governance for the whole organisation
- risk management thinking is embedded into operational and strategic thinking at all management levels of the organisation to help deliver better outcomes
- risk owners for priority risks are clearly identified and assigned risks are effectively managed

At a process level, the consideration of risk should be applied to material decision-making points and management levels of Council's operations in a manner which stimulates innovative ideas and creates higher value outcomes across the organisation.

## 1.3 Sustainability Outcomes

An effectively implemented ERMS will ensure that significant risks to achieving the key objectives of the Council's Strategic Plan, four year delivery plan, annual operational plan and Service Unit Business Plans are identified and appropriate processes are put in place to reduce risks to an acceptable level or that a higher level of risk is acceptable. It will also facilitate innovation and maximise the realisation of value add opportunities to help achieve our key objectives.

The ERMS is intended to be integrated with the sustainability principles thus helping sustainability to be achieved. Risk management extends business thinking across the quadruple bottom line covering social, economic, environmental and governance.

#### 1.4 Project Scope

|                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Development of an enterprise risk management structure guided by AS/NZS ISO 31000:2009 (with appropriate adaptation) to provide guidance on risk management                                                                                                                           |
| 2. Engagement with a wide range of stakeholders including management and staff, Consultative Committee, Councillors, Governance Committee, Gosford City Council and Central Coast Water Corporation to create awareness of the project and opportunity for participation in its delivery |
| 3. Engagement of Councillors and staff to identify and develop risk management practices through a program of education and facilitated risk workshops                                                                                                                                   |
| 4. Develop and adopt a Corporate ERM Strategy                                                                                                                                                                                                                                            |
| 5. Develop an action plan for delivery of the ERM Strategy                                                                                                                                                                                                                               |

#### 1.5 Assumptions

- **Funding** - Council will approve funding over two years for the engagement of risk management consultants to facilitate the development and plan the delivery of the ERMS.
- **Time commitment** - Sufficient time will be made available for staff (as negotiated with Directors and Service Unit Managers) and Councillors to effectively participate in the risk management training and workshops processes. Time commitment particularly from Councillors, senior management and risk owners is essential if the risk management process is to be effectively undertaken in an enduring manner.
- **Regional cooperation** - Cooperation will be able to be achieved at a regional level in the identification and management of shared risks. This will require effective engagement with Gosford City Council and the Central Coast Water Corporation.

#### 1.6 Critical Success Factors

Critical success factors for the project include:

- **Senior Management Support** - continued senior management support in terms of endorsement of the project plan, membership of the Project Control Group (PCG), contribution of time and effort and support for resourcing.
- **Staff and Councillor understanding** – the key fundamentals of risk management become well understood and accepted across the organisation
- **Project Management** – effective project management through Project Manager and Facilitator

- **Integration** - risk management is seamlessly and transparently integrated with key organisational activities such as strategy setting, performance management and project management

## 2 Project Organisation

### 2.1 Roles and Responsibilities

| Role                                                                                                                 | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Commitment Required                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Governing Body<br>Council                                                                                            | <ul style="list-style-type: none"> <li>▪ Approval of the Enterprise Risk Management Strategy</li> <li>▪ Approval of appropriation of resources</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Final decision maker on strategic issues                                                                                                                     |
| Governance<br>Committee                                                                                              | <ul style="list-style-type: none"> <li>▪ Expert advisory role</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Governance Committee agenda item (quarterly)                                                                                                                 |
| Project Sponsor<br>General Manager                                                                                   | <ul style="list-style-type: none"> <li>▪ Setting tone at the top</li> <li>▪ Executive team commitment</li> <li>▪ Final decision maker on operational issues</li> <li>▪ Oversight of management of priority risks</li> <li>▪ Facilitate engagement with Gosford City Council and Central Coast Water Corporation</li> </ul>                                                                                                                                                                                                                                                                                                                   | Priority risk management process<br>Risk workshop and training attendance<br>Chair of PCG<br>Commitment of ET to PCG<br>(Up to half a day per quarter)       |
| Project Control Group<br>Executive Team<br>General Counsel,<br>Chief Financial Officer, Chief<br>Information Officer | <ul style="list-style-type: none"> <li>▪ Approve the Project Plan</li> <li>▪ Take the lead in identifying and managing strategic risks and opportunities facing council</li> <li>▪ Monitor and approve progress of the project</li> <li>▪ Approve final draft ERMS</li> <li>▪ Maintain oversight of Project Manager</li> <li>▪ Encourage staff to be available for the identification of risks</li> <li>▪ Culture change advocate</li> <li>▪ Operational decisions (through General Counsel between meetings)</li> <li>▪ Approve methodology, action plan, policy and framework documentation and Stakeholder Engagement Strategy</li> </ul> | Monthly meetings to consider project status and to provide direction and decision making<br>Attendance at risk workshops as part of normal operational roles |
| Project Manager<br>Internal Auditor                                                                                  | <ul style="list-style-type: none"> <li>▪ Manage the process to enable WSC to develop an Enterprise Risk Management Strategy</li> <li>▪ Implement the approved Project Plan</li> <li>▪ Report to the PCG monthly</li> <li>▪ Develop and maintain a detailed Project Plan</li> <li>▪ Develop a draft action plan for delivery of the strategy</li> <li>▪ Produce timely and professional reports highlighting all exceptions to the PCG</li> <li>▪ Develop draft ERM policy and framework documentation</li> <li>▪ Develop a draft Stakeholder Engagement Strategy</li> <li>▪ Deliver on project goals and key milestones</li> </ul>           | (Up to 130 days over two years to June 2013)                                                                                                                 |

| Role                                                                                                                                                                                                            | Responsibilities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Commitment Required                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>▪ Manage Project Facilitator to high level of performance</li> <li>▪ Manage all time, cost, quality and quantity parameters of project</li> <li>▪ Maintain priority and focus on the project</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                              |
| Project Facilitator Consultant                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>▪ Key adviser role</li> <li>▪ Provide a proven methodology to develop an ERM strategy</li> <li>▪ Assist in development of a draft action plan for delivery of the strategy</li> <li>▪ Review the Project Plan and suggest amendments</li> <li>▪ Attendance at relevant meetings</li> <li>▪ Provide objective evaluation to PCG on project progress</li> <li>▪ Assist with the development of ERM policy and framework documentation</li> <li>▪ Develop and facilitate risk management training and education program on key risk principles, framework and processes</li> <li>▪ Facilitate risk identification workshops with staff, councillors etc as requested</li> </ul> | Funded to agreed budget over period to 30 June 2013                                                                                          |
| Integrated Project Working Party<br>Representative group of staff selected from higher risk areas and based on ability to contribute and enthusiasm for process plus a representative from Gosford City Council | <ul style="list-style-type: none"> <li>▪ Input into development of ERM strategy</li> <li>▪ Assist in development of ERM framework documentation and training and education program</li> <li>▪ Provide advice/feedback within own operational areas</li> <li>▪ Assist in interaction with other stakeholders</li> <li>▪ Champion risk management across organisation - Culture change advocate</li> </ul>                                                                                                                                                                                                                                                                                                            | Up to half a day per month from October 2011 to June 2012 – reassessed thereafter (in addition to involvement through normal role)           |
| Service Unit Managers                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>▪ Input into development of ERM strategy</li> <li>▪ Proactive involvement in development of ERM framework</li> <li>▪ Enabling broad participation of staff in workshops and education processes</li> <li>▪ Culture change advocate</li> <li>▪ Develop an on-going awareness of risks (current and potential) that relate to their areas of responsibility</li> </ul>                                                                                                                                                                                                                                                                                                         | Approx 1 day per quarter in period to 30 June 2013 including training and risk workshop attendance as part of normal role                    |
| Consultative Committee                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>▪ Input into development of ERM strategy</li> <li>▪ Input in development of ERM framework documentation and training and education program</li> <li>▪ Champion risk management across organisation - Culture change advocate</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                      | Approx 1/2 day per annum up to 30 June 2013 including training and risk workshop attendance (in addition to involvement through normal role) |
| Specialists eg Legal and Risk staff, insurance, OHS, environmental assurance, finance, IT,                                                                                                                      | <ul style="list-style-type: none"> <li>▪ Input into development of ERM strategy</li> <li>▪ Assist in development of ERM framework documentation and training and education program</li> <li>▪ Proactive involvement in project and workshops</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Approx 1 day per quarter in period to 30 June 2013 including training and risk workshop attendance                                           |

| Role                                    | Responsibilities                                                                                                                                                                                                                                                                                            | Commitment Required                                                                                                           |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| project directors and managers          | <ul style="list-style-type: none"> <li>▪ Champion risk management across organisation - Culture change advocate</li> <li>▪ Develop an on-going awareness of risks (current and potential) that relate to their respective areas of responsibility</li> </ul>                                                |                                                                                                                               |
| Supervisors, Team Leaders, Coordinators | <ul style="list-style-type: none"> <li>▪ Proactive involvement in project and workshops</li> <li>▪ Champion risk management across organisation - Culture change advocate</li> <li>▪ Develop an on-going awareness of risks (current and potential) that relate to their areas of responsibility</li> </ul> | Approx 1 day per quarter in period to 30 June 2013 including training and risk workshop attendance                            |
| Other staff                             | <ul style="list-style-type: none"> <li>▪ Involvement as appropriate in project</li> <li>▪ Develop an on-going awareness of risks (current and potential) that relate to their areas of responsibility</li> </ul>                                                                                            | Attendance at forums to facilitate risk management education – eg training, tool box talks, selected risk workshop attendance |
| Internal Audit Senior Internal Auditor  | <ul style="list-style-type: none"> <li>▪ Review progress and final outcome of project via independent audit process</li> </ul>                                                                                                                                                                              | 2 audits - Dec 2012 quarter and Dec 2013 quarter to evaluate the progress and success of the project                          |

The main impacts on the organisation will be making time available for:

- Directors and Service Unit Managers to help set key elements of the framework including developing risk categories, establishing assessment criteria and setting risk appetite.
- Project Working Party participant's involvement particularly in first year of project. They will however become a key risk management resource within their Departments/Units and bring back to the area a much broader understanding of the organisation.
- Risk workshops to identify risks and opportunities and to develop plans in line with the ERMS – the workshops will include Councillors, management and a good cross section of staff. They will be scheduled with the Business Plan development process where practical
- Special risk training sessions for staff – differentiated at manager/supervisor and other staff levels and on risks associated with their roles
- Executive and management meetings to consider treatment actions on priority risks and opportunities (this should be part of business as usual but in a more formal manner)
- The Internal Auditor to manage project and to proactively engage with staff in the development of the ERMS, the framework and action plan. The Internal Audit plan has been re-prioritised to accommodate the required level of involvement from Internal Audit.

