

# AMENDED ITEM

24 February 2016  
To the Ordinary Council Meeting

Director's Report  
Chief Executive Officer's Unit

## 6.8 Outstanding Questions on Notice and Notices of Motion

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TRIM REFERENCE: F2016/00012 - D12226639

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### SUMMARY

Report on Outstanding Questions on Notice and Notices of Motion.

### RECOMMENDATION

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

#### Consideration of s.23A guidelines

The Chief Executive of the NSW Office for Local Government has issued guidelines titled "*Council Decision Making during Merger Proposal Periods*" pursuant to s.23A(1) of the *Local Government Act 1993* ("LG Act"). The Council must consider those guidelines when making decisions during the "merger proposal period", which commenced on 6 January 2016 and will conclude on the date on which a proclamation is made to amalgamate the Wyong and Gosford local government areas or the Minister for Local Government determines that he will not proceed with the proposal for that amalgamation: s.23A(3) of the LG Act. Councillors have been provided with a copy of those guidelines and have been given advice concerning those guidelines. The decisions that are proposed as part of this report comply with those guidelines.

### ATTACHMENTS

1 Table of Outstanding Questions and Notice of Motions - 24 February 2016

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No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
115	Chief Executive Officer's Unit	Stephen Naven	<p>7.2 Notice of Motion - Government Rating Outrage</p> <p>50/15 <i>That Council <u>note</u> with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.</i></p> <p>51/15 <i>That Council <u>note</u> the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.</i></p> <p>52/15 <i>That Council <u>call</u> on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.</i></p> <p>53/15 <i>That Council <u>investigate</u> a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.</i></p> <p>54/15 <i>That Council <u>include</u> in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.</i></p>	<p>28 January 2015</p> <p>Cr Best</p>	<p>Response to be provided at a future meeting.</p>
150	Development and Building	Jamie Loader	<p>6.1 Notice of Motion - Council's Animal Care Facility</p> <p>539/15 <i>That Council recognise the outstanding work over the past few years by staff and more recently by the current animal care contractor and that this management team has delivered an outcome of near zero euthanising of stray and abandoned pets.</i></p> <p>540/15 <i>That Council recognise that the current Charmhaven Animal Care Facility is approaching end of its asset life.</i></p> <p>541/15 <i>That Council take a more strategic and regional approach through opening dialogue with Gosford City Council and the current animal care contractors both at Charmhaven and Erina, with the view to establishing a regional, Central Coast animal care facility that will</i></p>	<p>Cr Best</p> <p>27 May 2015</p>	<p>Investigations are underway, with a response to be provided at a future meeting of Council.</p> <p>Further NOM on the subject provided in current, 27 January 2016, business paper.</p> <p>Investigations are underway, with a response to be provided at a future meeting of Council.</p>

