
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 09 SEPTEMBER 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

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, Communications Coordinator and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.19 pm, then adjourned it for 5 minutes. The meeting re-opened at 5.24 pm.

The Mayor, Councillor Eaton OAM, 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 Councillor Nayna due to work commitments.

At the commencement of the ordinary meeting report numbers 1.6, 2.1, 2.2, 4.2, 4.3, 4.6, 5.4, 5.6, 5.8, 5.9 and 7.3 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 Disclosures of Interest

Item 4.4 - Councillor Attendance - Central Coast Police Charity Fundraising Night 2015
Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by NSW Police and Council is bestowing a benefit to a related charity. This item was resolved by the exception method.

Item 5.1 - DA/171/2015 - Bunnings - 80-90 Pacific Highway Charmhaven
Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is Council's Delegate on the JRPP. This item was resolved by the exception method.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that Bunnings is in competition with his family's business. This item was resolved by the exception method.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a representative of the JRPP. This item was resolved by the exception method.

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

902/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

903/15 That Council allow meeting practice to be varied.

904/15 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 TROY:

905/15 That with the exception of report numbers 1.6, 2.1, 2.2, 4.2, 4.3, 4.6, 5.4, 5.6, 5.8, 5.9 and 7.3 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

906/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

907/15 That Council receive the report on Invited Speakers.

1.1 Confirmation of Minutes of Previous Meeting

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

908/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 26 August 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 TROY:

909/15 That Council consider the following matter in Confidential Session, pursuant to Sections 10 A (2)(c) of the Local Government Act 1993:

7.1 - Extension of Contract for Lake Haven Recreation Centre and Wyong Pool

7.2 - The Entrance Town Centre - Proposed Fees and Charges Amendments

7.3 - Warnervale Airport – Amphibian Aircraft International (AAI)

910/15 That Council note its reason for considering Report No 7.1 – Extension of Contract for Lake Haven Recreation Centre and Wyong Pool, Report No 7.2 - The Entrance Town Centre - Proposed Fees and Charges Amendments and Report No 7.3 - Warnervale Airport – Amphibian Aircraft International (AAI), as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

911/15 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - Confirmation of Staff Establishment

RESOLVED unanimously on the motion of Councillor EATON:

912/15 That Council receives and notes this report.

913/15 That Council adopts the staff establishment for full time equivalent (FTE) number for the organisation, departments, service units and sections as detailed in Attachment 1, until 30 September 2016.

914/15 That Council determine any proposed change outside the adopted establishment numbers via a report to Council.

2.1 Planning Proposal to Rezone Land at Lake Road Tuggerah - Pioneer Dairy - Results of Public Exhibition

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

915/15 That in accordance with Council's resolution 743/14 of 23 July 2014, Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ/6/2013, and proceed with the steps for drafting and making of the amendment to Wyong Local Environmental Plan 2013 (Amendment No.20).

916/15 That Council advise all those who made submissions of Council's decision.

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

2.2 DA/221/2014 - Proposed 43 Lot Subdivision to Create 40 Residential lots, 1 Public Reserve, 1 Detention Basin and 1 Residue Lot

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

917/15 That Council defer this item to be considered later in meeting.

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

918/15 That Council grant consent to DA/221/2014 at 30 Jack Grant Avenue Warnervale for a 43 lot subdivision to create 40 residential lots, one detention basin, one public reserve and one residue lot subject to the conditions provided in Attachment 1, as modified by resolution 3 below.

919/15 That Council advise those who made written submissions of Council's decision.

920/15 That Council amend the conditions as per the following;

- **part of condition 11, bullet point 2, by inserting "any new road" after the word "guttering", and the deletion of the remaining words of that bullet point;**
- **deletion of condition 54, bullet point 4**
- **part of condition 54, bullet point 5, by placing a full stop after the words "busy roads" and deleting the residual of that bullet point.**

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

3.1 CPA/254965 Environmental Monitoring Program - Buttonderry Waste Management Facility & Inactive Landfill Sites

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

921/15 That Council accept the tender from the company nominated as Tenderer No 13, Greencap – NAA Pty Ltd, in the attached Tender Evaluation Report for the amount of \$440,889.95 (excl GST) for this Contract which is inclusive of the lump sum contract value and estimated value of additional works as per the schedule of rates.

922/15 That Council approve a contingency sum as detailed in the Tender Evaluation Report in Attachment A

923/15 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 tenders.

3.2 CPA/260313 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks

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

924/15 That Council accepts the tender from the company nominated as Tenderer '4', Transpacific Cleanaway Pty Ltd, in the attached Tender Evaluation Report, for the estimated total amount of \$408,678 (excl GST) over the 28 Month period, however actual expenditure will vary with fluctuations in demand and CPI (All groups-Sydney) .

925/15 That Council determines 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(s), which may be disclosed after Council has resolved to accept that tender/those tenders.