## 2.2 Stakeholders

| Stakeholder and Organisation                             | Interest                                                                        | Influence                                                                                                                          | Consultation Method                                                 |
|----------------------------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Councillors                                              | Good governance processes need to be in place to achieve Council's objectives   | Funding decision maker<br>Strategic decision maker                                                                                 | Workshops, Briefings,<br>Governance Committee                       |
| Governance Committee                                     | Responsibility to monitor that effective risk management processes are in place | Expert advisory role                                                                                                               | Governance Committee quarterly reporting                            |
| Executive Team                                           | Effective management decision making to help achieve objectives                 | Project monitor role<br>Tone at the top influence<br>Operational decision maker<br>Project plan approved and variations considered | Project Control Group                                               |
| Staff                                                    | Improved organisation                                                           | Risk/opportunity/value add identification and treatment actions                                                                    | Training<br>Workshops<br>Day to day management interaction          |
| Gosford City Council and Central Coast Water Corporation | Shared risks                                                                    | Risk/opportunity/value add identification and treatment actions                                                                    | Direct contact – GM and others<br>Workshop – possibly Working Party |

## 3 Project Approach

### 3.1 Project Phases

The major phases of the project will include:

| Major Project Delivery Phases                                                                               | Start Quarter Ending | Finish Quarter Ending (unless month specified) |
|-------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|
| Leadership/scene setting                                                                                    | Sep 2011             | Sep 2011                                       |
| Develop and obtain approval for project concept                                                             | Sep 2011             | Oct 2011                                       |
| Establish key project structures                                                                            | Sep 2011             | Dec 2011                                       |
| Agreement by PCG on the methodology to develop an ERMS                                                      | Sep 2011             | Dec 2011                                       |
| Project Plan approval by PCG                                                                                | Sep 2011             | Dec 2011                                       |
| Stakeholder engagement strategy developed                                                                   | Sep 2011             | Dec 2011                                       |
| Scene setting with Councillors, Directors, Service Unit Managers and Working Party                          | Sep 2011             | Mar 2012                                       |
| Risk management maturity assessment and capability evaluation completed and reviewed by Project Facilitator | Dec 2011             | Jun 2012                                       |
| Education and training in key risk principles and framework                                                 | Dec 2011             | Jun 2012                                       |
| Procurement                                                                                                 |                      |                                                |
| Engage external consultant (Project Facilitator)                                                            | Sep 2011             | Oct 2011                                       |
| Strategy, Policy and Framework                                                                              |                      |                                                |

| Major Project Delivery Phases                                                                                                            | Start Quarter Ending | Finish Quarter Ending (unless month specified) |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|
| Develop <u>draft</u> ERM strategy, policy and framework documentation for consideration by PCG                                           | Dec 2011             | Mar 2013                                       |
| Finalisation and approval of ERM strategy, policy and framework documentation via engagement and consultation with councillors and staff | Mar 2013             | Jun 2013                                       |
| Implementation activity<br>Develop action plan                                                                                           | Dec 2012             | Jun 2013                                       |
| Project evaluation<br>Conduct audit of project progress<br>Conduct audit of final outcome of project                                     | Dec 2012<br>Dec 2013 | Dec 2012<br>Dec 2013                           |

### 3.2 Project Milestones

| Major Project Milestone                                                                                                    | Delivery Responsibility             | Acceptance Sign-off by: | Quarter Ending (unless month specified) |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|-----------------------------------------|
| Develop and obtain approval of ERM strategy project concept                                                                | General Manager                     | General Manager         | Sep 2011                                |
| Establish key project structures                                                                                           | Project Manager                     | Project Control Group   | Oct 2011                                |
| Project facilitator appointed                                                                                              | Project Manager                     | Project Control Group   | Oct 2011                                |
| Agreement on methodology to develop the ERMS                                                                               | Project Manager/Project Facilitator | Project Control Group   | Dec 2011                                |
| Project Plan approved                                                                                                      | Project Manager                     | Project Control Group   | Dec 2011                                |
| Detailed process agreed for key components of ERMS eg mandate, policy, likelihood and consequences tables, risk categories | Project Manager                     | Project Control Group   | Feb 2012                                |
| Complete first Corporate Risk workshop with Councillors                                                                    | Project Manager                     | General Manager         | Feb 2012                                |
| Complete first risk management maturity assessment and capability evaluation                                               | Project Manager                     | Project Control Group   | June 2012                               |
| Complete first year Service Unit risk workshops as part of Business Plan process                                           | Directors                           | General Manager         | June 2012                               |
| Undertake approved program of training and awareness                                                                       | Project Manager                     | Project Control Group   | June 2012                               |
| First audit recommending improvements completed                                                                            | Senior Internal Auditor             | General Manager         | Dec 2012                                |
| Develop <u>draft</u> ERM Strategy, Policy, Framework documentation and action plan for consideration by PCG                | Project Manager                     | Project Control Group   | Mar 2013                                |
| Complete second year Service Unit risk workshops as part of Business Plan process                                          | Directors                           | General Manager         | Mar 2013                                |
| Complete second risk management maturity assessment and capability evaluation                                              | Project Manager                     | Project Control Group   | Jun 2013                                |
| Undertake second approved program of training and awareness                                                                | Project Manager                     | Project Control Group   | Jun 2013                                |
| Adopt Enterprise Risk Management Strategy including Policy, Framework documentation and action plan                        | General Manager                     | Council                 | Jun 2013                                |
| Audit recommending improvements completed                                                                                  | Senior Internal Auditor             | General Manager         | Dec 2013                                |



### 3.3 Budget Allocation

| Project Accounting Task Number          | Task Name                                                                                                                                            | Estimates   | Time Constraints          |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------------------|
| 10.1151.000.645001<br>Project No. 15127 | An approved budget allocation for the facilitator is included in the 2011/12 plan. A similar budget allocation is expected to be required in 2012/13 | As per plan | Nil                       |
|                                         | PCG (20 monthly meetings @1 hr * 8 members)                                                                                                          | 20 Days     |                           |
|                                         | Project Manager/Internal Audit                                                                                                                       | 130 days    | Other items in audit plan |
|                                         | Project Working Party (9 staff for 18 half days each) includes meetings/review etc                                                                   | 81 days     |                           |

## 4 Monitoring & Communication Management

### 4.1 Project Scope Change Management

Project change management and project progress approval will be controlled through the Project Control Group

### 4.2 Communication Plan and Status Reporting

| Communication Description | Target Group                    | Timing & Frequency                                             |
|---------------------------|---------------------------------|----------------------------------------------------------------|
| Project status report     | Project Control Group           | Monthly                                                        |
| Project intranet site     | Staff                           | Monthly or as appropriate                                      |
| Governance                | Council<br>Governance Committee | Quarterly to Governance Committee and to Council               |
| Other                     | Other stakeholders              | Feedback as appropriate, workshops, network groups established |

A communications plan will be developed in conjunction with Community Engagement as part of the Stakeholder Engagement Strategy.

## 5 Risk Management

### 5.1 Risk Management Process

Risks will be considered at each Project Control Group meeting and as part of the normal decision making processes of the project. The Project Manager will maintain a project risk register and provide a monthly report to the PCG on exceptions.

## **5.2 Key Risks - Covered in detailed risk register**

# **6 Quality Management**

## **6.1 Quality Standards and Objectives**

AS/NZS ISO 31000 will be the main reference point for standards. Benchmarking of the effectiveness of ERM will be primarily made against the standard. Audits of the project will be conducted in Dec 2012 and Dec 2013 to evaluate the progress and success of the project.

# **7 Project Closure**

## **7.1 Evaluate Project Performance**

Evaluation of the success of the project will be largely based on the adoption of the ERMS and action plan in June 2013 and the final audit in December 2013. An initial survey and a maturity assessment and capability evaluation will be conducted at the commencement of the project to provide a benchmark for evaluation. A mid term audit will be conducted in December 2012.

## 7.9 Mardi to Mangrove Link Project Status

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TRIM REFERENCE: F2007/01120 - D02713702  
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.*

### 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>                                       | August 2011                                   | \$109.6m                        |
| <b>Value of works Complete</b>                                   | August 2011 (est)                             | \$114.5m                        |
| <b>Approved Budget</b>                                           |                                               | \$120.6m                        |
| <b>Overall Construction Status<br/>(excluding Commissioning)</b> | <b>Completion<br/>Date:</b> 31 August<br>2011 | <b>% Work<br/>Complete:</b> 99% |

---

### Construction Status

|  | Scheduled Start | Scheduled Completion | % Work Complete |
|--|-----------------|----------------------|-----------------|
|  |                 |                      |                 |

|                                                 |                  |                |      |
|-------------------------------------------------|------------------|----------------|------|
| <b>Milestone 1:</b>                             |                  | 31 August 2011 | 99%  |
| Pre-construction – Management Plans & Approvals | 4 January 2010   |                | 100% |
| Work Package 1 – Wyong River Off-take           | 7 April 2010     |                | 100% |
| Work Package 2 – Wyong River Pump Station       | 19 February 2010 |                | 99%  |
| Work Package 3 – Wyong Mardi Rising Main 3      | 16 February 2010 |                | 100% |
| Work Package 4 – Wyong Mardi Inlet              | 6 May 2010       |                | 100% |
| Work Package 7 – Mardi Mangrove Transfer Main   | 1 March 2010     |                | 99%  |
| Work Package 18 – Wyong Weir, Fishway & Gauging | 5 August 2010    |                | 100% |

|                                                       |               |                  |      |
|-------------------------------------------------------|---------------|------------------|------|
| <b>Milestone 2:</b>                                   |               | 4 April 2011     | 100% |
| Work Package 6 – Mardi Mangrove Transfer Pump Station | 21 June 2010  |                  | 100% |
| <b>Milestone 3:</b>                                   |               | 30 October 2011* | 60%  |
| Commissioning                                         | 1 August 2011 |                  |      |

**(Dates as per JH latest program C19) \* 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      | 4 April 2011      | <input checked="" type="checkbox"/> |
| Commissioning                                                          | 6 May 2011           |                   | <input type="checkbox"/>            |
| Project Completion                                                     | June 2011            |                   | <input type="checkbox"/>            |
|                                                                        |                      |                   |                                     |

**Land Matters**

- Pipe laying has been completed on all properties.
  - 50/56 properties have been restored (excluding minor outstanding works).
  - Works have been 100% completed by John Holland on 50/56 properties (assuming hydro testing is satisfactory and valves have been completed).
  - 35/56 landholders have signed releases.
  - Easement Plans have been prepared for all properties.
  
