

20220210\_Letter from AS re variation request approved, signed and sent to GM of Council - s 22

20211222\_Spoke to s 47F about the variation. We agreed that the Department would contact council early in the new year. Update provided to EL2 and AS s 22

-s 22

20210915 Request for Variation Received. s 22

20210909\_phone call from s 47F - final dates depending on whether an environmental assessment is required. After a discussion variation request form sent, as Council wants new dates approved by the Department and assurance re funding - s 22

20210811\_received an email from s 47F with a project update and noting that as Council has chosen to consider a path realignment that there may be further delays to the project. Email saved to G Drive - CDG0938\_20210811\_IB\_Project Update - s 22

20210722\_Received a phone call from s 47F. Council had finalised designs from community consultation and were preparing new timelines with a view to finalising the variation. However there is a motion on the agenda for tonight's Council meeting with a proposal to further change the design which would probably not be achievable within the current funding envelope ([https://infocouncil.coffsharbour.nsw.gov.au/Open/2021/07/CO\\_20210722\\_AGN\\_2245\\_AT\\_WEB.htm](https://infocouncil.coffsharbour.nsw.gov.au/Open/2021/07/CO_20210722_AGN_2245_AT_WEB.htm)). Provided a link to Grant Connect with project description as approved by the Minister (saved on G Drive - CDG938\_20210721\_OB Project Description) s 22

20220210\_Letter from AS re variation request approved, signed and sent to GM of Council - s 22

20211222\_Spoke to s 47F about the variation. We agreed that the Department would contact council early in the new year. Update provided to EL2 and AS and saved to G Drive

s 22

20210915 Request for Variation Received s 22

20210909\_phone call from s 47F - final dates depending on whether an environmental assessment is required. After a discussion variation request form sent, as Council wants new dates approved by the Department and assurance re funding - s 22

20210811\_received an email from s 47F with a project update and noting that as Council has chosen to consider a path realignment that there may be further delays to the project. Email saved to G Drive - CDG0938\_20210811\_IB\_Project Update s 22

20210722\_Received a phone call from s 47F. Council had finalised designs from community consultation and were preparing new timelines with a view to finalising the variation. However there is a motion on the agenda for tonight's Council meeting with a proposal to further change the design which would probably not be achievable within the current funding envelope ([https://infocouncil.coffsharbour.nsw.gov.au/Open/2021/07/CO\\_20210722\\_AGN\\_2245\\_AT\\_WEB.htm](https://infocouncil.coffsharbour.nsw.gov.au/Open/2021/07/CO_20210722_AGN_2245_AT_WEB.htm)). Provided a link to Grant Connect with project description as approved by the Minister (saved on G Drive - CDG938\_20210721\_OB Project Description) s 22

20210714 - received a phone message from s 47F 13/07, rang back and left a message with contact details s 22

s 22

**From:** s 22  
**Sent:** Thursday, 22 July 2021 4:12 PM  
**To:** 'Peter Crawford'  
**Subject:** CDG0938 [SEC=OFFICIAL]

**OFFICIAL**

Hi Peter

As discussed, here is the link to the project on Grant Connect. This is the website where all Federal Government Grants are required to be reported. It includes the project description that is consistent with the project approved by the Minister and supported by the activity description in the funding agreement. Any significant change to the project or project activity in the funding agreement would require Ministerial approval.

[Woolgoolga Whale Trail](#)

We also discussed a variation to the funding agreement. Under the current funding agreement the project is required to be completed by 30 November 2021. In considering a variation and given the nature of the project, the Department could consider an extension to the project completion date for a further 12 months.

Please don't hesitate to contact me if you have any further questions.

Kind Regards

s 22

s 22

Assistant Director • Regional Programs • Regional Development, Local Government and Regional Recovery

s 22

GPO Box 594 Canberra, ACT 2601

**Department of Infrastructure, Transport, Regional Development and Communications**  
**CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS**

[infrastructure.gov.au](http://infrastructure.gov.au)

**OFFICIAL**

s 22

**From:** Peter Crawford <peter.crawford@chcc.nsw.gov.au>  
**Sent:** Wednesday, 11 August 2021 3:58 PM  
**To:** s 22  
**Cc:** Andrew Smith; Andrew Gray; Tom Handel; Mick Raby; Damon Leach  
**Subject:** RE: CDG0938 [SEC=OFFICIAL] Woolgoolga Whale Trail Notice of Motion

Hi s 22

Please see the Council Notice of Motion (NOM) which was adopted on Thursday 22<sup>nd</sup> July 2021.

