
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 28 OCTOBER 2015 COMMENCING AT 5.00PM

PRESENT

Councillors D J Eaton OAM (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

Acting Chief Executive Officer, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Chief Financial Officer, Manager Property Development, Manager Waterways and Asset Management, IT and Operations Manager, IT Infrastructure Administrator, Communications Coordinator and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.03pm 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 an acknowledgment of country statement.

APOLOGY

There were no apologies.

Mr Greg McDonald advised that at the Stormwater NSW Conference, Council received the Highly Commended award for Wyong Shire Council Gross Pollutant Trap Capital Works Program. Mr Peter Ham presented this award to the Mayor.

At the commencement of the ordinary meeting reports were dealt with in the following order 1.1, 1.2, 1.3, 4.1, 7.2, 4.4, 4.5, 7.1 and 9.1. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Item 4.4 - Community Initiative to Activate a Competition BMX Track at San Remo

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which lease the Extreme Sports Park to Wyong Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

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

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

1115/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Briefings and Inspections

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

1116/15 That Council receive the report on Proposed Briefings and Inspections.

1.3 Address By Invited Speakers

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

1117/15 That Council receive the amended report on Invited Speakers.

1118/15 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.

1119/15 That Council note the external auditor, Mr Peter Buchholz (representing PricewaterhouseCoopers) will formally present the auditor's report on Council's 2014-15 financial statements on item 4.1 - Presentation of 2014-15 Annual Financial Statements.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor TROY:

1120/15 That Council allow meeting practice to be varied.

1121/15 That Council use the exception method to deal with the balance of the Agenda.

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

1122/15 That with the exception of report numbers 4.1, 4.4, 4.5, 7.1, 7.2 and 9.1 Council adopt the recommendations contained in the remaining reports.

1.4 Confirmation of Minutes of Previous Meeting

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

1123/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 October 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1124/15 That Council consider the following matters in Confidential Session, pursuant to Sections 10A (2)(d)(ii) of the Local Government Act 1993:

9.1 - Central Coast Regional Airport & Warner Industrial Park

1125/15 That Council note its reason for considering Report No 9.1 - Central Coast Regional Airport & Warner Industrial Park, as it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

1126/15 That Council request the Chief Executive Officer to report on these matters in open session of Council.

2.1 Acquisition of Land at Kallaroo Road and Goorama Ave, San Remo for Road Widening

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

1127/15 That Council acquire part of Lot 48 DP 28798 at 62 Kallaroo Road, San Remo and Part of Lot 96 DP 28798 at 36 Goorama Avenue, San Remo as public road.

1128/15 That Council authorise the payment of compensation, if necessary, for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.

1129/15 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.

1130/15 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and the dedication of that land as public road and to any necessary application to the Office of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.

1131/15 That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition and transfer of the land and all documents relating to any application to the Office of Local Government for the compulsory acquisition of the land.

3.1 CPA/261429 - Provision of Electrical Maintenance and Repair Services

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

1132/15 That Council accept the tender from DNA Electrical Pty Ltd, for the estimated total amount of \$953,560.00 (excl GST) for Contract CPA/261429 – Provision of Electrical Maintenance and Repair Services.

1133/15 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

3.2 CPA/261063 - Upgrade of Sewage Pump Station WS11

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

1134/15 That Council accept the tender from Gongues Construction Pty Ltd, for the lump sum amount of \$2,762,000.00 (excl GST) for Contract CPA/261063 – Upgrade of Sewage Pump Station WS11.

1135/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

1136/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Presentation of 2014-15 Annual Financial Statements

Mr Peter Buchholz representing PricewaterhouseCoopers addressed the meeting at 5.09pm, answered questions and retired at 5.17pm.

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

1137/15 That Council present the audited 2014-15 financial statements in accordance with the Local Government Act 1993.

1138/15 That Council invite the external auditor, Mr Peter Buchholz (representing PricewaterhouseCoopers) to formally present the auditor's report on Council's 2014-15 financial statements.

1139/15 That Council adopt the final audited 2014-15 financial statements for Wyong Shire Council and Wyong Water.

4.2 Contract Variations and Finalisation for the period covering May to August 2015

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

1140/15 That Council receive the Contract Variations report for the period covering May to August 2015.

