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# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 13 APRIL 2016 COMMENCING AT 5.00PM

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### PRESENT

Councillors D J Eaton OAM (Chairperson), R L Graham, K G Greenwald, L A Matthews, 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, Communications Coordinator, IT and Operations Manager and two administration staff.

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

The Mayor, Councillor Eaton OAM, delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

### APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillors Best, Taylor and Troy due to family commitments.

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

***338/16 That Council accept the apologies and grant Councillors Best, Taylor and Troy leave of absence from the meeting.***

At the commencement of the Ordinary meeting report numbers 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 4.3, 4.4, 5.2, 3.1 and 3.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosure of Interest**

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**4.2 Proposed Councillors' Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has a child that attends Gorokan High School. The Gorokan High School P.C have requested funds to attend the Global Youth Forum in the USA.

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 as far as I'm aware at this point in time, my child is not attending the Forum in the USA."*

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW. The First Noraville Scout Group has requested funds for polo shirts and bucket hats.

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 First Noraville Scouts group."*

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

**339/16 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**1.2 Proposed Briefings and Inspections**

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

**340/16 That Council receive the report on Proposed Briefings and Inspections.**

**1.3 Address By Invited Speakers**

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

**341/16 That Council receive the amended report on Invited Speakers.**

**342/16 That Council agree meeting practice be varied to allow reports from Directors and/or the Acting CEO to be dealt with following an Invited Speaker's address.**

**1.4 Confirmation of Minutes of Previous Meeting**

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

**343/16 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 23 March 2016.**

**Business Arising**

There was no business arising.

**2.1 DA/1058/2014 - Proposed Alterations and additions to an existing poultry farm at Kulnura - Supplementary report**

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Mr Rod Wall, from Design Link, addressed the meeting at 5.06pm, answered questions and retired at 5.12pm.

Mr Michael Schembri, Property Owner, addressed the meeting at 5.12pm, answered questions and retired at 5.22pm.

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

**344/16 That Council grant consent to DA/1058/2015 subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act.**

**345/16 That Council advise those who made written submissions of its decision.**

**346/16 That Council advise the relevant State Government Agencies of its decision.**

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

AGAINST: CRS DE EATON AND LW WEBSTER

**PROCEDURAL MOTION**

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

**347/16 That Council allow meeting practice to be varied.**

**348/16 That Council use the exception method to deal with the balance of the Agenda.**

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

**349/16 That, with the exception of report numbers 2.2, 3.1, 3.2, 4.3, 4.4 and 5.2, Council adopt the recommendations contained in the remaining reports.**

**2.2 Enforcement Policy**

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

**350/16 That Council defer the consideration of the draft Compliance & Enforcement Policy until after the proclamation of new Councils.**

**PROCEDURAL MOTION**

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

**351/16 That Council defer the consideration of items 3.1, CPA/268838 Mardi WTP Stage 3 Upgrade Concept Design, and 3.2, CPA/270410 - Detail Investigation and Design of Mardi Dam to Warnervale Trunk Water Pipeline, until the end of the meeting and consider those items in confidential session for the reasons that both reports contains and discussion of reports will contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**4.1 Community Subsidy Program**

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

**352/16 That Council allocate \$4,924.00 from the 2015-16 Community Subsidy Program as follows:**

<b>Applicant</b>	<b>Project</b>	<b>Staff Funding Recommended</b>
<b>CWA of NSW Tuggerah Lakes Branch (second application for 2015/16)</b>	<b>Rates Subsidy</b>	<b>\$924.00</b>
<b>Ourimbah Lisarow RSL Sub Branch</b>	<b>Road closure for Anzac Day March</b>	<b>\$2,000.00</b>
<b>The Entrance Long Jetty RSL</b>	<b>Installation of Anzac Centenary Flags on Tuggerah Straight</b>	<b>\$2,000.00</b>
<b>Total</b>		<b>\$4,924.00</b>

**353/16** That Council approve the above second application within the 2015/16 financial year from CWA of NSW Tuggerah Lakes Branch as per Council Resolution 396/15 which allows for a second or subsequent application to be approved by Council or the Acting Chief Executive Officer due to the public benefit that arises.

#### **4.2 Proposed Councillors' Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he has a child that attends Gorokan High School. The Gorokan High School P.C have requested funds to attend the Global Youth Forum in the USA.