We are currently working to determine an appropriate course of action including timeframes, to address the resolution shown below.

The notice of motion was presented to Council following rigorous representations to elected Councillors from a section of the community in recent months. The implications of investigating alternative alignments potentially will have significant impacts on timeframes to deliver the project due to the potential environmental sensitivity of an alternative alignment. Once we have determined this we will be in a position to provide you with a request for an extension of time.

#### **NOM21/16 WOOLGOOLGA WHALE TRAIL**

#### **2021/163 RESOLVED (Cr Tegan Swan / Cr John Arkan)**

That Council:

1. Write to Infrastructure Australia to request an extension of time for changes in project delivery timelines, and deliverables, and in the event that the extension is granted that Council;
  - 1.1 Create concept drawings of possible path alignment options and put on public display.
  - 1.2 Pending path alignment chosen undertake relevant environmental and engineering studies.
  - 1.3 Bring proposed path back to council for determination.
2. Continue with completion of broader project interfaces, where possible.

**The Motion on being put to the meeting was carried unanimously.**

**CARRIED**

The meeting adjourned for a short recess, the time being 7.09pm and reconvened at 7.17pm.

Cheers

Peter Crawford  
Project Manager



Proudly supporting MyCOFFS  
Shaping Coffs Harbour's future

This email (including any attachments) is intended only for the use of the individual or entity named above and may contain information that is confidential, proprietary or privileged. If you are not the intended recipient, please notify Council immediately by return email and then delete the email, destroy any printed copy and do not disclose or use the information in it.

Coffs Harbour City Council advises that this email and any attached files should be scanned to detect viruses and accepts no liability for loss or damage (whether caused by negligence or not) resulting from the use of any attached files.

---

**From:** s 22  
**Sent:** Wednesday, 11 August 2021 2:35 PM  
**To:** Peter Crawford <[peter.crawford@chcc.nsw.gov.au](mailto:peter.crawford@chcc.nsw.gov.au)>  
**Subject:** FW: CDG0938 [SEC=OFFICIAL]

OFFICIAL

Hi Peter

When we spoke last week we discussed that you would follow up our discussion with an email outlining the current status of the project.

As there is considerable interest in this project, I'd appreciate it if you could email me an update as soon as possible.

Thanks.

Kind Regards

s 22

s 22

Assistant Director • Regional Programs • Regional Development, Local Government and Regional Recovery

s 22

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications  
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

[infrastructure.gov.au](http://infrastructure.gov.au)



OFFICIAL

---

**From:** s 22  
**Sent:** Thursday, 22 July 2021 4:12 PM  
**To:** 'Peter Crawford' <[peter.crawford@chcc.nsw.gov.au](mailto:peter.crawford@chcc.nsw.gov.au)>  
**Subject:** CDG0938 [SEC=OFFICIAL]

OFFICIAL

Hi Peter

As discussed, here is the link to the project on Grant Connect. This is the website where all Federal Government Grants are required to be reported. It includes the project description that is consistent with the project approved by the Minister and supported by the activity description in the funding agreement. Any significant change to the project or project activity in the funding agreement would require Ministerial approval.

[Woolgoolga Whale Trail](#)

We also discussed a variation to the funding agreement. Under the current funding agreement the project is required to be completed by 30 November 2021. In considering a variation and given the nature of the project, the Department could consider an extension to the project completion date for a further 12 months.

Please don't hesitate to contact me if you have any further questions.

Kind Regards

s 22

s 22

Assistant Director • Regional Programs • Regional Development, Local Government and Regional Recovery

s 22

GPO Box 594 Canberra, ACT 2601

**Department of Infrastructure, Transport, Regional Development and Communications**  
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

[infrastructure.gov.au](http://infrastructure.gov.au)



OFFICIAL

-----  
Disclaimer

This message has been issued by the Department of Infrastructure, Transport, Regional Development and Communications. The information transmitted is for the use of the intended recipient only and may contain confidential and/or legally privileged material.

Any review, re-transmission, disclosure, dissemination or other use of, or taking of any action in reliance upon,

this information by persons  
or entities other than the intended recipient is prohibited and may result in severe penalties.  
If you have received this e-mail in error, please notify the Department on (02) 6274-7111  
and delete all copies of this transmission together with any attachments.