1141/15 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Alison Homestead Rebuild	CPA/247310	\$1,212,893.74	\$118,250.54
Central Coast Pipes and Pumps Panel Work Package W05	CPA/242261	\$242,220.00	\$12,850.00
Design Upgrade of existing sludge process with Geotubes and decommissioning of existing sludge lagoons Toukley Treatment Plant	CPA/263783	\$174,654.00	\$25,372.00
Design Upgrade Retrofit South Tacoma Sewerage system to low pressure sewerage system	CPA/240716	\$310,363.80	\$32,831.80
Mardi Dam Fire Trails	CPA/250563	\$164,090.50	\$19,510.50
Upgrade of Sewage Pump Stations BB05 & BB06	CPA/249913	2,195,825.00	\$0 (Will be separately reported)

- 1142/15 *That Council approve the additional expenditures requested and increase the resolved contract values accordingly.*

4.3 Volunteers

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

- 1143/15 *That Council adopt the Volunteer Recognition Strategy 2015.*
- 1144/15 *That Council recognise 2016 as the year of the Volunteer for Wyong Shire Council.*

4.4 Community Initiative to Activate a Competition BMX Track at San Remo

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which lease the Extreme Sports Park to Wyong Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

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

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

- 1145/15 *That Council encourage the community initiative to re-invent the San Remo Extreme Sports Park to become an active recreation facility.*
- 1146/15 *That Council support the current, planned redevelopment works within the current operational and capital budgets.*
- 1147/15 *That Council consider capital budget bids for future years to augment the facility based on increasing participation and needs of the facility through the normal budgetary cycle.*

4.5 Fit For the Future – IPART report and communications from the Office of Premier & Cabinet

Councillor Matthews left the meeting at 6.04pm and returned to the meeting at 6.06pm during consideration of this item.

Councillor Best left the meeting at 6.00pm and returned to the meeting at 6.06pm during consideration of this item.

Councillor Best left the meeting at 6.41pm and returned to the meeting at 6.44pm during consideration of this item.

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

1148/15 That the Council resolve that it provide the following responses to the NSW Government in respect to the final report issued by IPART concerning the NSW Government's Fit for the Future program:

a First preferred option: that Wyong Shire Council merge with Gosford City Council to form the Greater Central Coast Council, with the Greater Central Coast local government area to comprise the current Wyong and Gosford local government areas;

b Second preferred option: that Wyong Shire Council merge with Gosford City Council to form the Greater Central Coast Council, with the Greater Central Coast local government area to comprise the current Wyong and Gosford local government areas as well as the township of Wyee.

1149/15 That the Council resolve to request the NSW Minister for Planning that the Central Coast JRPP be dissolved and the proposed Greater Central Coast Council be given expanded planning powers.

1150/15 That the Council request the Acting Chief Executive Officer to negotiate with both the General Manager of Lake Macquarie City Council and the Chief Executive Officer of Gosford City Council to attempt to secure agreement from both Lake Macquarie City Council and Gosford City Council to the options set out in resolution 1 above.

1151/15 That the Council request the Acting Chief Executive Officer notify both the General Manager of Lake Macquarie City Council and the Chief Executive Officer of Gosford City Council of resolutions 1, 2 and 3 above, and that this resolution be acted on immediately.

1152/15 That the Council request the Acting Chief Executive Officer notify, by 18 November 2015, the following persons of resolutions 1, 2, 3 and 4 above, and the outcome of negotiations held pursuant to resolution 3 above:

a The NSW Premier;

b The NSW Minister for Local Government;

c The NSW Minister for Planning; and

d The Chief Executive Officer of the NSW Office for Local Government.

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS AND DV VINCENT

5.1 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

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

1153/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of September 2015 and related job creation.

5.2 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

1154/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.3 Wyong Water - Works in Progress

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

1155/15 That Council receive the report on Wyong Water - Works in Progress.

5.4 Response to Motion of Urgency - RMS's Speedbump Band-Aid, Toukley

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

1156/15 That Council receive the report on Response to Motion of Urgency – RMS's Speedbump Band-Aid, Toukley.

5.5 Response to Notice of Motion - End Gridlock Pacific Highway Wyong

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

1157/15 That Council receive the report on Response to Notice of Motion - End Gridlock Pacific Highway Wyong.

5.6 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 1 October 2015

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

1158/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 1 October 2015.