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 as far as I'm aware at this point in time, my child is not attending the Forum in the USA."*

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW. The First Noraville Scout Group have requested funds for polo shirt and bucket hats.

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 First Noraville Scouts group."*

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

**354/16** That Council allocate an amount of \$8,722 from the 2015-16 Councillors' Community Improvement Grants (CCIG) as follows:

<b>1st Noraville Scout Group (\$2000) (\$1300 already allocated)</b>	<b>To supply Polo Shirts and Bucket Hats to all Scouts.</b>	<b>600</b>
<b>All Saints Anglican Church (\$4000) (\$1600 already allocated)</b>	<b>To build an access ramp.</b>	<b>250</b>
<b>Bravehearts Foundation Inc. (\$4000)</b>	<b>Karin Tappouras is participating in 777 Marathon Event to raise awareness of Child Sexual Assault which will be put towards services and education programs distributed into the Wyong Shire.</b>	<b>400</b>
<b>Central Coast Ugnay Kabayan Inc. (\$4000)</b>	<b>Socio-Cultural program costs of special event Filipino Australian Fiesta.</b>	<b>1000</b>
<b>Gorokan High School P&amp;C Inc. (\$4000)</b>	<b>Costs associated with attending the 'Global Youth Forum' in the USA and bringing the knowledge into the Wyong Shire.</b>	<b>400</b>
<b>House with No Steps (\$4,000) (\$800 already allocated)</b>	<b>For tools and a projector and screen for disability woodworking workshop</b>	<b>100</b>
<b>Lions Club of Gwandalan Inc. (\$2500) (\$2000 already allocated)</b>	<b>To assist with costs in hosting a Carols evening.</b>	<b>100</b>

<i>Lions Club of Toukley Inc. (\$4,000)</i>	<i>Replace existing 4.7 metre long awning at front of workshop.</i>	<i>650</i>
<i>National Servicemen's Association Tuggerah Lakes Inc. (\$1,900)</i>	<i>Purchase a small marquee</i>	<i>1,900</i>
<i>PFLag Central Coast (\$622.30) (\$600 already allocated)</i>	<i>Stall Hire Fee, New Banner, and Printing of Postcards for use at G.O.A.T.S Festival at San Remo in April.</i>	<i>22</i>
<i>San Remo Community Environment Project Inc. (\$4000) (\$1600 already allocated)</i>	<i>To build new raised garden beds at the Community garden in San Remo for members and non-members to grow their own fresh vegies and flowers.</i>	<i>600</i>
<i>Save Sight Institute (\$4000) (\$100 already allocated)</i>	<i>Costs associated with hosting a Family Fun Day.</i>	<i>100</i>
<i>The Entrance Junior Rugby League Football Club (\$2245) (\$1500 already allocated)</i>	<i>Assist in a custom built trailer to setup the oval in a safe way each weekend.</i>	<i>200</i>
<i>The Entrance Rugby Club Inc. (\$1,000)</i>	<i>Purchase sporting equipment.</i>	<i>1,000</i>
<i>Toukley Ladies Tennis Club Inc. (\$2,000)</i>	<i>Purchase new outdoor umbrellas.</i>	<i>1,100</i>
<i>Toukley Neighbourhood Centre (\$3840) (\$1650 already allocated)</i>	<i>To provide subsidies art classes after school for children aged 7-14 years.</i>	<i>600</i>
<i>Wycare Inc. (\$1650)</i>	<i>Purchase of a ride on mower</i>	<i>300</i>

#### 4.3 Property Portfolio Review Project Update

##### PROCEDURAL MOTION

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

**355/16** *That Council consider 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123) separately.*

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

**356/16** *That Council receive the report on Property Portfolio Review Project Update.*

**357/16** *That Council endorse the list of properties which have been identified as being surplus to Council's needs*

**358/16** *That Council authorise the sale of the following properties for not less than market value:*

- a. 2W Stornaway Crescent, Berkeley Vale (Lot 17 DP 262327)*
- b. 9 Thompson Street, Long Jetty (Lot 21 DP 13225)*
- c. 165 Main Road, Toukley (Part Lot 3 DP 22986)*

