
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 25 NOVEMBER 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, Acting Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, IT Infrastructure Administrator, Chief Financial Officer, Communications Coordinator and two administration staff.

PRESENTATION

The Mayor, Councillor Eaton OAM, presented cheques to the Community Benefit Grant recipients.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.10pm 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

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 7.2 and 2.2 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

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

1237/15 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

PROCEDURAL MOTION

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1238/15 That Council allow meeting practice to be varied.

1239/15 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 BEST:

1240/15 That with the exception of report numbers 2.2, 3.1, 4.1, 4.5, 4.6, 4.11, 7.1 and 7.2 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Briefings and Inspections

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1241/15 That Council receive the report on Proposed Briefings and Inspections.

1.3 Address By Invited Speakers

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1242/15 That Council receive the amended report on Invited Speakers.

1243/15 That Council agree meeting practice be varied to allow reports from Directors and/or the Acting Chief Executive Officer to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1244/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 November 2015.

Business Arising

There was no business arising.

2.1 Proposed Additional Use of Crown Reserves R73287 at Shelly Beach, R55566 at Toowoan Bay and R55798 at Norah Head

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1245/15 That Council request NSW Trade & Investment, Crown Lands to add the purpose of "Urban Development" to Shelly Beach Recreation and Flora (R73287) Reserve Trust, Toowoan Bay Recreation (R55566) Reserve Trust and North Entrance Peninsula (R55798) Reserve Trust.

2.2 Disposal of Surplus Council-Owned Land at Woongarra and Jilliby and Future Development of Land at Tuggerah

Councillor Vincent left the meeting at 5.12pm and returned to the meeting at 5.15pm during consideration of this item.

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

1246/15 That Council authorise the sale by expressions of interest of the following properties at Woongarra excluding those portions which form part of the former tip site:

- a) 99 Sparks Road, Woongarra (Lot 52 DP 561032)
- b) 103 Sparks Road, Woongarra (Lot 51 DP 561032)
- c) 107 Sparks Road, Woongarra (Lot 41 DP 1200210)
- d) 236-260 Hakone Road, Woongarra (Lot 1 DP 375712)
- e) 236-260 Hakone Road, Woongarra (Lot 1 DP 376264)
- f) 236-260 Hakone Road, Woongarra (Lot 54 DP 7527)
- g) 236-260 Hakone Road, Woongarra (Lot 55 DP 7527)
- h) 236-260 Hakone Road, Woongarra (Lot 1 DP 371647)

1247/15 That Council authorise the sale by expressions of interest of the following properties comprising the Warner Industrial Park at Jilliby:

- a) 225 Sparks Road, Jilliby (Lot 15 DP 259530)
- b) 671 Hue Hue Road, Jilliby (Lot 16 DP 259530)
- c) 689 Hue Hue Road Jilliby, (Lot 17 DP 259530)

- d) 701 Hue Hue Road Jilliby, (Lot 18 DP 259530)
- e) 725 Hue Hue Road Jilliby, (Lot 4 DP 239704, Lot 25 DP 259530 & Lot 26 DP 259530)
- f) 749 Hue Hue Road, Jilliby (Lot 19 DP 259530)
- g) 781 Hue Hue Road, Jilliby (Lot 6 DP 239704)
- h) 791 Hue Hue Road, Jilliby (Lot 7 DP 239704)
- i) 811 Hue Hue Road, Jilliby (Lot 8 DP 239704)

1248/15 That Council authorise the identification of development partners by expressions of interest to investigate commercial opportunities for the following property at Tuggerah:

- a) 7 Wyong Road, Tuggerah (Lot 2 DP 810238)

1249/15 That Council request the Acting Chief Executive Officer to present a further report to Council at the completion of the expression of interest process in relation to land at 7 Wyong Road, Tuggerah.

1250/15 That Council authorise the Acting Chief Executive Officer to obtain relevant planning approvals for the subdivision of lands as required to effect the disposals.

1251/15 That Council authorise the Acting Chief Executive Officer to finalise the terms of sale.

1252/15 That Council authorise the Acting Chief Executive Officer and the Mayor to execute all necessary documentation relevant to the sale of these properties.

1253/15 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents associated with the sale of land as required between Wyong Shire Council and the purchaser.

1254/15 That Council not sell any of these properties that it purchased for anything less than the purchase price.

3.1 CPA/263887 – Magenta Shared Pathway Stage 1 – Construction

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

1255/15 That Council accept the tender from Bolte Civil Pty Ltd, for the lump sum amount of \$1,359,798.77 (excl GST) for Contract CPA/263887 – Magenta Shared Pathway - Stage 1 Construction.

1256/15 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.

1257/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Report on Breaches of Confidentiality and Related Matters

Councillor Troy arrived at 6.22 during consideration of this item.

Councillor Troy left the meeting at 6.30pm and as a result took no part in voting.

Councillor Best left the meeting at 6.34pm and returned to the meeting at 6.36pm during consideration of this item.

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

1258/15 That the Council note the report.

4.2 Review of Policy for Investment of Council Funds

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1259/15 That Council adopt the Policy for Investment of Council Funds and the Investment guidelines.

4.3 Policy for Debt Recovery

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1260/15 That Council adopt the Debt Recovery Policy per attachment 1 to apply from the date of this meeting.

4.4 Policy for Hardship

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1261/15 That Council adopt the Hardship Policy per attachment 1 to apply from the date of this meeting.

4.5 Policy for Keeping of Animals

Councillor Troy left the meeting at 6.30pm and return to the meeting at 6.41pm during consideration of this item.

Councillor Greenwald left the meeting at 6.43pm and return to the meeting at 6.45pm during consideration of this item.