926/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

3.3 CPA/257587 - Hire of Minor Plant and Miscellaneous Equipment 2015-2017

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

- 927/15 That Council accept all conforming tenderers received in the attached Tender Evaluation Report, A Class Hire, Kennys Loos Pty Ltd, Allcott, Coates Hire Operations Pty Ltd, Conplant Pty Ltd, Ezy Access Hire Australia Pty Ltd, Kennards Hire, Koppman Earthmoving Pty Ltd, PremiAir Hire, Resource Equipment Limited and Serendip Holdings Pty Ltd, for a period of up to 2 years for Contract CPA/257587 – Hire of Minor Plant and miscellaneous Equipment 2015-2017. The estimated annual expenditure against this contract is estimated at \$653,500.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 928/15 That Council determine the Tender Evaluation Report in Attachment A and ranking list in Attachment B 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 tenderers, which may be disclosed after Council has resolved to accept those tenders.
- 929/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Approval of 2014/15 Capital Projects to be Continued in 2015/16

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

- 930/15 That Council approve the proposed capital projects to be continued in 2015/16 as detailed in this report.
- 931/15 That Council approve a \$3.9 million increase to the 2015/16 Capital budget to accommodate projects continuing from 2014/15 as detailed in this report.
- 932/15 That reductions totalling \$3.9m be identified in quarterly budget reviews during 2015/16 to ensure that Council's Capital budget is brought back to the original budget of \$104.9 million for 2015/16.

4.2 The Art House, Wyong Shire Performing Arts and Conference Centre

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

- 933/15 That Council formally note approval from the Minister for Local Government to form a public company limited by guarantee to manage The Art House, Wyong Shire Performing Arts and Conference Centre, to be known as The Art House
- 934/15 That Council endorse the Funding and Service Level Agreement between Wyong Shire Council and The Art House, Wyong Shire Performing Arts and Conference Centre.

935/15 *That Council request the General Manager call a general meeting of The Art House, Wyong Shire Performing Arts and Conference Centre, to formally appoint the Board from 1 January 2016*

936/15 *That Council endorse the Constitution and appointment of the following people/position to the Board:*

- a. Mayor of Wyong Shire or his delegate (1 year term)*
- b. Managing Director, North Construction – Tim Cornish (2 year term)*
- c. Manager Community Partnerships & Planning (3 year term)*

937/15 *That Council authorise the General Manager or his delegate to enter into contracts on behalf of The Art House, Wyong Shire Performing Arts and Conference Centre, up to 31 December 2015.*

938/15 *That Council formally note that Wyong Shire Council will fund all reasonable costs expended to establish the operation of The Art House, Wyong Shire Performing Arts and Conference Centre up to 31 December 2015.*

939/15 *That Council staff formally commence recruitments for volunteers to assist the operation of the Art House.*

4.3 **Classification of Land at Doyalson Lot 31 DP 586913, Lot 32 DP 586913, Lot 762 DP 746526 and Lot 78 DP 755245**

Councillor Greenwald left the meeting at 6.13 pm and returned to the meeting at 6.15 pm and as a result took no part in voting.

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

940/15 *That Council classify Lot 31 DP 586913, Lot 32 DP 586913, Lot 762 DP 746526 and Lot 78 DP 755245 at Thompson Vale Rd Doyalson as Operational Land.*

941/15 *That Council note that:*

- a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).*
- b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.*

4.4 **Councillor Attendance - Central Coast Police Charity Fundraising Night 2015**

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that he is employed by NSW Police and Council is bestowing a benefit to a related charity. This item was resolved by the exception method.

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

942/15 That Council authorise the attendance of interested Councillors at the Central Coast Police Charity Fundraising Night in accordance with the Council's Facilities and Expenses Policy for Councillors.

943/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

4.5 Proposed Renaming of Fountaindale Ridge Reserve at Brush Road, Fountaindale to Mark Foster Reserve - Final Submission to Geographical Names Board

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

944/15 That Council endorse the renaming of Fountaindale Ridge Reserve at Lots 5, 98 and 99 DP 755263 Brush Road, Fountaindale to Mark Foster Reserve.

945/15 That Council note this proposal has previously been advertised by Council, with no submissions received.

946/15 That Council note the proposal has been advertised by the Geographical Names Board, with 29 submissions received, which included 1 objection.

947/15 That Council submit the proposal to the Geographical Names Board for final determination.

4.6 Amendment to proposed names of buildings at Wyong Grove Community and Cultural Hub

Councillor Greenwald left the meeting at 6.13 pm and returned to the meeting at 6.15 pm during consideration of this item.

Councillor Vincent left the meeting at 6.14 pm and returned to the meeting at 6.16 pm during consideration of this item.