**359/16** *That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of these properties*

- 360/16 *That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.*
- 361/16 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required to effect the sale of the land.*

*It was moved by Councillor EATON and seconded by Councillor WEBSTER:*

- 1 *That Council authorise the sale of the following property for not less than market value:
  - a. 10a Cynthia Street, Bateau Bay (Lot 900 DP 786123)*
- 2 *That Council authorise the engagement of consultants, including valuer, surveyor and estate agents to facilitate the sale of this property*
- 3 *That Council authorise the Acting CEO and the Mayor to execute all necessary documentation relevant to the sale of these properties. Such documents may include plans of subdivision, easements and transfer documents.*
- 4 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required to effect the sale of the land.*

***The MOTION was put to the vote and declared LOST.***

FOR: CRS DE EATON AND LW WEBSTER

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

#### **4.4 Councillor Attendance - 2016 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast**

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*It was MOVED by Councillor GRAHAM and seconded by Councillor VINCENT:*

- 1 *That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 22 April 2016.*
- 2 *That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the 2016 National General Assembly of Local Government between 19 and 22 June 2016.*
- 3 *That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the Regional Capitals Australia Networking Breakfast on 22 June 2016.*
- 4 *That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.*
- 5 *That Council determine the voting delegate should the Mayor be unable to attend.*
- 6 *That Council report on how many Conferences have been attended by Councillors in the last three and a half years, which Councillors attend, what has been the cost to Council, and what benefit did the Ratepayers get for their investment.*

## CHAIRPERSON RULING

**The Chairperson, Councillor Eaton OAM, ruled that point 6 of the above motion was not relevant to the rest of the motion and therefore out of order. Point 6 of the above motion was then removed.**

An AMENDMENT was moved by Councillor GREENWALD and seconded by Councillor VINCENT:

- 1 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 22 April 2016.
- 2 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the 2016 National General Assembly of Local Government between 19 and 22 June 2016.
- 3 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the Regional Capitals Australia Networking Breakfast on 22 June 2016.
- 4 That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.
- 5 That Council determine the voting delegate should the Mayor be unable to attend.
- 6 That the Acting Chief Executive Officer report on the positive outcomes that Council has received from Councillors attending conferences over the last three and a half years.

## CHAIRPERSON RULING

**The Chairperson, Councillor Eaton OAM, ruled that Point 6 of the proposed Amendment was out of order.**

## MOTION OF DISSENT

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

- 362/16 I move dissent from the Chairperson's ruling in respect of the decision that adding a point 6 to the Amendment of item 4.4, Councillor Attendance - 2016 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast, in relation to Council receiving a report on Conferences attended by all Councillors during the current term of Council is irrelevant to the rest of the motion and believe the chairperson is being obstructive in doing so.**

**The MOTION was put to the vote and declared CARRIED.**

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

AGAINST: CRS DE EATON AND LW WEBSTER



## CHAIRPERSON RULING

***Councillor Vincent requested that point 6 of the above amendment be altered to reflect the wording of point 6 in the original motion moved by Councillor Graham.***

***The Chairperson, Councillor Eaton OAM, ruled that Councillor Vincent's request to change point 6 of the above amendment was not relevant to the rest of the motion and therefore out of order. Councillor Vincent's suggested wording was not implemented into the amendment.***

## ACT OF DISORDER

***The Chairperson, Councillor Eaton OAM, expelled Councillor Vincent from the meeting at 6.00pm, for the reason that he was deemed to be acting in disorder. He returned to the meeting at 6.11 pm and as a result took no part in voting on Item 4.4.***

***The AMENDMENT was put to the VOTE and declared CARRIED.***

FOR: CRS B G GRAHAM, KG GREENWALD AND LM MATTHEWS

AGAINST: CRS DE EATON AND LW WEBSTER

***The AMENDMENT became the MOTION was put to the VOTE and declared CARRIED.***

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

***363/16 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 22 April 2016.***

***364/16 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the 2016 National General Assembly of Local Government between 19 and 22 June 2016.***

***365/16 That Council authorise interested Councillors and the Chief Executive Officer or his delegate to attend the Regional Capitals Australia Networking Breakfast on 22 June 2016.***

***366/16 That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.***

***367/16 That Council determine the voting delegate should the Mayor be unable to attend.***

***368/16 That the Acting Chief Executive Officer report on the positive outcomes that Council has received from Councillors attending conferences over the last three and a half years.***