-----

---

This email (including any attachments) is intended only for the use of the individual or entity named above and may contain information that is confidential, proprietary or privileged.

If you are not the intended recipient, please notify Council immediately by return email and then delete the email, destroy any printed copy and do not disclose or use the information in it.

Coffs Harbour City Council advises that this email and any attached files should be scanned to detect viruses and accepts no liability for loss or damage (whether caused by negligence or not) resulting from the use of any attached files.

---

s 22

**From:** Peter Crawford <peter.crawford@chcc.nsw.gov.au>  
**Sent:** Monday, 13 September 2021 6:47 PM  
**To:** CDG Projects  
**Cc:** s 22 Andrew Smith; Damon Leach; Andrew Gray; Tom Handel  
**Subject:** CDG928 Woolgoolga Whale Trail - Variation request form [SEC=OFFICIAL]  
**Attachments:** CDG938 Request for Variation 1 Woolgoolga Whale Trail SIGNED.pdf; Woolgoolga Whale Trail Grant variation No.1 Council NOM request.pdf

Hi Team

Please see attached signed variation request form, and new time line given the recent Notice of Motion by Council.

There is also attached a Gantt Chart to assist with the variation request.

Cheers

Peter Crawford  
 Project Manager  
 Strategic Asset Management | Coffs Harbour City Council  
 02 6648 4080 | s 47F  
 E: [peter.crawford@chcc.nsw.gov.au](mailto:peter.crawford@chcc.nsw.gov.au) | W: [www.coffsharbour.nsw.gov.au](http://www.coffsharbour.nsw.gov.au)  
[Follow Us: on Twitter](#)



Proudly supporting MyCOFFS  
 shaping Coffs Harbour's future

This email (including any attachments) is intended only for the use of the individual or entity named above and may contain information that is confidential, proprietary or privileged. If you are not the intended recipient, please notify Council immediately by return email and then delete the email, destroy any printed copy and do not disclose or use the information in it.

Coffs Harbour City Council advises that this email and any attached files should be scanned to detect viruses and accepts no liability for loss or damage (whether caused by negligence or not) resulting from the use of any attached files.

---

**From:** s 22  
**Sent:** Thursday, 9 September 2021 4:10 PM  
**To:** Peter Crawford  
**Subject:** CDG928 Woolgoolga Whale Trail - Variation request form [SEC=OFFICIAL]

**OFFICIAL**

Hi Peter

Thanks for your update today. As we discussed I've attached the variation request form for you to complete. I've added some comments that will hopefully make it a little easier. If you are still unsure enough that you are not prepared to commit to dates, I will bring this to the attention of the delegate and we can send an email assuring that we will continue to work with you, and that the funding for the project will continue to be available.

Let me know if there are any questions.

Kind Regards

s 22

s 22

Assistant Director • Regional Programs • Regional Development, Local Government and Regional Recovery

s 22

GPO Box 594 Canberra, ACT 2601

**Department of Infrastructure, Transport, Regional Development and Communications**  
**CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS**

[infrastructure.gov.au](http://infrastructure.gov.au)



**OFFICIAL**

---

Disclaimer

This message has been issued by the Department of Infrastructure, Transport, Regional Development and Communications. The information transmitted is for the use of the intended recipient only and may contain confidential and/or legally privileged material.  
Any review, re-transmission, disclosure, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may result in severe penalties.  
If you have received this e-mail in error, please notify the Department on (02) 6274-7111 and delete all copies of this transmission together with any attachments.

---

This email (including any attachments) is intended only for the use of the individual or entity named above and may contain information that is confidential, proprietary or privileged.

If you are not the intended recipient, please notify Council immediately by return email and then delete the email, destroy any printed copy and do not disclose or use the information in it.

Coffs Harbour City Council advises that this email and any attached files should be scanned to detect viruses and accepts no liability for loss or damage (whether caused by negligence or not) resulting from the use of any attached files.