  - Compulsory acquisition applications for the easement corridor have not been submitted as there was an error with the final plans issued by JHG. Plans will be finalised this week and submitted to the Office of Water.
  
  - Key property and landholder issues at present include:
    - Key focus is on meetings with landholders to close out restoration issues – progressing well
    - Slow progress in getting JHG to complete minor outstanding restoration work and to properly repair driveways damaged during construction.
- 

**Stakeholder Liaison****Media**

- Traffic updates, including details of restoration works, continue to be issued weekly to the media. The updates are provided to residents, emergency services, local schools, bus companies and relevant staff.
- A project update was featured in the August editions of the Rural and Village Grapevine.

**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.

**Other**

- An afternoon tea to thank staff and contractors was held on 8 August. A copy of the finalized project DVD was given to all attendees.
- A turning on of the system media launch is planned for 31 August. Invitations have

been sent to the Prime Minister, Parliamentary Secretary for Sustainability and Urban Water, present and former local MPs and present and former mayors and councilors. At this stage there has been no response from the Prime Minister or Parliamentary Secretary.

- A community celebration event is being planned for October. This will coincide with the end of National Water Week.

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### **Incidents**

- No significant Environmental or safety incidents occurred in the last period.
- Ongoing monitoring of siltation controls at Ingram property.

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### **Major Achievements / Issues**

- Work Package 1: Work on this package has been completed
- Work Package 2: Work on the Wyong River Pump Station has also been effectively completed.
- Work Package 3: Work on this package has been completed
- Work Package 4: Construction of the Mardi Dam Discharge Structure has been completed.
- Work Package 6: Construction of the Mardi to Mangrove Transfer Pump Station has been completed. Commissioning of the transfer pump station cannot commence until Work Package WP07 has been completed. (See below).
- Work Package 7: Construction of the pipeline has now been completed. The Contractor is currently hydrostatic pressure testing the length of pipeline between Lauffs Lane and Boyds Lane. Commissioning of the pipeline cannot commence until the hydrostatic testing has been completed and passed.
- Work Package 18: Wyong River weir has now been completed



Restoration of the Mardi to Mangrove pump station site.  
(Work Package 6)

#### ATTACHMENTS

*Nil.*

## **7.10 Investment Report for July 2011**

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TRIM REFERENCE: F2004/06604 - D02725824  
AUTHOR: Devini Susindran; Financial Accountant  
MANAGER: Cate Trivers; Chief Financial Officer

### **SUMMARY**

This report details Council's investments as at 31 July 2011.

### **RECOMMENDATION**

*That Council receive the report on Investment Report for July 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, Ministerial Investment Order issued 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. These investments are being wound up. Investments held in the Blackrock Care and Maintenance Fund continue to be wound up progressively and are now expected to be finalised by 2016.

### **CURRENT STATUS**

#### **Managed Funds**

WSC has \$7.76m invested in managed funds which are "grandfathered" investments under the Ministers Order. These investments in July incurred a minor revaluation adjustment (0.2%). The creditworthiness of these investments remains satisfactory.

- Blackrock Care and Maintenance Fund \$7.76m – Residual balance of fund now held to maturity with distributions of capital made when assets in the portfolio mature or are sold. A revaluation capital loss of \$0.15m (unrealised) has been off set by income distribution of \$0.16m in July.
- Macquarie Global Income Opportunity – Net loss for the month of July was \$538.61. Council has now redeemed this investment.



**Cash and Term Deposit Funds**

Term deposits to the value of \$15m were redeemed and \$20m was invested with four and six months to maturity. Return on cash and term deposits for July 2011 was \$0.62m.

| Institution | Term     | Interest Rate | Maturity  | Investment / (Redemption) |
|-------------|----------|---------------|-----------|---------------------------|
| NAB         | 8 months | 6.22%         | July 2011 | (\$5,000,000)             |
| IMB         | 9 months | 6.15%         | July 2011 | (\$5,000,000)             |
| CBA         | 1 month  | 5.87%         | July 2011 | (\$5,000,000)             |
| ANZ         | 4 months | 6.00%         | Nov 2011  | \$5,000,000               |
| Suncorp     | 4 months | 6.10%         | Nov 2011  | \$10,000,000              |
| IMB         | 6 months | 6.21%         | Jan 2012  | \$5,000,000               |

**Total Funds**

Total net return for July 2011 was \$0.63m consisting of \$0.78m interest earnings and \$0.15m capital losses.

**Table 1 Investment Portfolio by Risk Category**

|                          | July 2011      | Year-to-date Returns |            |
|--------------------------|----------------|----------------------|------------|
|                          | \$ '000        | %                    | \$ '000    |
| Cash at Call             | 10,106         | 7.47                 | 80         |
| Term Deposits            | 114,326        | 6.00                 | 538        |
| Cash Management Funds    | 7,756          | 1.97                 | 13         |
| Enhanced Income          |                |                      | (1)        |
| <b>Total Investments</b> | <b>132,188</b> | <b>5.71</b>          | <b>630</b> |

Year to date returns in July of 5.71% compares favourably with the benchmark UBSA YTD Bank Bill Index of 5.04%.

Council investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB Long term or above) and time horizon of the investment concerned. The target maximum limit in each category and the current spread of investments is as listed in Table 1A. Portfolio is currently over-weight in A1 however this is positive due these investments offering the best rates selected for the investment time frame. Current world financial market volatility did not negatively impact on the portfolio in July, apart from minor revaluation of Blackrock securities, however as these are hold to maturity this loss will not be realised in the long term.

Table 1A – Portfolio Credit Framework

| Investment Category<br>Short Term | Target Allocation | Portfolio Allocation | Comments                  |
|-----------------------------------|-------------------|----------------------|---------------------------|
|                                   | Maximum           | Short Term           |                           |
| A1                                | 10.0%             | 75.2%                |                           |
| A2                                | 45.0%             | 18.2%                |                           |
| A2                                | 30.0%             |                      |                           |
| A3                                | 10.0%             |                      |                           |
| Unrated                           | 15.0%             | 6.6%                 | Includes<br>Managed Funds |
| <b>TOTAL</b>                      | <b>110%</b>       | <b>100.0%</b>        |                           |

Investment transactions and earnings during July 2011 are shown in Table 2 - Portfolio Performance.

Table 2: Portfolio Performance

|                                    | Full Year<br>2010-11<br>\$m | July<br>2011<br>\$m | Year to Date<br>2011-12<br>\$m |
|------------------------------------|-----------------------------|---------------------|--------------------------------|
| <b>Movement in Assets</b>          |                             |                     |                                |
| <b>Opening Balance</b>             | <b>126.39</b>               | <b>136.86</b>       | <b>136.86</b>                  |
| Capital Gain/Loss – (see below)    | 1.90                        | (0.15)              | (0.15)                         |
| Net Cash/Investments( Withdrawals) | 8.57                        | (4.52)              | (4.52)                         |
| <b>Closing Balance</b>             | <b>136.86</b>               | <b>132.19</b>       | <b>132.19</b>                  |
| <b>Trading Position</b>            |                             |                     |                                |
| Capital Gain/(Loss) Realised       | -                           | -                   | -                              |
| Capital Gain/(Loss) Unrealised     | 1.90                        | (0.15)              | (0.15)                         |
| Interest Earnings                  | 5.33                        | 0.78                | 0.78                           |
| <b>Total Return for Period</b>     | <b>7.23</b>                 | <b>0.63</b>         | <b>0.63</b>                    |

Movements in investments comprised the following changes in, valuation, new investments and redemptions during July.

Table 2A

| Type of investment    | Institution      |            | \$m    | \$m           |
|-----------------------|------------------|------------|--------|---------------|
| Call deposit          | Interest earned  | Income     | 0.06   |               |
|                       | Net movement     | Redemption | (4.5)  | (5.0)         |
| Term deposits         | NAB              | Redemption | (5.0)  |               |
|                       | IMB              | Redemption | (5.0)  |               |
|                       | CBA              | Redemption | (5.0)  |               |
|                       | ANZ              | Investment | 5.0    |               |
|                       | Suncorp          | Investment | 10.0   |               |
|                       | IMB              | Investment | 5.0    | 5.0           |
| Cash Management Funds | Black Rock       | Income     |        | 0.2           |
| Enhanced Income       | Macquarie Global | Redemption | (5.20) | (5.20)        |
| <b>TOTAL</b>          |                  |            |        | <b>(4.52)</b> |

### Interest and Investment Returns

Returns as at 31 July 2011 on the council investment portfolio of deposit accounts, term deposits and managed funds show a favourable variance when compared to the year to date budget.

**Table 3 Annual Investment Portfolio Performance as at 31 July 2011**

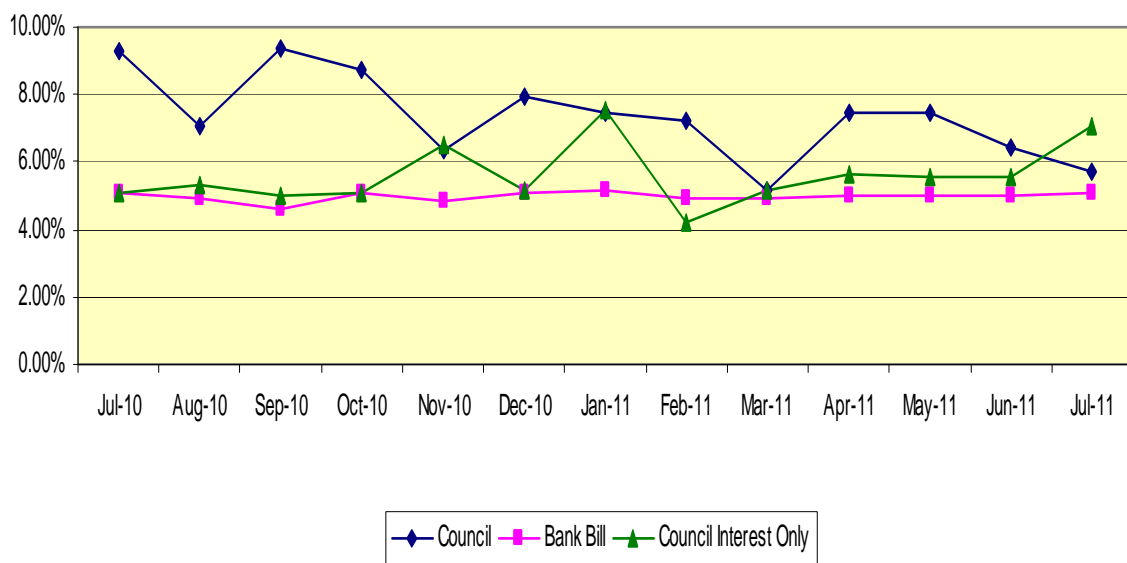
| Investment Source | FYR Original Budget \$ '000 | YTD Budget \$'000 | YTD Actual \$ '000 | Variation YTD Budget \$ '000 |
|-------------------|-----------------------------|-------------------|--------------------|------------------------------|
| General Fund      | 3,365                       | 280               | 311                | 31                           |
| Water             | 1,082                       | 90                | 143                | 53                           |
| Sewerage          | 1,653                       | 138               | 176                | 38                           |
| <b>Total</b>      | <b>6,100</b>                | <b>508</b>        | <b>630</b>         | <b>122</b>                   |

Interest rates in the month, on term deposits other than a statutory \$10.2m deposit for WorkCover, ranged from 5.85% to 6.4% and these rates exceeded the benchmark Union of Switzerland Australia (UBSA) bank bill index for July of 5.04%.