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>service the future needs of the Coast as a whole.</p> <p>542/15 That Council consider any such centrally located regional facility in tandem with innovative satellite offices in the region's north and far south to assist residents in outer areas to access these important services.</p> <p>543/15 That Council request the General Manager to provide a report back to Council.</p>		
170	Infrastructure and Operations	Peter Ham	<p>1.6 Mayoral Minute - Vandalism Reward Doubling</p> <p>837/15 That Council <u>double</u> its current reward under its Policy for Reporting Vandalism in respect of the EDSAAC Bateau Bay amenities/clubhouse building destroyed by fire last weekend.</p> <p>838/15 That Council <u>publicise</u> this increased reward extensively through Council's media and communication channels.</p> <p>839/15 That Council <u>publicise</u> the names of those convicted, subject to any prosecution.</p>	Cr Eaton 26 August 2015	WAM staff are consulting with our Comms Business Partner in publicising the reward for information relating to the vandalism that occurred at EDSAAC Bateau Bay amenities/clubhouse building.
180	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - The Entrance Surf Club Lease</p> <p>984/15 That Council <u>request</u> The Entrance Surf club enter into suitable arrangements with Council for the clearance of the outstanding rates and charges.</p> <p>985/15 That Council <u>request</u> for additional purpose to be added to the Reserve under Section 121A of the Crown Lands Act 1989.</p> <p>986/15 That Council <u>amend</u> the lease to include a sub-lease permitting a café/restaurant to be included in the footprint of The Entrance Surf Club.</p> <p>987/15 That Council <u>share</u> the rental derived from the commercial operation with The Entrance Surf Club.</p> <p>988/15 That Council <u>require</u> The Entrance Surf Club to spend their share of the rental on Surf Life Saving activities and/or equipment, and provide annual financial statements to show how these funds have been</p>	Cr Eaton 23 September 2015	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<i>distributed.</i>		
181	Community and Recreation Services	Brett Sherar	<p>8.1 Notice of Motion - Shark Summit</p> <p>1037/15 That Council <u>note</u> the increased number of shark attacks in and around our coastal waters due to the rise in shark numbers.</p> <p>1038/15 That Council <u>take</u> proactive and pre-emptive steps to mitigate further local attacks.</p> <p>1039/15 That Council <u>recognise</u> that not only do the current shark attacks highlight the need for better public safety they have the potential to affect summer time tourism and its associated employment.</p> <p>1040/15 That, having regard to the far reaching potential of these events, Council <u>convene</u> in partnership with Surf Life Saving and Professional Life Guards a Shark Summit that includes all key stakeholder groups, rescue organisations, applicable agencies, tourism representatives and specialist marine experts.</p> <p>1041/15 That Council <u>request</u> the Acting Chief Executive Officer to report on the feasibility of auditing our ocean coast line with a view to identifying suitable sites to create shark proof ocean bathing areas/enclosures, however this does not include traditional netting.</p> <p>1042/15 That staff <u>investigate</u> the effectiveness and practicality of making available to bathers, technology such as the shark shield devices on a short term hire basis.</p>	Cr Best 23 September 2015	<p>1037/15: Noted</p> <p>1038/15: Addressed through the undertakings of the Shark Summit with identified outcomes.</p> <p>1039/15: Recognised</p> <p>1040/15: Shark Summit held at Wyong Council on 4 November 2015.</p> <p>1041/15: A report will be provided to Council on outcomes in March 2016.</p>
186	Infrastructure and Operations	Daryl Mann	<p>Q42/15 Kanwal Traffic Calming Devices</p> <p>"Mr Mayor,</p> <p>As the local area Councillor, my question is on behalf of the good folk of Walker Avenue/ Braithwaite, Kanwal. I am hearing of outrageous driving behaviour that is endangering public safety, I appreciate it's a policing matter, however could you</p>	Cr Best 23 September 2015	Response to be provided at a future meeting.

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			<i>have staff look into the possibility of installing some traffic calming devices in this area, particularly leading from the high pedestrian area, Kanwal shops?"</i>		
195	Infrastructure and Operations	Greg McDonald	<p>7.1 Notice of Motion - Norah Head / Cabbage Tree Bay "Missing Link"</p> <p>1169/15 <i>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.</i></p> <p>1170/15 <i>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".</i></p> <p>1171/15 <i>That Council recognises that both these sites are the ownership of the State Government and are their full responsibility.</i></p> <p>1172/15 <i>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.</i></p> <p>1173/15 <i>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.</i></p>	Cr Best 28 October 2015	This is subject to confidential legal proceedings. Refer to General Counsel.
196	Infrastructure and Operations	Daryl Mann	<p>7.2 Notice of Motion - Toukley Speed Bump Shambles</p> <p>1164/15 <i>That Council, on behalf of the community, again call on the RMS to rip up the failed and controversial Toukley speed bumps.</i></p>	Cr Best 28 October 2015	Council is currently drafting a letter to the RMS to respond to the issues raised in items 1164/15 and 1166/15 of the NOM.

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			<p>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.</p> <p>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."</p> <p>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.</p>		
200	Property and Economic Development	Mike Dowling	<p>1.6 Mayoral Minute - Wyong Grove</p> <p>1187/15 That Council <u>authorise</u> the Acting CEO to acquire the School Site and the School Carriageway at fair market value.</p> <p>1188/15 That Council <u>authorise</u> the Acting CEO to execute all necessary documentation relevant to the acquisition of the School Site and the School Carriageway.</p> <p>1189/15 That Council <u>resolve</u> that the School Site be classified as "Operational" land for the purposes of the Local Government Act 1993, when that land is acquired by the Council.</p> <p>1190/15 That the Council <u>resolve</u> to acquire the School Site and the and the School Carriageway by agreement or compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.</p> <p>1191/15 That Council <u>note</u> that for the purposes of resolutions 1 – 4 above the following terms have the following meanings: a "School Site" means all right title and interest in</p>	Cr Eaton 11 November 2015	Response to be provided at a future meeting.