---





# Australian Government

## Department of Infrastructure, Transport, Regional Development and Communications

### VARIATION REQUEST

<b>Program</b>	Community Development Grants Programme	
<b>Project ID Number</b>	CDG0938	
<b>Grantee</b>	Coffs Harbour City Council	
<b>Project</b>	Woolgoolga Whale Trail	
<b>Total Project Cost</b>	\$1,100,000	
<b>Total AG funding</b>	\$1,100,000	
<b>Project Officer</b>	s 22	Email: CDG.Projects@infrastructure.gov.au

#### 1. Provide a brief update on the current status of the project:

Provide detail of how you propose the funding agreement to be varied:

#### Threshold 2 Funding Agreement

<b>Project description</b>	N/A
<b>Activity description</b>	N/A
<b>Completion date/s</b>	Completion 17/04/24
<b>Budget/Contributions</b>	N/A
<b>Total project cost</b>	N/A
<b>Milestones</b>	N/A
<b>Other</b>	N/A

#### Milestones

Current milestone number and description	Proposed milestone number and description	Current due date	Proposed due date	Current payment amount	Proposed payment amount
1 Evidence acceptable to the Commonwealth that the Recipient has completed the following identified activities: <ul style="list-style-type: none"> <li>confirmation of final costs; and</li> <li>confirmation of final designs.</li> </ul>		30 September 2020			\$
2 Evidence acceptable to the Commonwealth that the Recipient has completed the following identified activities: <ul style="list-style-type: none"> <li>50 per cent of the Project is completed and certified by the Project</li> </ul>		30 March 2021		\$550,000	

Manager, Quantity Surveyor, or similar; and <ul style="list-style-type: none"> <li>an Event Invitation has been submitted to the Department as required at Clause 10.</li> </ul>					
3 Evidence acceptable to the Commonwealth that the following have been achieved: <ul style="list-style-type: none"> <li>confirmation that the Project is completed.</li> </ul>				\$550,000	

**2. What is the reason for the variation?**

Council Notice of Motion (NOM) which was adopted on Thursday 22<sup>nd</sup> July 2021.

**NOM21/16 WOOLGOOLGA WHALE TRAIL**  
**2021/163 RESOLVED (Cr Tegan Swan / Cr John Arkan)**  
That Council:

- Write to Infrastructure Australia to request an extension of time for changes in project delivery timelines, and deliverables, and in the event that the extension is granted that Council;
  - Create concept drawings of possible path alignment options and put on public display.
  - Pending path alignment chosen undertake relevant environmental and engineering studies.
  - Bring proposed path back to council for determination.
- Continue with completion of broader project interfaces, where possible.

**The Motion on being put to the meeting was carried unanimously.** **CARRIED**

The meeting adjourned for a short recess, the time being 7.09pm and reconvened at 7.17pm.

The notice of motion was presented to Council following representations to elected Councillors from a section of the community in recent months. The implications of investigating alternative alignments potentially will have significant impacts on timeframes to deliver the project due to the potential environmental sensitivity of an alternative alignment.

Proposed course of action to address the NOM is shown on the attached Gantt Chart.

**3. If a funding partner has withdrawn support from the project, please include an overview of the likely impact to the Activity/Project in terms of viability:**

**NOTE:** as a pre-condition to entering into your Funding Agreement, you signed a Deed of Undertaking declaring:

- The Commonwealth is not and will not be responsible for the provision of any funding in addition to the amount approved by the Minister and stipulated in the Funding Agreement.
- The Grantee is responsible for any additional funding (if any) required for the Project.

N/A

**4. If the proposed Activity and/or Project Completion date are after the date specified in your Schedule, please provide:**

- details of what you have already undertaken to bring the project back on schedule; and

- any other measures you are putting in place to address the delays.

**5. What is the likely impact if the variation request is not approved?**

Include whether:

- there will be delays to delivering the Activity and/or Project;
- the scope of the Activity and/or Project will be reduced or changed;
- the Activity and/or Project will not be able to be continued without the variation; and/or
- there will be other issues encountered in completing the Activity and/or Project.

Notice of Motion from Council

**DECLARATION BY OFFICER AUTHORISED TO REQUEST VARIATION TO THE FUNDING AGREEMENT**

I certify that the information provided in this Variation Request Form is complete and correct:

Name: Mick Raby

Position: Director Sustainable Infrastructure

s 47F  


Signed: \_\_\_\_\_

Date: 13/09/2021

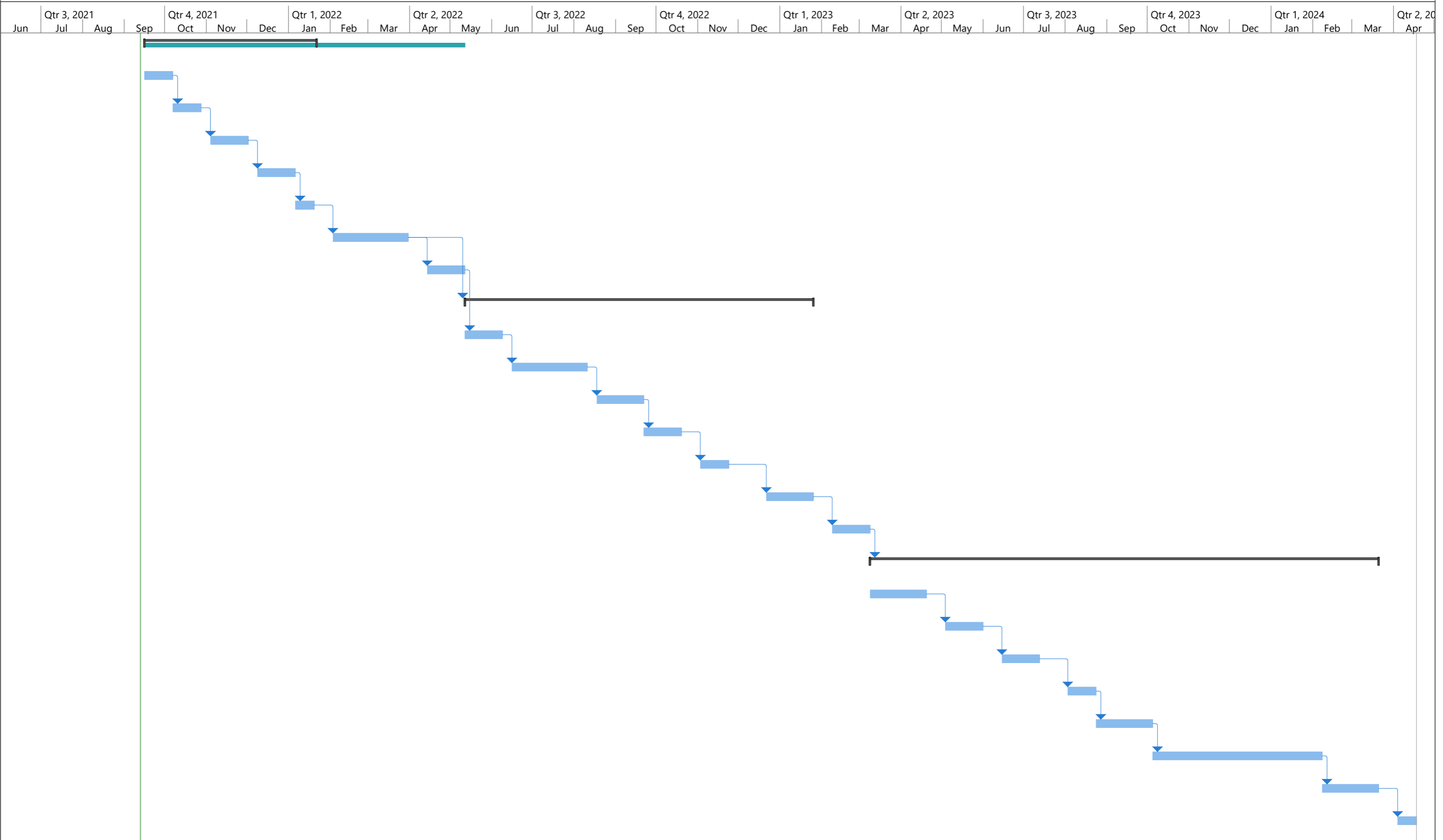
***This Certification is to be signed by the Chief Executive Officer, General Manager, or a person authorised by your organisation to complete and submit this form on their behalf.***