### Benchmark - Monthly Returns (Annualised)

Council's overall investment return is compared to the UBSA Bank Bill Index which is a cash index and therefore determines a minimum performance level. A graph detailing the monthly return on a 12 monthly basis is as follows:

**Table 3A**



|                               |                                                        |
|-------------------------------|--------------------------------------------------------|
| <b>Council:</b>               | <i>Council Total Return (Interest and Investments)</i> |
| <b>Bank Bill:</b>             | <i>UBSA Bank Bill Index</i>                            |
| <b>Council Interest Only:</b> | <i>Council Interest Earnings</i>                       |

## **INVESTMENT STATEMENT**

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, it is certified that the investments held as at 31 July 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 in accordance with the provisions of the ministerial investment order.

Investments are being conservatively managed to ensure that value is added to the fixed interest portfolio and Council will be re-developing its long term investment strategy as the level of managed funds in the portfolio reduces.

## **ATTACHMENTS**

- 1 Summary of investment by type - July 2011      D02734770

**Wyong Shire Council**  
**Summary of Investments - By Type**  
**As at 31 July 2011**

| FUND MANAGER                              | MATURITY                | PORTFOLIO<br>BALANCE<br>30.6.11<br>\$ | PORTFOLIO<br>BALANCE<br>31.7.11<br>\$ | INCOME FOR<br>MONTH<br>\$ | INTEREST<br>RATES %<br>p.a. |
|-------------------------------------------|-------------------------|---------------------------------------|---------------------------------------|---------------------------|-----------------------------|
| <b>CASH AT CALL:</b>                      |                         |                                       |                                       |                           |                             |
| Westpac Corporate Investment Account (AA) | Daily                   | 14,052,878                            | 9,586,744                             | 73,867                    |                             |
| LGFS Overnight Call Account (A2)          | Daily                   | -                                     | -                                     |                           |                             |
| IMB                                       | Daily                   | -                                     | -                                     | 6,507                     |                             |
| UBS Cash Account (AA)                     | Daily                   | 361,672                               | 519,230                               | 0                         |                             |
| <b>Total Cash At Call</b>                 |                         | <b>14,414,550</b>                     | <b>10,105,974</b>                     | <b>80,374</b>             |                             |
| <b>TERM DEPOSITS &amp; BONDS</b>          |                         |                                       |                                       |                           |                             |
| NAB Term Deposit                          | 07/07/2011              | 5,000,000                             |                                       | 5,964                     | 6.22                        |
| IMB Term Deposit                          | 18/07/2011              | 5,000,000                             |                                       | 14,322                    | 6.15                        |
| Commonwealth bank Term deposit            | 29/07/2011              | 5,000,000                             |                                       | 23,319                    | 5.87                        |
| Commonwealth bank Term deposit            | 29/08/2011              | 10,000,000                            | 10,000,000                            | 49,940                    | 5.88                        |
| Commonwealth bank Term deposit            | 27/09/2011              | 5,000,000                             | 5,000,000                             | 25,267                    | 5.95                        |
| Bendigo/Adelaide Term Deposit             | 26/09/2011              | 5,000,000                             | 5,000,000                             | 26,116                    | 6.15                        |
| Wyong Credit Union Term deposit           | 28/12/2011              | 1,000,000                             | 1,000,000                             | 4,969                     | 5.85                        |
| Bankwest Term Deposit                     | 05/10/2011              | 5,000,000                             | 5,000,000                             | 25,479                    | 6.00                        |
| Westpac Term Deposit                      | 05/10/2011              | 5,000,000                             | 5,000,000                             | 24,970                    | 5.88                        |
| NAB Term Deposit                          | 19/01/2012              | 5,000,000                             | 5,000,000                             | 25,649                    | 6.04                        |
| Bankwest Term Deposit                     | 18/04/2012              | 5,000,000                             | 5,000,000                             | 25,692                    | 6.05                        |
| Bendigo/Adelaide Term Deposit             | 18/04/2012              | 5,000,000                             | 5,000,000                             | 26,753                    | 6.30                        |
| NAB Term Deposit                          | 27/03/2012              | 10,000,000                            | 10,000,000                            | 53,082                    | 6.25                        |
| Bendigo/Adelaide Term Deposit             | 26/06/2012              | 4,000,000                             | 4,000,000                             | 21,878                    | 6.40                        |
| IMB Term Deposit                          | 26/06/2012              | 5,000,000                             | 5,000,000                             | 26,753                    | 6.30                        |
| SunCorp Term Deposit                      | 04/07/2012              | 10,000,000                            | 10,000,000                            | 53,507                    | 6.30                        |
| NAB Term Deposit                          | 28/12/2012              | 5,000,000                             | 5,000,000                             | 26,414                    | 6.22                        |
| ANZ Bank                                  | 27/11/2011              |                                       | 5,000,000                             | 2,466                     | 6.00                        |
| SunCorp Term Deposit                      | 27/01/2012              |                                       | 10,000,000                            | 2,507                     | 6.21                        |
| IMB Term Deposit                          | 27/11/2011              |                                       | 5,000,000                             | 5,104                     | 6.10                        |
| T-Corp (WorkCover NSW)                    | 02/09/2011              | 10,243,519                            | 10,243,519                            | 43,326                    | 4.98                        |
| Westpac Deposit Bond                      | 24/09/2012              | 4,094,940                             | 4,082,423                             | 24,563                    | 5.13                        |
| <b>Total Term Deposit &amp; Bonds:</b>    |                         | <b>109,338,459</b>                    | <b>114,325,942</b>                    | <b>538,040</b>            |                             |
| <b>CASH MANAGEMENT FUNDS:</b>             |                         |                                       |                                       |                           |                             |
| BlackRock Care & Maintenance Fund         | June 2015<br>(Estimate) | 7,903,163                             | 7,756,950                             | 12,768                    |                             |
| <b>Total Cash Management Funds</b>        |                         | <b>7,903,163</b>                      | <b>7,756,950</b>                      | <b>12,768</b>             |                             |
| <b>ENHANCED INCOME:</b>                   |                         |                                       |                                       |                           |                             |
| Macquarie Global Income Opportunity       | Open Ended              | 5,204,246                             |                                       | (538)                     |                             |
| <b>Total Enhanced Income</b>              |                         | <b>5,204,246</b>                      | <b>-</b>                              | <b>(538)</b>              |                             |
| <b>TOTAL</b>                              |                         | <b>136,860,418</b>                    | <b>132,188,866</b>                    | <b>630,644</b>            |                             |

## 7.11 Proposed Schedule of Ordinary Meetings - 2012

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TRIM REFERENCE: F2004/06496 - D02698890  
AUTHOR: Sonia Witt; TL Governance and Councillor Services  
MANAGER: Lesley Crawley, Corporate Governance

### SUMMARY

Reporting the scheduling of Ordinary Meetings for 2012.

### RECOMMENDATION

***That Council receive the proposed schedule of Ordinary Meetings for 2012.***

### BACKGROUND

In accordance with Council's Code of Meeting Practice;

*2.1.5 Ordinary meetings of Council will be held as follows:*

*2.1.6 on the second and fourth Wednesday of the months February to November inclusive, excepts those Wednesdays that are designated NSW public school holidays; on the second Wednesday of December.*

*2.1.7 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday."*

The Ordinary Meeting scheduled for Wednesday 25 April 2012 falls on the public holiday Anzac Day. Given that this day is a public holiday the meeting will be rescheduled to Thursday 26 April, 2012.

#### **Ordinary Meetings to be held during 2012:**

|                            |                             |
|----------------------------|-----------------------------|
| Wednesday 8 February 2012  | Wednesday 13 June 2012      |
| Wednesday 22 February 2012 | Wednesday 27 June 2012      |
| Wednesday 14 March 2012    | Wednesday 25 July 2012      |
| Wednesday 28 March 2012    | Wednesday 8 August 2012     |
| * Thursday 26 April 2012   | Wednesday 22 August 2012    |
| Wednesday 9 May 2012       | **Wednesday 10 October 2012 |
| Wednesday 23 May 2012      |                             |

\* *Re-scheduled due to Anzac Day*

\*\* *The 2012 Local Government Elections will be held on Saturday 8 September 2012. Section 290 of the Local Government Act, 1993 requires that the Extraordinary Meeting for the election of the mayor will occur within three weeks of the Local Government Election (likely to be Wednesday, 19 September 2011). The first meeting of the new Council will be held on 10 October 2012.*

### ATTACHMENTS

*Nil.*

## **7.12 Status of GP Super Clinic**

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TRIM REFERENCE: DA/1396/2009/C - D02731931  
AUTHOR: Salli Pendergast; Applications Team Coordinator  
MANAGER: Peter Fryar, Manager Development Assessment

### **SUMMARY**

This report outlines an update for Council's Resolution of the 13 July 2011 regarding the GP Super Clinic at Woongarah.