5.7 Investment Report for September 2015

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

1159/15 That Council receive the Investment Report for September 2015.

5.8 Draft Minutes of the Audit and Risk Committee Meeting - 30 September 2015

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

1160/15 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 30 September 2015.

5.9 Response to Notice of Motion - Tuggerah Station Parking and Safety Shambles

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

1161/15 That Council receive the report on Response to Notice of Motion – Tuggerah Station and Safety Shambles.

5.10 Outstanding Questions on Notice and Notices of Motion

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

1162/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

PROCEDURAL MOTION

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

1163/15 That Council defer Item 7.1 - Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link" to be considered in Confidential Session.

7.2 Notice of Motion - Toukley Speed Bump Shambles

Ross Davies, local resident addressed the meeting at 5.35pm, answered questions and retired at 5.45pm.

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

1164/15 That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.

1165/15 That Council notes the reports that these 'safety devices' have actually caused accidents involving both pedestrians and motorists, further there is emerging anecdotal evidence that shop trade is also beginning to be affected.

1166/15 That Council call on the RMS to release its 'Black Spot' funding submission, including the statistics it relied upon to convince the Federal Government to fund these controversial speed bumps."

1167/15 That Council further notes that some 50 accidents have been reported in the last 6 years on this road, with only 4 actually occurring in the Toukley CBD. Further, Council notes that there are two other 40km/h speed zones in Main Road Toukley that do not rely on speed bumps for their effective management.

CONFIDENTIAL SESSION

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor Matthews:

1168/15 That Council move into Confidential Session.

At this stage of the meeting being 6.57pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

OPEN SESSION

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

1178/15 That Council move back into Open Session

Council resumed in open session at 7.45pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link"

Stuart O’Keeffe Norah Head Boating and Recovery Club addressed the meeting at 5.30pm, answered questions and retired at 5.35pm.

1169/15 That Council notes the excellent work carried out by staff in delivering the complex engineering of the Cabbage Tree Bay (CTB) seawall and more recently the CTB ocean ramps, further it is noted both these facilities were severely tested in the April 2015 storms with no reported damage.

1170/15 That Council notes these much needed multimillion dollar Bay works have now highlighted the extremely poor condition of Mazlin Reserve Cliff Face and in particular the Norah Head Search and Rescue site, this has now become known as the “Missing Link”.

1171/15 That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.

1172/15 That Council seeks to work with the State Government through convening an initial meeting of all key stakeholder groups with a view to making a whole of community representation seeking upgrade funding in the 2016/17 State Budget.

1173/15 That Council notes the outstanding support Karen McNamara our Federal Member for Dobell and State Agencies provided in assisting Council and the community in delivering the much needed Cabbage Tree Bay Ocean Ramp and the bay retaining wall.

9.1 Central Coast Regional Airport Cost Benefit Analysis

1174/15 That Council receive and note the cost benefit analysis report.

1175/15 That Council resolve to remove any notations on the Section 149 Certificates for the CCRA Investigation site at Kiar Ridge.

1176/15 That Council pursues the development options for the Warner Industrial Park Part 3A consent.

1177/15 That Council endorse the Concept Masterplan for Warnervale Airport.

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS B G GRAHAM, KG GREENWALD, LM MATTHEWS AND DV VINCENT

QUESTIONS ON NOTICE

**Q48/15 Species Offset on a Development Site
Councillor Ken Greenwald**

"I have been asked by a ratepayer as to what happens to species such as Tetratheca Juncea on a development where an offset is traded in lieu of a protected or endangered species. Does the offset have to be directly related to the species on the development site?"

**Q49/15 Gosford City Council Financial Confusion
Councillor Adam Troy**

"Mr Mayor, further to Cr Best's and my formal notice of motion at Council's 14 October 2015 Ordinary Meeting around Gosford City Council's accounts that relied upon staff report 6.1 at Council's 23 September 2015 Ordinary Meeting outlining but not limited to Gosford City Council's significant reduction in cash, substantial forecast losses of \$27m and borrowings up by \$20m to a total of \$200million. Mr Mayor, you must pardon me, as I am now, along with the community are quite confused coming on the back of new Gosford City Council financial statements announcing an extraordinary profit of some \$35million, how can this be?"

THE MEETING closed at 7.48pm.