**WOOLGOOLGA WHALE TRAIL GANTT CHART VARIATION NO. 1 COUNCIL NOM REQUEST**

ID	Task Name	Duration	Start	Finish	Predecessors	Timeline											
						Sep	Qtr 4, 2020			Qtr 1, 2021			Qtr 2, 2021				
							Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
1	<b>time required to facilitate a route for the path which has significant environmental impacts</b>	<b>92 days</b>	<b>Thu 16/09/21</b>	<b>Fri 21/01/22</b>													
2	seek and receive a response to the application for the time extension	15 days	Thu 16/09/21	Wed 6/10/21													
3	complete the current design	15 days	Thu 7/10/21	Wed 27/10/21	2												
4	prepare 1 alternate alignment	20 days	Thu 4/11/21	Wed 1/12/21	3FS+1 wk												
5	consultation with the proponents of the alternate alignment	20 days	Thu 9/12/21	Wed 5/01/22	4FS+1 wk												
6	prepare draft Environmental Impact Assessments for each option	10 days	Thu 6/01/22	Wed 19/01/22	5												
7	publicise the options and collate the responses	40 days	Thu 3/02/22	Wed 30/03/22	6FS+2 wks												
8	report the results to Council	20 days	Thu 14/04/22	Wed 11/05/22	7FS+2 wks												
9	<b>if a route is endorsed which has significant environmental impacts</b>	<b>185 days</b>	<b>Thu 12/05/22</b>	<b>Wed 25/01/23</b>	<b>7</b>												
10	procurement of a consultant to prepare the Environmental Impact Statement	20 days	Thu 12/05/22	Wed 8/06/22	8												
11	preparation of the EIS	40 days	Thu 16/06/22	Wed 10/08/22	10FS+1 wk												
12	notification period of the EIS	25 days	Thu 18/08/22	Wed 21/09/22	11FS+1 wk												
13	Planning Secretary to respond to the EIS	20 days	Thu 22/09/22	Wed 19/10/22	12												
14	report to Council to consider the results of the EIS process and make a determination	15 days	Thu 3/11/22	Wed 23/11/22	13FS+2 wks												
15	publication of the EIS determination report and to plan how to deal with any subsequent appeals	25 days	Thu 22/12/22	Wed 25/01/23	14FS+4 wks												
16	Notification to public and advertisement period	20 days	Thu 9/02/23	Wed 8/03/23	15FS+2 wks												
17	<b>Tender Process</b>	<b>270 days</b>	<b>Thu 9/03/23</b>	<b>Wed 20/03/24</b>	<b>16</b>												
18	Finalise Design and contract documentation	30 days	Thu 9/03/23	Wed 19/04/23													
19	Advertise Tender	20 days	Thu 4/05/23	Wed 31/05/23	18FS+2 wks												
20	Review Tender submission	20 days	Thu 15/06/23	Wed 12/07/23	19FS+2 wks												
21	Award Tender	15 days	Thu 3/08/23	Wed 23/08/23	20FS+3 wks												
22	Contract Site Establishment	30 days	Thu 24/08/23	Wed 4/10/23	21												
23	Construction	90 days	Thu 5/10/23	Wed 7/02/24	22												
24	Handover start of defects period	30 days	Thu 8/02/24	Wed 20/03/24	23												
25	Formal opening	10 days	Thu 4/04/24	Wed 17/04/24	24FS+2 wks												

Project: Infrastructure - Woolgo Date: Mon 13/09/21	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			

**WOOLGOOLGA WHALE TRAIL GANTT CHART VARIATION NO. 1 COUNCIL NOM REQUEST**



Project: Infrastructure - Woolgo  
Date: Mon 13/09/21

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			



Australian Government

Department of Infrastructure, Transport,  
Regional Development and Communications

Ref: CDG0938

Mr Steve McGrath  
General Manager  
Coffs Harbour City Council  
Locked Bag 155  
COFFS HARBOUR NSW 2450  
[coffs.council@chcc.nsw.gov.au](mailto:coffs.council@chcc.nsw.gov.au)

Dear Mr McGrath

**CDG0938 – Woolgoolga Whale Trail**

Thank you for the submission of a variation request and the additional information regarding the status of the Woolgoolga Whale Trail project, which received funding under the Community Development Grants Programme.

The Department acknowledges the difficulty that Council has experienced in commencing this project and is prepared to extend the completion date for the project to April 2024 as you requested in your submission.

To ensure that the project progresses, we recommend that you consider staging the project so that work can commence on some aspects of the project such as seating and carpark works, while the designs for the trail are being finalised.

If additional funding is required for the project, you may consider drawing those funds from Coffs Harbour City Council's phase 3 allocation from the Local Roads and Community Infrastructure Program (LRCI).

The Department will continue to work with you to finalise the terms of a formal variation to the funding agreement.

If you have any questions regarding this variation, please contact s 22 or at [CDG.Projects@infrastructure.gov.au](mailto:CDG.Projects@infrastructure.gov.au)

Yours sincerely

s 47F

Meghan Hibbert  
Assistant Secretary  
Regional Programs Branch  
9 February 2022