### **RECOMMENDATION**

***That Council receive the report on Status of GP Super Clinic.***

### **SUMMARY**

Council at its meeting held on 13 July 2011 resolved unanimously on the motion of Councillor Best and seconded by Councillor McNamara:

- "1 That Council note with concern that despite the undertaking of the applicant to commence the Warnervale GP Super Clinic by "June 2011 end month" that this project has not commenced and is now some four years in the making.*
- 2 That Council request the General Manager to urgently report on the current status of this vital community medical facility. The report should include:
  - a a chronological history of the initiative/application up until the most recent Section 96 DA Variation request by the applicant (lodged late June).*
  - b likely timelines for completion of all stages of the originally proposed Super Clinic.**
- 3 That Council acknowledge the efforts of staff in facilitating and fast-tracking the numerous applications to assist in delivering this complex.*
- 4 That Council acknowledge the initiatives and support of both State and Federal Governments in their endeavours to facilitate the GP Super Clinic."*

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

AGAINST: NIL

## BACKGROUND

On 29 June 2010, Deferred Commencement Consent was granted for construction of a Health Services Facility, as defined under State Environmental Planning Policy (SEPP) (Infrastructure) 2007. The development known as the 'GP Super Clinic' comprises a series of interconnected two and three storey buildings incorporating a broad range of health/medical related services and associated parking and landscaping. The completed development is to employ over 100 staff and the main facility is to operate 24 hours a day with parking provided for 226 vehicles. A modified consent was issued 16 February 2011 to allow for the threefold staging of the development and other minor changes with the majority of the works related to the floor area of the development being contained within stage 1. A further application has been recently submitted for revised staging for the construction of the development and this application has not as yet been determined by Council.

### GP Superclinic Chronology

On 5 November, 2007, the Federal Government announced an investment of up to \$2.5 million to establish a new GP Super Clinic in the north of the Central Coast to deliver improved services to residents. On 22 April, 2009, the Department of Health and Ageing (DHA) announced that a funding agreement had been executed with Warnervale Medical Services Pty Ltd to establish the North Central Coast GP Super Clinic at Warnervale.

A Development Application was lodged with Council on December 3, 2009 for a hospital and its subsequent strata subdivision. The initial proposal comprised a series of interconnected two and three storey buildings incorporating a broad range of medical related services including hospital accommodation, consulting rooms, radiology, pathology, dietary counselling, physiotherapy, general counselling, diabetic education and optometry. The proposal also included a range of ancillary and related services such as a chemist, café, hydrotherapy pool, gymnasium, conference facilities and administration offices.

The application was advertised and referred for assessment internally within Council and externally to organisations including the RTA and Rural Fire Service. The exhibition period of the application was extended, at the request of numerous public submissions, until February 2010 due to the period coinciding with Christmas and the school holiday period. Assessment of the proposal revealed a number of significant issues relating to vehicular access, traffic generation, height, squirrel glider habitat, the need for a Voluntary Planning Agreement (VPA), ancillary uses proposed within the development, drainage and particularly, whether the proposed development fell within the definition of a 'hospital'. In this regard, concerns were raised regarding the inconsistency between the plans for the proposal and the proposed use as a hospital. Additionally, the application sought a variation to the height controls.

The proposal was considered by Council's former Development Management Panel on three separate occasions in February 2010, with the applicant being invited to the meeting on 16 February to discuss issues Council had raised in a letter requesting additional information. In February 2010, the Panel resolved that, as the proposed use did not conform with the definition of 'hospital' under the Standard Local Environmental Plan, it was therefore prohibited within the applicable zoning of the site.

A meeting was held with representatives from the Departments of Planning and Premier and Cabinet (18 February) to discuss the proposed development. Council staff had a meeting



with the applicant on 23 March to discuss the issues raised in previous correspondence. Draft amended plans for the proposal were tabled at this meeting.

The Panel considered the draft amended plans on 30 March 2010 and it was considered that the internal layout of the building still did not comply with the definition of a "hospital". The applicant was invited to attend a meeting of the Panel on 13 April 2010 to discuss the proposal further, in particular the issue relating to the categorisation of the development and its permissibility.

In response to certain anomalies that existed in regard to zoning instruments that affect the Warnervale Town Centre (WTC), an amendment to State Environmental Planning Policy (SEPP) (Major Development) 2005 was gazetted on 23 April, 2010. This amendment allowed development in the Warnervale Town Centre to utilise the provisions of SEPP (Infrastructure) 2007 and therefore meant that the R1 zoning applying to the Super Clinic site would permit development for the purposes of a 'health services facility' with consent. The proposed GP Super Clinic was considered to fall within this definition and could be assessed accordingly. Amended plans and information were submitted for assessment in late May 2010 and the application was re-notified on 11 June, 2010.

As the development exceeded a project value of \$10 million, the development application was referred to the Hunter Central Coast Joint Regional Planning Panel (HCCJRPP) for determination in accordance with Section 23 of the Environmental Planning and Assessment (EP&A) Act 1979 and the provisions of SEPP (Major Development) 2005. A briefing by Council staff was given to the HCCJRPP 10 June, 2010 with a tentative meeting date for determination of the application made for 24 June, 2010.

Under Clause 271B of the Environmental Planning and Assessment Regulation 2000 a development application in relation to all or part of the Warnervale Town Centre State Significant Site (the proposed subject site included) must not be determined by the consent authority unless a contributions plan under Section 94EA of the EP&A Act has been approved for that State significant site. As a contributions plan did not exist for the precinct, the development application could not be determined by the HCCJRPP. However, Council may dispense with this requirement if the developer has entered into an agreement with the consent authority that makes adequate provision for matters a contributions plan would normally include. As such, a VPA was drafted and entered into with the applicant. The VPA was placed on public exhibition in accordance with Section 93G of the EP&A Act 1979.

On June 24, 2010, HCCJRPP resolved to approve the development subject to the inclusion of deferred commencement conditions (relating to the execution of a VPA and revised external finishes). The Deferred Commencement Consent was issued on 29 June, 2010. Plans and information to satisfy the deferred commencement conditions were submitted by the applicant on 22 September, 2010 and the consent became operational. The applicant was advised of this on 29 September 2010.

A Section 96(1A) application (numbered DA/1396/2009/A) was lodged on 8 July 2010 to stage the development and for minor changes to the buildings. A meeting was held with the applicant and additional plans and information were requested by Council in relation to the proposed staging on August 19, 2010. Amended plans were submitted on 20, September 2010 however the information provided by the applicant was not adequate and a further request for additional information (regarding ecological and traffic impacts) was sent on 23 September, 2010.

The requested information was provided by the applicant on 31 January, 2011 and this was referred to the RTA for comment. The applicant further amended the plans and submitted these on 7 February 2011. The Notice of Determination to stage the development and for other modifications (Section 96) was issued 16 February, 2011.

A Section 96(1A) application (numbered DA/1396/2009/B) was lodged on August 19, 2010 for modification of Condition 15 (in relation to the roundabout). The application was notified and referred to the RTA for comment. Correspondence was sent to the applicant on September 23, 2010 advising that the application in its current form would not be supported. The applicant revised the proposal on October 25, 2010 and the Section 96(1A) determination was issued on October 29, 2010 which involved a minor change to the design of the roundabout.

A Section 96(1A) application (numbered DA/1396/2009/C) was lodged on June 30, 2011. However, a supporting SEE required to complete the application was not received until 6 July 2011. The application was notified and has been assessed and has been reported for determination by Council at its meeting on 24 August 2011.

### **Likely timelines for completion**

Deferred Commencement Consent was granted on 29 June 2010 for construction of a Health Services Facility and this consent became operational on September 22, 2010. In accordance with Section 95 (lapsing of consent), the applicant has five years in which to physically commence construction of the development otherwise the consent will lapse on 22 September 2015.

Under the provisions of the EP&A Act, there is no time restriction imposed on completing a development once the related consent has been physically commenced. The timeframes for this are therefore not under Council's control. Council can, however, issue an order under Section 121B of the EP&A Act (where development has been commenced within the period specified but has not been completed within that period), so as to require an applicant to complete development that is subject to a development consent within such time (not being less than 12 months from the date of service of the order) as the consent authority considers reasonable, having regard to all relevant circumstances, including the nature of the development.

### **ATTACHMENTS**

*Nil.*

## **7.13 Options for Informing Councillors**

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TRIM REFERENCE: F2004/06496 - D02691618

AUTHOR/ MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

Reporting options for engaging Councillors in respect of matters currently scheduled as Councillor Briefings.

### **RECOMMENDATION**

*That Council note the report on Options for Informing Councillors on business matters.*

### **BACKGROUND**

Council has recently raised concern regarding the backlog of matters scheduled for Councillor Briefings. To this end Council resolved in part the following:

- "2 That Council schedule an additional briefing session after inspections on an ongoing basis subject to Councillor attendance.*
- 3 That Council report on flexible options for informing Councillors on business matters e.g. online data, after hours briefings and voice conferences."*

### **Purpose of Briefings**

Briefings serve one or more of the following purposes:

- A detailed presentation of complex issues
- Staff seeking feedback
- Offers a less structured environment to foster free flowing collegiate discussion
- Information and/or explanation regarding current issues or actions taken by staff
- Seeking a collective view on direction where several options exist
- Opportunity for Councillors to question staff on matters that are unclear
- Opportunity for Councillors to put forward ideas and or community views

Types of matters that are considered at briefings are:

- Matters scheduled to be considered by Council at Ordinary meetings
- WSC Strategic Planning processes
- Grant opportunities
- Presentations by other Government or private organisations

### **How the Briefing List is Compiled**

Briefings may be listed by:

- resolution of Council
- the General Manager

- the General Manager upon request of a Director

The briefing list is dynamic, with new briefing requests arising throughout the year with constant deferrals and deletions compounding the difficulty for ensuring Councillors are sufficiently brief on matter to be brought forward for their decisions.

Many briefings are also “date sensitive” in that they are often tied to process milestones (eg strategic planning process) or emerging issues.

The General Manger and the Mayor manage the list.

### **Scheduling of Briefings**

Briefings are currently held on the second and fourth Wednesday of each month with the exception of school holiday dates (ie on Ordinary meeting days). Briefings commence at 12:00pm and conclude at 3:30pm.

Depending on the content, a briefing may be scheduled for 30 minutes or one hour. On average, each briefing session contains 1 x 1 hour briefing and 5 x 30 minute briefings. The total outstanding listed briefings as at 11 August, 2011, is 38. On average, 6.3 sessions would be needed to exhaust the current listings.

For the year September 2011 to August 2012 there are 18 scheduled briefing sessions. There are another 4 opportunities to schedule briefings in months where five Wednesdays occur (see calendar attached).

| <b>Briefings Listed</b> | <b>Briefings per Session (average)</b> | <b>Briefing Sessions to clear current list</b> | <b>Available briefing sessions for year (Sept 11 – August 12)</b> | <b>Briefings per year (average)</b> |
|-------------------------|----------------------------------------|------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|
| 38                      | 6                                      | 6.3                                            | 18                                                                | 108                                 |

### **CURRENT STATUS**

Councillors have indicated that it is increasingly difficult to balance their Council, community, private employment and family life commitments.