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			<p><i>the part of the land known as Lot 1 DP 123075, with a street address of 1North Rd, Wyong, that is occupied buildings B , C , D and the COLA and identified and marked in yellow boundaries and hatching in Attachment 1 to this Mayoral Minute; and</i></p> <p><i>b “School Carriageway” means a Right of Carriageway, on terms set out in Part 1 of Schedule 4A to the Conveyancing Act 1919, benefitting the School Site and burdening that part of the land known as Lot 1 DP 123075 that is identified and marked with blue boundaries and hatching in Attachment 1 to this Mayoral Minute.</i></p>		
202	Property and Economic Development	Mike Dowling	<p>7.1 Notice of Motion - Waste Management Contract</p> <p>1279/15 <i>That Council thank the Transport Workers Union for presenting at the Wyong Council Resident’s Forum held on Wednesday 11 November 2015.</i></p> <p>1280/15 <i>That Council acknowledge the clause provided by the Transport Workers Union to protect workers’ wages and conditions and public safety;</i></p> <ul style="list-style-type: none"> <li>• <i>Campbelltown Council’s recent waste contract renewal process included the following clause: “The Contractor must, as a minimum requirement, preserve employee pay rates and pay-related conditions(for all employees of the Contractor) as those provided in either the Remondis Enterprise Agreement 2018 or, Any enterprise agreement approved by Fair Work Australia which applies to employees previously subject to the Remondis Australia Enterprise Agreement 2018 and comes into operation prior to the commencement of the Contract”</i></li> <li>• <i>The current Sydney Metropolitan Bus Service Contract included the clause:</i></li> </ul>	Cr Eaton 25 November 2015	Response to be provided at a future meeting.

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			<p><i>"33.8 Successor Operator to Make Offers (a) TfNSW must procure that any Successor Operator makes offers of employment on equivalent terms and conditions (including all accrued entitlements) to Contract Bus Services Employees (other than the persons named in Schedule 11). Offers made by a Successor Operator must take effect from the expiry or termination of this Contract."</i></p> <p>1281/15 <i>That Council staff advise at what part of the tendering process it would be appropriate for Council to consider the inclusion of the proposed clause in the new Waste Management Contract?</i></p>		
203	Community and Recreation Services	Brett Sherar	<p>7.2 Notice of Motion - Shark Summit Update / Community Forum</p> <p>1282/15 <i>That Council, in partnership with Surf Life Saving and our Professional Life Guards, <u>conduct</u> a Community Forum to update key stakeholder groups and interested parties on the findings and initiatives recommended by the expert scientific panel at Council's recent Shark Summit.</i></p> <p>1283/15 <i>That Council, with the assistance of our community and marine experts, <u>identify</u> suitable trial projects that could be submitted for consideration in the recently announced State Government Shark Management Project.</i></p> <p>1284/15 <i>That Council <u>note</u>, as the Central Coast was the first region to conduct a local Shark Summit since the State Government's announcement of the \$16million Shark Fund, the Coast is now ideally positioned to contribute and access these resources subject to developing our submission expeditiously.</i></p>	Cr Best 25 November 2015	The Community Shark Forum has been scheduled for 17 February 2016. A report will be provided to Council following this Forum.
204	Infrastructure and Operations	Greg McDonald	<p>U5/15 Extension of Dredging at The Entrance</p> <p>1286/15 <i>That Council extend the period of dredging The</i></p>	Cr Taylor 25 November 2015	Response to be provided at a future meeting.



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			<i>Entrance channel by one week with the sand pumped onto The Entrance Beach.</i>		
206	Property and Economic Development	Mike Dowling	<p>7.1 Notice of Motion - Busker Encouragement</p> <p>1 That Council <u>adopt</u> a new policy on a trial basis, to encourage busking in the Shire.</p> <p>2 That Council <u>request</u> the Acting Chief Executive Officer to prepare the policy on the basis that the process for approval is simple, cheap and easy for the applicant.</p> <p>3 That Council <u>request</u> the Acting Chief Executive Officer include the following elements in the trial policy:</p> <p>(a) A 6 month permit on a single page application for a \$10 fee.</p> <p>(b) The busker must produce photo identification, mobile number and address details.</p> <p>(c) Conditions of permit should include no impediment to pedestrians or shopkeepers, use of battery powered amplifiers (ie. no power leads), no risk of harm to the public etc.</p> <p>(d) Council may revoke the permit at any time without notice.</p> <p>(e) There be no requirement for any insurances by Council.</p> <p>4 That Council <u>request</u> the Acting Chief Executive Officer to prepare the new policy to Council with a view to swift implementation of the trial.</p> <p>5 That Council <u>request</u> the Acting Chief Executive Officer to report on the results of this trial in August 2016.</p>	Cr's Webster & Eaton 27 January 2016	Response to be provided at a future meeting.
207	Development and Building	Jamie Loader	<p>7.2 Notice of Motion - Central Coasts New and Innovative Regional Animal Cares Facility</p> <p>1 That Council in partnership with Gosford City Council <u>recognise</u> the urgent need to upgrade current animal care facilities and that such a project to assist 'man's best friend' would be a fitting inaugural community project that clearly highlights the benefits of regionalisation and indeed amalgamation.</p> <p>2 That Council <u>note</u> that both Wyong and Gosford current animal care facility/pounds appear to have reached their asset lives despite these challenging conditions Council recognises the excellent efforts of staff, contractors and our valuable volunteers for their dedication in delivering</p>	Cr's Best & Webster 27 January 2016	Response to be provided at a future meeting.