FOR: CRS B G GRAHAM, KG GREENWALD AND LM MATTHEWS

AGAINST: CRS DE EATON AND LW WEBSTER

**4.5 Councillor Attendance - Central Coast Tourism Autumn Networking Evening**

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

**369/16 That Council note the approval granted by the Acting Chief Executive Officer for Councillors to attend the Central Coast Tourism Autumn Networking Evening in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**370/16 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**4.6 Amended Minutes - Ordinary Meeting 10 March 2016**

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

**371/16 That Council amend the minutes of the Ordinary Meeting 10 March 2016 for Item 5.1 – Sponsorship Program 2016/17 as follows;**

**254/16 That Council support additional initiatives for 2015-16 and allocate ~~\$23,500~~ \$20,500 combined cash and in-kind funds from the Sponsorship Program for 2015-16 as follows:**

<b>Applicant</b>	<b>Initiative</b>	<b>Tier level</b>	<b>Recommended Funding</b>
<b>SPORTING INITIATIVES: Recommended for sponsorship</b>			
<b>Central Coast Mariners</b>	<b>Central Coast Mariners - National Youth League 2016-17 activities</b>	<b>Tier 2</b>	<b>2015-16: Cash \$10,000 Nb. Recommended based on Councilor Resolution from 26/01/2016 and on the condition that the negotiation of the sponsorship deliverables meets the requirements of the WSC Policy for Sponsorship Management.</b>
<b>Wyong Fire Brigade Championships</b>	<b>2016 NSW State Fire Fighter Championships</b>	<b>Tier 2</b>	<b>2015-16: Cash \$5,000</b>
<b>ECONOMIC DEVELOPMENT INITIATIVES: Recommended for partnership</b>			
<b>Central Coast NSW Business Chamber</b>	<b>Central Coast Economic Breakfast</b>	<b>Tier 2</b>	<b>2015-16: Cash \$4,000</b>
<b>Business and Professional Women Central Coast</b>	<b>Business and Professional Women Central Coast: Woman of the Year</b>	<b>Tier 3</b>	<b>2015-16: Cash \$1,500</b>

**5.1 Disclosure of Interest Returns - 1 January to 31 March 2016**

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

**372/16 That Council receive the report on Disclosure of Interest Returns 1 January to 31 March 2016.**

**5.2 Road Capital Works Program**

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Councillor Vincent was expelled from the meeting at 6.00pm and returned to the meeting at 6.11pm during consideration of this item.

Councillor Matthews left the meeting at 6.16pm and returned to the meeting at 6.17pm during consideration of this item.

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

**373/16 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

**5.3 Councillor Strategic Planning Workshop (5-6 February 2016) - Minutes and Action Register**

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

**374/16 That Council receive and note the minutes and action register of the 2016 Councillor Strategic Planning Workshop (held from 5-6 February 2016).**

**5.4 Outstanding Questions on Notice and Notices of Motion**

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

**375/16 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**CONFIDENTIAL SESSION**

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

**376/16 That Council move into Confidential Session.**

At this stage of the meeting being 6.17pm 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.

## OPEN SESSION

Council resumed in open session at 6.27 pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

### **3.1 CPA/268838 Mardi WTP Stage 3 Upgrade Concept Design**

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**336/16** *That Council accept the tender from the company nominated as Tenderer No 4, Hunter H2O, in the attached Tender Evaluation Report, for the lump sum amount of \$121,398 (excl GST) for Contract CPA/268838 – Mardi WTP Stage 3 Upgrade Concept Design.*

**337/16** *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment 1.*

**338/16** *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/270410 - Detail Investigation and Design of Mardi Dam to Warnervale Trunk Water Pipeline.**

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**339/16** *That Council accept the tender from the company nominated as Tenderer No. 4, KBR, in the attached Tender Evaluation Report, for the lump sum amount of \$587,174.00 (excl GST) for Contract CPA/270410 – Detail Investigation and Design of Mardi Dam to Warnervale Trunk Water Pipeline.*

**340/16** *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 the tender.*

**341/16** *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.*

## QUESTIONS ON NOTICE

Nil

**THE MEETING** closed at 6.28pm.