The Council has acknowledged the purpose and value of briefings and has indicated concern at the number of briefings outstanding at any one time.

The Council has requested that staff investigate practical options for informing Councillors on matters to be brought before them in Chambers.

### **THE PROPOSAL**

It is proposed to provide the Council with a range of options for engaging councillors in matters currently delivered via the briefing process. The options include technological means and altered briefing days/times.

**OPTIONS**

A table indicating the options together with an indication of advantages/opportunities and disadvantages/risks is attached.

A description of each option is provided below:

- 1. Face to face briefings**  
As per current model.
- 2. Audio Conferencing – Interactive Real Time**  
Use of conference phone call facilities.
- 3. Audio Conferencing and Collaboration – Interactive Real Time**  
Use of conference phone call with presentation guided by presenter accessible and interactive from Councillor PC's. (eg Go To meeting)
- 4. Video Conferencing and Collaboration – Interactive Real Time**  
Use of video conferencing and presentation guided by presenter accessible from Councillor PC's. Councillors interact via web cam.
- 5. Audio Only – Store and Retrieve**  
Pre-recorded audio commentary available via download and disc.
- 6. Audio and Presentation – Store and Retrieve**  
Pre-recorded audio commentary and powerpoint presentation available via download and disc.
- 7. Video and Presentation – Store and Retrieve**  
Pre-recorded audio-visual commentary and power point presentation available via download and disc.
- 8. Additional Face to Face Briefings – Week day evening**  
Briefings held in evening on a weeknight. One off in addition to Wednesdays or regularly scheduled.
- 9. Additional Face to Face Briefings – Weekend**  
Briefings held on one day of the weekend. One off in addition to Wednesdays or regularly scheduled.

**Supplementary Option**

Voting on specific questions, requests managed by Outlook.

**Combined Options**

The attached table indicates the options, cost impact and advantages and disadvantages of each option. It demonstrates the difficulty in providing a solution that will meet the collective needs of the Councillors.

Councillors may wish to combine some of the options to improve the current status.

**STRATEGIC LINKS**

The briefing environment is an important part of the WSC strategic planning process. In these sessions Councillors have the chance to contribute ideas and feedback from the community, agree on priorities and direction.

**Budget Impact**

Several of the options provided indicate a budget impact. If Council were of a mind to choose an option with a budgetary impact it would need to manage the impact through the quarterly review process.

**CONSULTATION**

Nil

**GOVERNANCE AND POLICY IMPLICATIONS**

WSC has a protocol for managing confidential information distributed and discussed during briefings. Any amendment to the current briefing process would require consideration of how confidential information is managed.

**MATERIAL RISKS AND ISSUES**

Nil

**CONCLUSION**

Councillors have indicated that it is increasingly difficult to balance their Council, community, private employment and family life commitments.

The Council has acknowledged the purpose and value of briefings and has raised concern regarding the backlog of matters scheduled for Councillor Briefings.

This report responds to Council's request for flexible options for engaging Councillors.

**ATTACHMENTS**

- |   |                                          |           |
|---|------------------------------------------|-----------|
| 1 | 2011_yearly_calendar_sep_2011 - Aug 2012 | D02732673 |
| 2 | Options for Engagement of Councillors    | D02732675 |



## 2011-2012 Calendar

**September 2011**

| S  | M  | T  | W  | T  | F  | S   |
|----|----|----|----|----|----|-----|
|    |    |    |    |    | 1  | 2 3 |
| 4  | 5  | 6  | 7  | 8  | 9  | 10  |
| 11 | 12 | 13 | 14 | 15 | 16 | 17  |
| 18 | 19 | 20 | 21 | 22 | 23 | 24  |
| 25 | 26 | 27 | 28 | 29 | 30 |     |

**October 2011**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  |    |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

**November 2011**

| S  | M  | T  | W  | T  | F  | S   |
|----|----|----|----|----|----|-----|
|    |    |    | 1  | 2  | 3  | 4 5 |
| 6  | 7  | 8  | 9  | 10 | 11 | 12  |
| 13 | 14 | 15 | 16 | 17 | 18 | 19  |
| 20 | 21 | 22 | 23 | 24 | 25 | 26  |
| 27 | 28 | 29 | 30 |    |    |     |

**December 2011**

| S  | M  | T  | W  | T  | F  | S   |
|----|----|----|----|----|----|-----|
|    |    |    |    |    | 1  | 2 3 |
| 4  | 5  | 6  | 7  | 8  | 9  | 10  |
| 11 | 12 | 13 | 14 | 15 | 16 | 17  |
| 18 | 19 | 20 | 21 | 22 | 23 | 24  |
| 25 | 26 | 27 | 28 | 29 | 30 | 31  |

|                 |  |
|-----------------|--|
| Briefing Days   |  |
| School Holidays |  |
| 5 Wed Months    |  |

**January 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

**February 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 |    |    |    |

**March 2012**

| S  | M  | T  | W  | T  | F  | S   |
|----|----|----|----|----|----|-----|
|    |    |    |    |    | 1  | 2 3 |
| 4  | 5  | 6  | 7  | 8  | 9  | 10  |
| 11 | 12 | 13 | 14 | 15 | 16 | 17  |
| 18 | 19 | 20 | 21 | 22 | 23 | 24  |
| 25 | 26 | 27 | 28 | 29 | 30 | 31  |

**April 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 |    |    |    |    |    |

**May 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    | 1  | 2  | 3  | 4  | 5  |    |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

**June 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

**July 2012**

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

**August 2012**

| S  | M  | T  | W  | T  | F  | S     |
|----|----|----|----|----|----|-------|
|    |    |    |    |    | 1  | 2 3 4 |
| 5  | 6  | 7  | 8  | 9  | 10 | 11    |
| 12 | 13 | 14 | 15 | 16 | 17 | 18    |
| 19 | 20 | 21 | 22 | 23 | 24 | 25    |
| 26 | 27 | 28 | 29 | 30 | 31 |       |

## Options for Engagement of Councillors

| Option | Methodology                                                  | Technology                         | Cost Impact (estimate) | Advantage/Opportunity                                                                                              | Disadvantage/Risk                                                                                                                                                                                                                                                                                                                                                         |
|--------|--------------------------------------------------------------|------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | Scheduled briefing face to face held at WSC (current method) | NA                                 |                        |                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                           |
| 2      | Interactive Real Time                                        | Audio Conferencing                 | \$12,500               | <ul style="list-style-type: none"> <li>• Reduce Councillor travel time</li> <li>• Real time interaction</li> </ul> | <ul style="list-style-type: none"> <li>• Suitable times for all Councillors to participate</li> <li>• More formal protocols required to manage discussion</li> <li>• Lack of visual content may limit message</li> <li>• No Visual interaction between parties</li> <li>• Confidentiality risk increased</li> <li>• Additional cost – staff concierge resource</li> </ul> |
| 3      | Interactive Real Time                                        | Audio Conferencing + Collaboration | \$14,000               | <ul style="list-style-type: none"> <li>• Reduce Councillor travel time</li> <li>• Real time interaction</li> </ul> | <ul style="list-style-type: none"> <li>• Suitable times for all Councillors to participate</li> <li>• More formal protocols required to manage discussion</li> <li>• No Visual interaction between parties</li> <li>• Confidentiality risk increased</li> <li>• Additional cost – staff concierge resource</li> </ul>                                                     |



| Option | Methodology           | Technology                         | Cost Impact (estimate)                                                             | Advantage/Opportunity                                                                                                                                              | Disadvantage/Risk                                                                                                                                                                                                                                       |
|--------|-----------------------|------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4      | Interactive Real Time | Video Conferencing + Collaboration | \$70,000 capital \$40,000 ongoing (estimate)                                       | <ul style="list-style-type: none"> <li>Reduce Councillor travel time</li> <li>Real time interaction</li> </ul>                                                     | <ul style="list-style-type: none"> <li>Suitable times for all Councillors to participate</li> <li>More formal protocols required to manage discussion</li> <li>No Visual interaction between parties</li> <li>Confidentiality risk increased</li> </ul> |
| 5      | Store and Retrieve    | Audio Only                         | Small resource impost in IT, presenter & Councillor and Councillor Services staff  | <ul style="list-style-type: none"> <li>Reduce Councillor travel time</li> <li>Access at individual convenience</li> <li>Multiple access to same content</li> </ul> | <ul style="list-style-type: none"> <li>No interaction with presenter or other Councillors</li> <li>Lack of visual content may limit message</li> <li>Confidentiality risk increased</li> </ul>                                                          |
| 6      | Store and Retrieve    | Audio + Presentation               | Small resource impost in IT, presenter & Councillor and Councillor Services staff  | <ul style="list-style-type: none"> <li>Reduce Councillor travel time</li> <li>Access at individual convenience</li> <li>Multiple access to same content</li> </ul> | <ul style="list-style-type: none"> <li>No interaction with presenter or other Councillors</li> <li>Confidentiality risk increased</li> </ul>                                                                                                            |
| 7      | Store and Retrieve    | Video + Presentation               | Medium resource impost in IT, presenter & Councillor and Councillor Services staff | <ul style="list-style-type: none"> <li>Reduce Councillor travel time</li> <li>Access at individual convenience</li> <li>Multiple access to same content</li> </ul> | <ul style="list-style-type: none"> <li>No interaction with presenter or other Councillors</li> <li>Confidentiality risk increased</li> </ul>                                                                                                            |

| Option | Methodology                                                                                                              | Technology | Cost Impact (estimate) | Advantage/Opportunity                                                                                                                                                | Disadvantage/Risk                                                                                                             |
|--------|--------------------------------------------------------------------------------------------------------------------------|------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 8      | Scheduled briefing face to face held at WSC<br>Additional time scheduled on alternate evening (eg Thursday 5:30 -8:00pm) | NA         | \$400                  | <ul style="list-style-type: none"> <li>Minimal additional cost</li> <li>Average additional 6 briefings per session</li> <li>Outside normal working hours</li> </ul>  | <ul style="list-style-type: none"> <li>Increase impact on private and family commitments for staff and Councillors</li> </ul> |
| 9      | Scheduled briefing face to face held at WSC<br>Full day briefings – Weekends<br>Every two months or quarterly            | NA         | \$1000                 | <ul style="list-style-type: none"> <li>Minimal additional cost</li> <li>Average additional 12 briefings per session</li> <li>Outside normal working hours</li> </ul> | <ul style="list-style-type: none"> <li>Increase impact on private and family commitments for staff and Councillors</li> </ul> |