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

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

948/15 That Council endorse an amendment to the naming of two of the buildings at Wyong Grove Community and Cultural Hub as follows:

- **Building A – Fred Keep Building**
- **Building D – Paul Levick Building**

5.1 DA/171/2015 - Bunnings - 80-90 Pacific Highway Charmhaven

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is Council's Delegate on the JRPP. This item was resolved by the exception method.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that Bunnings is in competition with his family's business. This item was resolved by the exception method.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a representative of the JRPP. This item was resolved by the exception method.

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

949/15 That Council receive the report on DA/171/2015 - Bunnings - 80-90 Pacific Highway Charmhaven.

950/15 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the application.

5.2 Information Concerning Rates and Charges Written Off 2014-15

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

951/15 That Council receive the report on Information Concerning Rates and Charges Written Off 2014-15.

5.3 Road Capital Works Program

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

952/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

5.4 Link Road, Watanobbi to Warnervale, Present Status with Roads & Maritime Services

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

953/15 That Council receive the report on the present status and intentions of Roads and Maritime Services in respect to the Link Road between Watanobbi and Warnervale.

5.5 Voting Information - Local Government NSW Annual Conference

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

954/15 That Council receive the report on Voting Information - Local Government NSW Annual Conference.

5.6 Kerbside Collection Improvement Initiatives

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

955/15 That Council receive the report on Kerbside Collection Improvement Initiative.

956/15 That Council request the General Manager to investigate further opportunities to assist residents in the management of bulk domestic waste through the provision of a supplementary service which encourages residents to transport household waste directly to an approved destination, and report back to Council on the outcomes of these investigations.

5.7 Garage Sale Trail

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

957/15 That Council receive the report on Garage Sale Trail.

5.8 Response to Notice of Motion - Wyong Grove Public School "The Grove" Continued Community Use

Councillor Taylor left the meeting at 6.54 pm and returned to the meeting at 6.58 pm and as a result took no part in voting.

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

958/15 That Council receive the report on Response to Notice of Motion – Wyong Grove Public school “The Grove” continued community use.

959/15 That Council request the GM to thank the staff for their efforts so far.

960/15 That Council request the GM to continue negotiations on behalf of Council with a view to acquire the Wyong Grove School for community use.

5.9 Q4 Financial Summary

Councillor Taylor left the meeting at 6.54 pm and returned to the meeting at 6.58 pm during consideration of this item.

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

961/15 That Council receive the report on Q4 Financial Summary.

5.10 Outstanding Questions on Notice and Notices of Motion

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

962/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

CONFIDENTIAL SESSION

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

963/15 That Council move into Confidential Session.

At this stage of the meeting being 7.24 pm 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

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

972/15 That Council move into Open Session.

Council resumed in open session at 7.38 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 Extension of Contract for Lake Haven Recreation Centre and Wyong Pool

964/15 That Council note that significant master planning is occurring in Lake Haven and Wyong where the Lake Haven Recreation Centre and Wyong Pool are located. Due to this, and the possibility of changes to the area, there may be financial impacts on future possible tender outcomes.

965/15 *That Council determine a satisfactory result would not be achieved by going to tender due to master planning being undertaken on these sites and the likelihood of changes to the sustainability of the facilities in the next twelve months.*

966/15 *That Council request the General Manager to negotiate a one year extension to the contract with Young Men's Christian Association (YMCA) to manage both Lake Haven Recreation Centre and Wyong Pool.*

7.2 The Entrance Town Centre - Proposed Fees and Charges Amendments

967/15 *That Council adopt the proposed changes to its Statement of Revenue (Schedule of Fees) for 2015-16 as described in Table 1 for public exhibition, and;*

968/15 *That Council advertise the amendments referred to in (1) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993, and;*

969/15 *That Council apply the proposed fees following the public exhibition period, subject to no objection, and*

970/15 *That Council receive a report, should there be any objections, following the exhibition period outlining the basis of the objections.*

7.3 Warnervale Airport - Amphibian Aircraft International (AAI)

Councillor Greenwald left the meeting at 7.24 pm and returned to the meeting at 7.25 pm during consideration of this item.

971/15 *That Council note and endorse the proposed actions in the report.*

QUESTIONS ON NOTICE

Councillor Greenwald left the meeting at 7.24 pm and returned to the meeting at 7.25 pm during consideration of this item.

Q37/15 Threatened, Vulnerable and Endangered Trees
Councillor Doug Vincent
F2004/07718

“Could Staff please advise if there is a list of threatened species relevant to Wyong Shire which can be easily accessed by the Community?”

If not, could staff please make a list available on the Council web site as removal of some of these trees with knowing their listing could expose residents to a substantial fine.”

Q38/15 Council Appointed Tree Officer
Councillor Doug Vincent
F2004/07718

“Could staff please advise if any Council Officers are allocated to provide advice to residents who are unsure if a tree is listed as threatened, vulnerable or endangered?”

If a staff member is available. Could their contact details be made available to the community on the Council website?”

THE MEETING closed at 7.41 pm.