No	Department	Responsible Officer	Question Asked / Resolution	Meeting Asked/ Councillor	Status
			<p>3 such outstanding animal welfare outcomes. That Council <u>request</u> that this important animal welfare issue be placed on the next Joint Wyong Gosford Regional Meeting (CCROC) with a view to bringing this important issue forward on the regional agenda and to confirm project priority status in the lead up to amalgamation.</p> <p>4 That Council <u>consider</u> a report on the current operational status of the Animal Care Facility at Charmhaven and any interim initiatives that are being considered/deployed to maintain the current facilities, service delivery and the required level of animal welfare.</p>		
208	Community and Recreation Services	Maxine Kenyon	<p>7.1 Notice of Motion - Protecting Neighbourhood Properties</p> <p>133/16 That Council <u>fund</u> an increase to the public tree risk management budget of \$250,000 to reduce the backlog of requests to remove dead, dying or dangerous trees.</p> <p>134/16 That Council <u>request</u> a report on public tree risk management tree procedures in response to the recent significant storms in April and October 2015 and more recently 15 January 2016, as many trees on public land have fallen or been reported as being dangerous.</p> <p>135/16 That Council <u>seek</u> the assistance of the State Government, through the local members, to support Council's initiative to improve public safety through matching Council's initiative dollar for dollar.</p>	Cr's Taylor & Troy 10 February 2016	Response to be provided at a future meeting.
209	Property and Economic Development	Mike Dowling	<p>7.2 Notice of Motion - Chinese Theme Park Confidential</p> <p>136/16 That the Council <u>note</u> recent media reports that the Minister for Local Government, the Hon Paul Toole, has requested an urgent report on proposed \$500 million Chappypie China Theme Park development at Warnervale.</p> <p>137/16 That the Council <u>further note</u> that the Minister and the NSW Office of Local Government (OLG) have investigative powers under the Local Government Act that may be exercised, and that it is prudent that the Council take no action that might complicate or frustrate any review the Minister or OLG may take.</p> <p>138/16 That Council also <u>confirms</u> that no Ratepayer Funds</p>	Cr Best 10 February 2016	Response to be provided at a future meeting.

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			<p>139/16</p> <p>have been invested in the development of this proposal &amp; that it is not Council's intention to invest any funds into the construction of the proposal.</p> <p>That Council <u>notes</u> that Council's main roles in respect to the proposed development are:</p> <p>a. As the "relevant planning authority" under Part 3 Division 4 of the Environmental Planning and Assessment Act, which is a statutory function that the Council is required to undertake in respect to the pending Planning Proposal to be determined by the Minister for Planning and the Environment; and</p> <p>b. To assist the Hunter and Central Coast Joint Regional Planning Panel in the determination of pending and future development applications in respect to the development site, that Panel being an independent statutory body to consider and determine such development applications.</p>		
210	Property and Economic Development	Mike Dowling	<p>Q1/16 Purchase of 7 Anzac Avenue, Wyong</p> <p>Can the Acting Chief Executive Officer please provide a report on the purchase of 7 Anzac Avenue, Wyong including cost of purchase and any plans for the dwelling?</p>	Cr Matthews 10 February 2016	Response to be provided at a future meeting.
211	Community and Recreation Services	Maxine Kenyon	<p>Q2/16 Toilets at Frank Balance Park</p> <p>Can staff please provide information as to when toilet/s including an accessible toilet be provided/built on the Frank Balance Park site?</p>	Cr Matthews 10 February 2016	Response to be provided at a future meeting.
212	Community and Recreation Services	Maxine Kenyon	<p>Q3/16 <b>Cost to Council to Hold/Participate in Events on Australia Day</b></p> <p>Can the Acting Chief Executive Officer of Wyong answer a question asked to me by a ratepayer?</p> <p>Can you advise how much it cost Council to hold or participate in events held in Wyong Shire on Australia Day?</p>	Cr Greenwald 10 February 2016	Response to be provided at a future meeting.

**QUESTIONS ON NOTICE AND NOTICES OF MOTION REMOVED SINCE  
10 FEBRUARY 2016**

<b>No#</b>	<b>Department</b>	<b>Question on Notice / Notice of Motion</b>	<b>Date Asked/ Councillor</b>	<b>Status</b>
205	Community and Recreation Services	6.2 Notice of Motion - Rock Fishing Deaths at "Drowning Rocks", Wybung Head	Cr Best 9 December 2015	A report is provided in this business paper.