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

1262/15 That Council defer this matter pending a further report on amendments that may make this policy consistent with Gosford City Council.

4.6 Q1 Business Report 2015-16

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

1263/15 That Council receive the Q1 Business Report on progress against the 2015-19 Strategic Plan.

1264/15 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

1265/15 That Council approve the proposed budget amendments for 2015-16 as contained within the Q1 Business Report with the following changes to the capital works program to result in a full year budget of \$104.9 million:

- **Addback of Magenta Shared Pathway budget \$1.5 million**
- **Addback strategic land acquisitions \$0.7million**
- **Reduce mobile plant purchases \$1.0 million**

4.7 2016-17 Strategic Planning - Councillor Engagement

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1266/15 That Council endorse the Councillor Engagement Schedule for the 2016-17 Strategic Planning process.

4.8 Councillor Attendance - LGNSW Councillor Weekend Seminar

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1267/15 That Council authorise those interested Councillors to attend the 2015 LGNSW Councillor Weekend Seminar in accordance with the Council's Facilities and Expenses Policy for Councillors.

1268/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

4.9 Wyong Action Team 2016 - Endorsement of Applicants

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1269/15 That Council endorse the following young people as Wyong Action Team leaders 2016:

Name	Suburb	Age
Aimee Plorer	Kanwal	14
Ashley Clark	Blue Haven	16
Courtney McDermott	Hamlyn Terrace	16
Dale Williams	Gorokan	16
Karla Jacob	Lake Haven	17
Kieran Peters	Warnervale	15
Tallulah Cobban	Hamlyn Terrace	16
Chantel Johnston	Mardi	14
Kaleigh Croser	Watanobbi	16
Kaylah Ross	Killarney Vale	15
Sara Meiklejohn	Glennings Valley	16
Tamara Maher	Tuggerah	15

4.10 Disability Inclusion Reference Group Formation

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1270/15 That Council receive the report on Disability Inclusion Reference Group Formation.

1271/15 That Council establish a reference group as part of the development of the Disability Inclusion Action Plan.

4.11 Free Wi-Fi at The Entrance Memorial Park Precinct

Councillor Matthews left the meeting at 7.08pm and returned to the meeting at 7.09pm during consideration of this item.

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

1272/15 That Council accept this report and approve the associated expenditure for the installation and provision of free Wi-Fi in The Entrance Memorial Park Precinct.

5.1 Investment Report for October 2015

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1273/15 That Council receive the Investment Report for October 2015.

5.2 Quarterly Update on EP & A & LGA Developer Contributions

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1274/15 That Council receive the report on Quarterly Update on EP & A & LGA Developer Contributions.

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

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1275/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of October 2015 and related job creation.

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

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1276/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.5 Wyong Water - Works in Progress

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1277/15 That Council receive the report on Wyong Water - Works in Progress.

5.6 Outstanding Questions on Notice and Notices of Motion

Councillor Vincent left the meeting at 5.12pm and as a result took no part in voting.

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

1278/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Waste Management Contract

It was MOVED on the motion of Councillor MATTHEWS and seconded by Councillor VINCENT:

That Council defer this matter to the Ordinary Meeting 9 December 2015 to allow the speaker's request to be submitted.

An AMENDMENT was moved by Councillor EATON and seconded by Councillor BEST:

1 That Council thank the Transport Workers Union for presenting at the Wyong Council Resident's Forum held on Wednesday 11 November 2015.

2 That Council acknowledge the clause provided by the Transport Workers Union to protect workers' wages and conditions and public safety;

- 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"

- The current Sydney Metropolitan Bus Service Contract included the clause:*

"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."

- 3 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?

The AMENDMENT was put to the VOTE and declared CARRIED.

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L MATTHEWS, L TAYLOR, A TROY, D VINCENT AND L WEBSTER
AGAINST: NIL

The AMENDMENT became the MOTION.

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

1279/15 That Council thank the Transport Workers Union for presenting at the Wyong Council Resident's Forum held on Wednesday 11 November 2015.

1280/15 That Council acknowledge the clause provided by the Transport Workers Union to protect workers' wages and conditions and public safety;

- 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"

- The current Sydney Metropolitan Bus Service Contract included the clause:

"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."**

1281/15 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?

7.2 Notice of Motion - Shark Summit Update / Community Forum

Councillor Vincent left the meeting at 5.12pm and returned to the meeting at 5.15pm during consideration of this item.

Councillor Vincent left the meeting at 5.17pm and returned to the meeting at 5.19pm during consideration of this item.

Mr Guy Graham, Marine Expert addressed the meeting at 5.15pm, answered questions and retired at 5.36pm.

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

- 1282/15 That Council, in partnership with Surf Life Saving and our Professional Life Guards, conduct 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.**
- 1283/15 That Council, with the assistance of our community and marine experts, identify suitable trial projects that could be submitted for consideration in the recently announced State Government Shark Management Project.**
- 1284/15 That Council note, 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.**

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Taylor sought leave to introduce a Motion of Urgency concerning extension of dredging at The Entrance Channel.

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

- 1285/15 That Council consider a Motion of Urgency regarding the extension of dredging at The Entrance Channel as the dredging ceases at the end of November 2015.**

The Mayor ruled that the matter was of great urgency and could be introduced as a Motion of Urgency.

**U5/15 Extension of Dredging at The Entrance
Councillor Lloyd Taylor**

Councillor Matthews left the meeting at 7.38pm and returned to the meeting at 7.39pm during consideration of this item.

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

1286/15 That Council extend the period of dredging The Entrance channel by one week with the sand pumped onto The Entrance Beach.

QUESTIONS ON NOTICE

Nil.

THE MEETING closed at 7.49pm.