### Supplementary Option

| Option | Methodology                   | Technology                 | Cost Impact (estimate) | Advantage/Opportunity                                                                            | Disadvantage/Risk |
|--------|-------------------------------|----------------------------|------------------------|--------------------------------------------------------------------------------------------------|-------------------|
| A      | Real or delayed time feedback | Voting Buttons via Outlook | Neutral                | <ul style="list-style-type: none"> <li>Feedback able to be given to specific requests</li> </ul> |                   |

## **7.14 Outstanding Questions without Notice and Notice of Motions**

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TRIM REFERENCE: F2011/00027 - D02725643

AUTHOR: Jacquie Elvidge; Administration Assistant

MANAGER: Lesley Crawley; Manager Corporate Governance

### **SUMMARY**

224

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 on Notice and Notices of Motion - 24 August 2011

D02725644

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Meeting Asked                               | Status                                                                                                                                          |
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| 1  | Environment and Planning Services | <p>8.2 - Notice of Motion – Possibility for the Establishment of an Environmental Committee<br/> <i>Provide a report that outlines the possibilities for establishment of an Environment Committee.</i></p> <ul style="list-style-type: none"> <li>• <i>The Terms of Reference (charter, roles, responsibilities and function);</i></li> <li>• <i>Possible membership</i></li> <li>• <i>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</i></li> </ul> | 9 September 2009<br>Cr Wynn / Cr Best       | A report is being prepared for a Council meeting held in October 2011.                                                                          |
| 2  | Environment and Planning Services | <p>9.5 - Notice of Motion – Sea Level Rise Notification</p> <ol style="list-style-type: none"> <li>1 <i>Write to all property owners affected by the State Governments sea level rise policies.</i></li> <li>2 <i>Text of the letter be endorsed by Council.</i></li> </ol>                                                                                                                                                                                                                                                                                                         | 24 February 2010<br>Cr Eaton /<br>Cr Graham | Affected properties identified, waiting on Council's senior Counsel to submit additional information for the report to be submitted to Council. |

| No | Department                          | Question Asked / Councillor                                                                                                                                                                                                                                | Meeting Asked                     | Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 3  | General Department - Major Projects | 7.6 - Notice of Motion – Warnervale Town Centre Viability<br><i>Staff report on the viability of developing the 1,100 units proposed for Warnervale Town Centre and possible variation of proposed densities to ensure viable town centre development.</i> | 12 May 2010<br>Cr Eaton / Cr Best | <p>Department of Planning (DOP) agree to design amendments and road rationalisation drawing referred to as "Proposed Amended Road Layout" dated 13 May 2011. The road rationalisation plan reduces overall road lengths by approximately 700 lineal metres (a cost saving of approximately \$2.8M) and deletes roads through the contaminated tree fill tip.</p> <ul style="list-style-type: none"> <li>* DOP has now introduced B4 zoning on council land. B4 zoning allows for greater permissible land use than the previous B2 and R1 zones.</li> <li>* DOP is reviewing proposed amendments to the Development Control Plan (DCP) and State Environmental Planning Policy (SEPP) submitted by various landholders.</li> <li>* DOP advised Council amendments to the SEPP should be completed by end of May 2011 followed by amendments to the DCP mid June 2011.</li> </ul> <p>A feasibility report should be compiled by an external independent consultant in regards to the viability of the project.</p> <p>Given the likely completion of the planning documents by Department of Infrastructure and Planning is anticipated in the coming month, a draft consultant's brief has been prepared to complete this review.</p> <p>A consultant's brief has been issued to complete this review. Review of the submissions is being completed</p> |
| 4  | Environment and Planning Services   | 8.1 - Notice of Motion – Clause 14 Fund Improving Conservation Outcomes<br><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<br>Cr Wynn / Eaton   | <p>A briefing was held on 11 May 2011.</p> <p>This report to Council needs to be reviewed following the submission of the Natural Resources Management Strategy draft to Council.</p> <p>A Report is being prepared for the September 2011 round of meetings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                   | Meeting Asked                              | Status                                                                                                                                                                                                                             |
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| 5  | Community and Recreation Services | <p>10.2 – Notice of Motion – San Remo Xtreme Sports Park</p> <p>1 <u>Consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport.</u></p> <p>2 <u>Following initial community consultation conduct an on-site meeting.</u></p> <p>3 <u>Consider a report on the outcome of the above, including the financial and recourse implications to Council.</u></p> | 25 August 2010<br>Cr McBride / Wynn        | <p>A report will be submitted to Council in September 2011 to allow for comprehensive engagement and development of options.</p> <p>Community consultation has taken place and an onsite meeting scheduled for 14 August 2011.</p> |
| 6  | Community and Recreation Services | <p>8.2 - Notice of Motion – Acknowledgement of the Darkinjung People</p> <p><u>Defer this item to allow time to further consider this matter and receive further information.</u></p>                                                                                                                                                                                                                                                                         | 27 October 2010<br>Cr Graham /<br>Cr Eaton | A Councillor briefing has been planned for 24 August 2011.                                                                                                                                                                         |

| No | Department                          | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Meeting Asked                                   | Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 7  | General Department - Major Projects | <p>2.1 - Mayoral Minute – Local Job Creation – the Shire of the Third Age</p> <p><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></p> <p><i>a Establish a register of sites appropriate for development of aged housing.</i></p> <p><i>b 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></p> <p><i>c Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas.</i></p> <p><i>d In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.</i></p> <p><i>e Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.</i></p> <p><i>f Work with local registered clubs to encourage their participation.</i></p> <p><i>g Call for expressions of interest to form an expert panel to advise Council on this initiative.</i></p> | 10 November 2010<br>Cr Eaton                    | <p>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.</p> <p>Major Projects have prepared a comprehensive business case in response to this resolution which has been endorsed by the Executive.</p> <p>A Councillor briefing has been scheduled for August.</p> <p>A Council report is being prepared for September 2011 which will include a project plan consistent with the project scope discussed with the Councillors at the recent briefing.</p> |
| 8  | Corporate Services                  | <p>9.1 - Notice of Motion – Women’s Committee</p> <p><i>1 Include consideration of a Status of Women Committee during their deliberations on the whole committee structure.</i></p> <p><i>2 Consider participation / membership to include Councillors, staff and community reps.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10 November 2010<br>Cr Matthews /<br>Cr Webster | <p>A report is being prepared for the Council meeting of 14 September 2011.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 9  | Infrastructure Management           | <p>11.2 - Notice of Motion – Improved Taxi Services</p> <p><i>Council invite NSW Taxi Council and Central Coast Taxis to brief Council on their service delivery model and plans for future improvement.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 23 February 2011<br>Cr Best /<br>Cr Webster     | <p>This item has been included in the draft briefing schedule for 14 September 2011.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Meeting Asked               | Status                                                                                                                                                                                                                                                                                                                                               |
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| 10 | Community and Recreation Services | Q114/11 – Memorandum of Understanding with Department of Housing<br><i>Progress on the development of an MOU between Council and NSW Department of Housing Central Coast division regarding the affordable housing undertaking/initiative?</i>                                                                                                                                                                                                                                                                                                                               | 23 February 2011<br>Cr Best | A meeting was held with representatives of Housing NSW on 5 July to discuss and finalise the MOU. The final draft MOU will now be forwarded to ET for endorsement.                                                                                                                                                                                   |
| 11 | Infrastructure Management         | Q2/11 – Odour in Water at Chain Valley Bay North<br><i>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?</i>                                                                                                                                                                                      | 9 March 2011<br>Cr Vincent  | Due to no specific location provided for the complaint, other than it was in Chain Valley Bay, Council's flusher cleaned the mains in Chain Valley Bay in April and could not find any problems which related to the particular request. Records since this date indicate no similar problem.<br><br>A Councillor Business Update is being prepared. |
| 12 | Community and Recreation Services | 10.1 - Notice of Motion - Storage of Dinghies on Foreshore in Wyong Shire<br>1 <i>That Council consult with the community and potential stakeholders to develop a policy for the storage of dinghies on foreshores in Wyong Shire.</i><br>2 <i>That following community consultation a policy is developed and reported to council for adoption.</i><br>3 <i>That the report includes the cost/return/savings of implementing the policy.</i><br>4 <i>That, if the policy is adopted it be communicated thoroughly to the broader community prior to any implementation.</i> | 27 April 2011<br>Cr Wynn    | A report will be submitted to Council at its meeting on September 2011 round of meetings.                                                                                                                                                                                                                                                            |



| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Meeting Asked                     | Status                                                                                                                                                                                                                                                                                   |
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| 13 | Infrastructure Management         | <p>7.1 - Notice of Motion - Regional Push to Reinstate F3 Link</p> <p>1 That Council <u>form</u> a whole of Government Regional Partnership to include Gosford City Council, Wyong Shire Council and appropriate Sydney Councils (if required), Central Coast State Government Members and Federal Government Members with a view to organising a deputation to raise this issue with the Federal Government.</p> <p>2 That Council <u>urge</u> the Regional Partnership to take-up Mr Swan's offer to receive representation from the Central Coast Regional Partnership to have the F3 Link funding reinstated in the 12-13 budget.</p> | 25 May 2011<br>Cr Best / Cr Eaton | <p>A letter has been issued to the Minister for Resources and Energy. A report will be submitted to Council once a response has been received.</p> <p>A follow up email has been sent from the General Manager to the Minister for Central Coast, Minister for Resources and Energy.</p> |
| 14 | Community and Recreation Services | Q13/11 - Disabled Mini Train Tourist Project<br>Could staff please provide an update on the issues surrounding the proposed sites identified in the North of the Shire for the Disabled Mini Train Tourism Project?                                                                                                                                                                                                                                                                                                                                                                                                                       | 25 May 2011<br>Cr Vincent         | Background information is currently being gathered on this matter.                                                                                                                                                                                                                       |
| 15 | Community and Recreation Services | Q14/11 - Suggested sites for Disabled Mini Train Tourist Project<br>Could staff also suggest any additional sites that may be suitable in the North of the Shire for the Disabled Mini Train Tourism Project?'                                                                                                                                                                                                                                                                                                                                                                                                                            | 25 May 2011<br>Cr Vincent         | Background information is currently being gathered on this matter.                                                                                                                                                                                                                       |
| 16 | Environment and Planning Services | 7.1 - Notice of Motion - Closure of Coal Fired Power Station at Lake Munmorah<br>That Council <u>reiterate</u> its position requesting the closure of the coal fired power station at Lake Munmorah as soon as practicably possible.                                                                                                                                                                                                                                                                                                                                                                                                      | 8 June 2011<br>Cr Wynn / Cr Best  | Letter being drafted for General Manager's approval.                                                                                                                                                                                                                                     |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Meeting Asked                       | Status                                                                                                                                                                            |
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| 17 | Environment and Planning Services | <p>7.2 – Notice of Motion – Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission</p> <p>1 <i>That Council write to the NSW Premier and the Minister for Planning and Infrastructure with regard to the recent approval under Part 3A of the developments at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission:</i></p> <p>a <i>Condemning the decision of the previous government to approve the development.</i></p> <p>b <i>Requesting a meeting with the Member for Swansea Gary Edwards MP and the Member for Lake Macquarie Greg Piper MP to ask for their assistance in returning the development to the relevant Councils for determination of implementation of the decision.</i></p> <p>c <i>Outlining its concerns regarding the number of lots retained and the fact that the approval was issued prior to the finalisation of the relevant Development Control Plan.</i></p> <p>2 <i>That Council be advised of the current status of the proposed Coal and Allied Part 3A application and request that application be returned to Council for determination.</i></p> | 8 June 2011<br>Cr Wynn / Cr Vincent | Letters have been issued to relevant members and ministers on 19 July 2011.                                                                                                       |
| 18 | Community and Recreation Services | <p>Q16/11 – Status Report on Delay in Purchasing Relocatable Security Cameras</p> <p><i>“Can staff provide a status report on the delay in purchasing the relocatable security cameras, previously approved by Council resolution, in the ongoing fight against graffiti?”</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8 June 2011<br>Cr Symington         | <p>Quotes have been obtained for cameras; Council is currently finalising external security contractors.</p> <p>A Councillor Business Update will be submitted in August 2011</p> |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Meeting Asked                          | Status                                                                                                                                                                                                                            |
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| 19 | Community and Recreation Services | <p>6.1 - Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services</p> <p><i>That Council lobby the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.</i></p>                                                                                                                                                                                                                                                                                    | 13 July 2011<br>Cr Graham / Cr Webster | Letter has been drafted.                                                                                                                                                                                                          |
| 20 | Environment and Planning Services | <p>6.5 - Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head</p> <p>1 That Council <u>acknowledge</u> the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.</p> <p>2 That Council request the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.</p> <p>3 That Council <u>request</u> the report be prepared in partnership with the appropriate agencies and indigenous community.</p> <p>4 That, upon consideration of the requested report, the local land council be <u>invited</u> to address the Council meeting.</p> | 13 July 2011<br>Cr Best / Cr Vincent   | This NOM has been put on the Environment and Natural Resources Work Programme and timing will depend on the availability within the works programme to undertake unallocated projects unlikely to occur prior to the 2nd quarter. |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Meeting Asked             | Status                            |
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| 21 | Community and Recreation Services | <p>9.1 – Notice of Motion – Registered Clubs</p> <p>1 <i>That Council support the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.</i></p> <p>2 <i>That Council provide a letter of support which outlines the important role played by clubs in our community.</i></p> <p>3 <i>That Council formally advise the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms.</i></p> | 27 July 2011<br>Cr Graham | Letters currently being prepared. |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Meeting Asked              | Status                                                                                  |
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| 22 | Environment and Planning Services | <p>9.3 - Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys</p> <p>1 <i>That Council <u>call on</u> the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>2 <i>That Council <u>support</u> residents on the Central Coast by <u>requesting</u> the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>3 <i>That Council <u>direct</u> the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>4 <i>That Council <u>commend</u> the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.</i></p> <p>5 <i>That Council <u>direct</u> the General Manager also write to the Member for Dobbell on the status of the his proposed private members bill.</i></p> | 27 July 2011<br>Cr Vincent | NOM has been actioned to appropriate staff member to prepare a letter for resolution 1. |

| No | Department                        | Question Asked / Councillor                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Meeting Asked              | Status                                                                                                       |
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| 23 | Infrastructure Management         | 7.2 - Notice of Motion - Proposed Major Transport Infrastructure Projects<br><i>That Council request the General Manager to arrange for the preparation of a report on the proposed major transport infrastructure projects of the M9 (F3 to F7) freeway, the fast rail and the second Sydney Airport.</i>                                                                                                                                                                                                                                                                                                     | 10 August 2011<br>Cr Eaton | A meeting has been arranged for the relevant staff to discuss preparation of a scoping brief for the report. |
| 24 | Environment and Planning Services | Q21/11 - Cost of Health Surveillance Inspections<br><i>"Mr Mayor my question is on behalf of the small business community that is one of the largest employers in the current economic times and are doing it tough. I have received representation from shopkeepers in the food sector that require health surveillance inspections through Council's Health Department The advice that I have received is that costs for these inspections have sky rocketed. Could you please provide Council with cost increases over the past five years for these services and the rational behind these decisions?"</i> | 10 August 2011<br>Cr Wynn  | An answer to this question is being prepared for a meeting in September 2011.                                |

## QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE 10 AUGUST 2011

|   | Department                        | Question on Notice / Notice of Motion                                                                             | Date Asked/<br>Councillor                  | Status                                                                                             |
|---|-----------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------|
| 1 | Environment and Planning Services | Q17/11 – Warnervale Road Upgrade                                                                                  | 8 June 2011<br>Cr Vincent                  | Report included in this business paper.                                                            |
| 2 | Corporate Services                | 7.3 - Notice of Motion - Council calls to Support Aged Care Workers                                               | 10 August 2011<br>Cr Vincent               | Letters sent in accordance with Council's resolution.                                              |
| 3 | Corporate Services                | 9.2 - Notice of Motion - Council Calls to Support Local Fire Fighters                                             | 27 July 2011<br>Cr Vincent                 | Letters sent in accordance with Council's resolution.                                              |
| 4 | Corporate Services                | 6.7 - Notice of Motion - Council Calls to be Classified as a "Regional Area" to Access new \$7,000 Grant          | 13 July 2011<br>Cr Vincent                 | A letter has been sent to the relevant Department.                                                 |
| 5 | Environment and Planning Services | 6.6 - Notice of Motion - Failure to Commence GP Superclinic                                                       | 13 July 2011<br>Cr Best /<br>Cr McNamara   | Report included in this business paper.                                                            |
| 6 | Infrastructure Management         | 6.3 - Notice of Motion - Road Works on The Entrance Road Through Long Jetty and the Pacific Highway Through Wyong | 13 July 2011<br>Cr Graham /<br>Cr McNamara | Letters have been sent to the Ministers and Local Members in accordance with Council's resolution. |
| 7 | Environment and Planning          | Q17/11 – Warnervale Road Upgrade                                                                                  | 8 June 2011<br>Cr Vincent                  | Report included in this business paper.                                                            |
| 8 | Community and Recreation Services | 8.1 – Notice of Motion – Rose Street Carpark                                                                      | 22 June 2011<br>Cr Best /<br>Cr McNamara   | All communication channels have been used for this resolution as instructed.                       |

## **8.1 Answers to Question Without Notice**

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TRIM REFERENCE: F2004/07773 - D02684183

AUTHOR/MANAGER: Martin Johnson, Manager Land Use Planning and Policy Development

### **8.1 Q17/11 Warnervale Road Upgrade**

The following question was asked by Councillor Vincent at the Ordinary Meeting on 8 June 2011:

*“Could staff please advise when Warnervale Road will be upgraded to allow traffic to traverse the road during heavy rain periods”.*

The Section 94 Contribution Plan, (Plan 7A) identifies a range of public amenities and public services which are to be fully or partly funded by S94 monies. The public services and public amenities include land acquisition, open space and recreation facilities, community, cultural and social facilities, roads, traffic management and bus facilities. The reconstruction of Warnervale Road is one of these items, as is, drainage and stormwater management facilities (culvert construction is contained within the category).

The quantity of monies collected is dependant on the level of development activity occurring within the area covered by the relevant S94 plan. In past years (2000-2005) when development activity was strong, monies collected was significantly greater than recent years (\$10m annually compared to approximately \$3m for 2010/2011 – across all S94 plans).

Historically, the priority for spending S94 monies collected was determined by the Senior Management Team, including the Executive when developing the previous Annual Management Plan which was adopted by Council. Priorities were determined based on where development was occurring, the availability of developers to undertake work (eg, construction of regional drainage systems) and as land came on the market.

Works on Warnervale Road were originally planned to commence this financial year (flowing into next year). The scheduling was predicated on receiving \$4m in S94 contributions for this financial year and a similar amount in subsequent years. However, it is projected that Council will only receive approximately \$3m of the \$4m planned for the 10/11 financial year. There are very limited funds in reserve to cover this short fall as considerable S94 monies have been spent on public amenities and public services over previous years (within the S94 Plan 7A area (covering Woongarra, Hamlyn Terrace and Wadalba). Until there is a significant upturn in development activity, or alternative funding sources become available, there will be ongoing financial restrictions on S94 expenditure.

In developing the 2011/2012 Annual Plan, the process of prioritising projects for the expenditure of S94 funds was changed. Council, rather than senior staff were provided with the list of public amenities and public services to be provided and determined the priority of projects based on available income, taking into account recommendations from staff (this occurred during the Councillor weekend workshop in February 2011).



## **8.1 Q17/11 Warnervale Road Upgrade (contd)**

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The Council decided to defer the Warnervale Road works as insufficient S94 funds are currently available (both in reserve and being generated through development). The priority of funding projects based on available S94 funds will be an annual process to be undertaken when the Council is preparing it's Annual Plan. The next time the Council will consider the matter will be early next year when it is preparing the 2012/2013 Annual Plan.

S94 funds have been spent on the detailed design of the works proposed. The detailed designs have been finalised and are now awaiting the availability for funding to enable the works to be undertaken.

### **ATTACHMENTS**

*Nil.*

24 August 2011

To the Ordinary Meeting

Councillor

## **9.1 4WD Environmental Vandalism**

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TRIM REFERENCE: F2004/06951 - D02740262

AUTHOR: Greg Best; Councillor

Councillors Best and Wynn have given notice that at the Ordinary Meeting to be held on 24 August 2011 they will move the following Motion:

- "1 That Council note with concern the escalating destruction of riparian vegetation along a large section of the Chittaway area due to illegal 4WD activities.*
- 2 That Council seek to block vehicular access to this sensitive environmental area as a matter of urgency.*
- 3 That Council recognise the outstanding efforts of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee in its endeavours to stabilise these riverbank systems.*
- 4 That Council also recognise that the vast majority of 4WD enthusiasts are responsible off roaders.*
- 5 That Council seek to educate off road users as to the importance of sustainable recreation through the various local 4WD associations"*