
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 14 August 2013
COMMENCING AT 5:00 PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Land Management, Acting Director Infrastructure and Operations, Director Community and Recreation Services, General Counsel, Manager Communications, and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.04 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillor Vincent.

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

1005/13 That Council accept the apology and grant leave of absence from the meeting.

A request for leave of absence from Councillor Troy for this meeting and the 28 August 2013 due to work commitments.

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

1006/13 That Council accept the apology and grant leave of absence from this meeting and 28 August 2013.

At the commencement of the ordinary meeting report nos 1.1, 2.1, 3.1, 5.4 and 8.1 were dealt with first and the remaining reports by the exception ,method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

The General Manager announced that Council's Buttonderry Waste Management Facility (BWMF) has taken out the major prize at the coveted Waste Management Association of Australia's 2013 Landfill and Transfer Station Innovation and Excellence Awards.

He further advised that he is immensely proud of the environmental management of the site, particularly in relation to the resource recovery, landfill operations, stringent environmental controls, and tight security to control access to the site.

1.1 Disclosures of Interest

3.3 Classification of Land, Lot 2073 DP 1052715 at 3 Bounty Close, Tuggerah

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which previously owned the site in question, and transferred it to Wyong Shire Council under the terms of the CCGT agreement around the Skills Centre Proposal and participated in consideration of this matter.

Councillor stated:

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

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

1007/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

1008/13 That Council allow meeting practice to be varied.

1009/13 That Council use the exception method to deal with the balance of the Agenda.

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

1010/13 That with the exception of report numbers 2.1, 3.1, 5.4 and 8.1, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

1011/13 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

1012/13 That Council receive the amended report on Invited Speakers.

1013/13 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

1014/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 July 2013.

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 NAYNA and seconded by Councillor GRAHAM:

1015/13 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:

9.1 Councillors Outcomes Report

1016/13 That Council note its reason for considering Report No 9.1 – Councillors Outcome Report 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 .

1017/13 That Council request the General Manager to report on this matter in open session of Council.

2.1 Consideration for Road Dedication at Little Brush Lane, Ourimbah

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

- 1018/13 That Council dedicate Little Brush Lane, Ourimbah as Public Road.
- 1019/13 That Council, prior to the dedication of Little Brush Lane, Ourimbah enter into a deed of agreement with the property owners of the 3 lots, Lot 62 DP1081176, Lot 12 DP 4097 and lot 52 DP 1149472 for the closure and sale at market rate of Little Brush Lane, Ourimbah, at no cost to Council with the residents to be responsible for the cost of constructing and maintaining access.

3.1 Proposed Appointment as Reserve Trust Manager of Crown Land at Tumbi Creek

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

- 1020/13 That Council advise Crown Lands that it will accept the role of Reserve Trust Manager for Lots 7308, 7309 and 7310 in DP 1146699 adding these lots to adjoining Council managed reserves.
- 1021/13 That Council advise Crown Lands that it will accept the role of Reserve trust Manager for Lot 7307 DP 1146702 adding this lot to adjoining Council managed reserves.
- 1022/13 That Council agree to a License with the Crown for that part of the new Tumbi Creek Bridge to be constructed over Tumbi Creek.
- 1023/13 That Council advise Crown Lands that it will accept the role of Reserve trust Manager for Lot 7311 DP 1146701 adding this lot to adjoining Council managed reserves.

3.2 Proposed Acquisition of Easement for Drainage over part of Lot 67 DP 1009123 Hely Street, Wyong

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

- 1024/13 That Council acquire an easement for drainage 4.84 metres wide over Lot 67 DP 1009123.
- 1025/13 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.
- 1026/13 That Council proceed to compulsorily acquire the interest in land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.

1027/13 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*

1028/13 *That Council authorise the Mayor and the General Manager to execute all documents.*

3.3 Classification of Land, Lot 2073 DP 1052715 at 3 Bounty Close, Tuggerah

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the General Manager of Central Coast Group Training, which previously owned the site in question, and transferred it to Wyong Shire Council under the terms of the CCGT agreement around the Service Centre Proposal and participated in consideration of this matter.

Councillor stated:

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

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

1029/13 *That Council propose classification of Lot 2073 DP 1052715 at 3 Bounty Close Tuggerah as Operational Land.*

1030/13 *That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993*

1031/13 *That Council adopt the classification if no adverse submissions are received.*

4.1 CPA/225116 Construction of Cell 4.3 and Associated Works, Buttonderry Waste Management Facility

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

1032/13 *That Council accepts the tender from the company nominated as Tenderer No. 6 in the attached Tender Evaluation Report, for the estimated total amount of \$6,972,863.72 (excl GST) for Contract CPA/225116 – Construction of Cell 4.3 and Associated Works, Buttonderry Waste Management Facility.*

1033/13 *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.*

1034/13 *That Council approves the contingency sum as detailed in the Tender Evaluation Report in Attachment A.*

5.1 Payment of Public Liability Professional Indemnity Insurance Policy

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

- 1035/13 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.
- 1036/13 That Council approve the premium payment of \$510,375 ex GST.
- 1037/13 That Council, for the purpose of s. 55(3)(i) of the Local Government Act 1993, determines that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council.

5.2 Proposed Councillors' Community Improvement Grants

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

- 1038/13 That Council allocate an amount of \$1,770.00 from the 2013-14 Councillors' Community Improvement Grants as follows:

14 August 2013		
Alison Homestead Men's Shed Association (\$2000)	Purchase tools and equipment	1,050
Alzheimers Society (\$170)	Emergency Charity Soccer Shield day at EDSACC	170
NSW Justices Association Inc. (\$2000)	To purchase a laptop computer for training of desk volunteers	100
Southern Cross Austereo	Give Me 5 for Kids - Hospital fundraiser for children on the Central Coast to buy needed equipment.	100
St Andrews Presbyterian Church - The Entrance (\$2000)	Painting of Church Building	350

5.3 Draft Minutes of the 19 June 2013 Audit and Risk Committee Meeting

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

1039/13 That Council adopt the minutes of Wyong Shire Audit and Risk Committee meeting held on 19 June 2013.

1040/13 That Council request the General Manager to provide the Audit and Risk Committee an Internal Audit work programme proposed for 1 July 2013 to 30 June 2014.

1041/13 That Council request the General Manager to provide the Audit and Risk Committee a report on the results of a mid-period review of the Internal Audit Work Program.

1042/13 That Council request the General Manager to provide the Audit and Risk committee an update on the following items;

- *Probity Management Policy*
- *Procure to pay review*
- *Contract Register*
- *Delegation arrangements for due diligence reviews (contract documentation)*

1043/13 That Council request the General Manager to confirm that Council is meeting the requirements of the Surveillance Devices Act 2007.

1044/13 That Council invite the Senior Project Executive to attend the next Audit and Risk meeting.

1045/13 That Council request the General Manager to provide a further report on the risk register to be considered at the next Audit and Risk Meeting.

5.4 Councillor Local Project Fund - 2012/2013

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

1046/13 That Council receive the report Councillor Local Project Fund – 2012/2013.

5.5 Payment of Comprehensive Motor Vehicle Insurance Policy

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

- 1047/13 That Council approve the renewal of Wyong Shire Council's Comprehensive Motor Vehicle insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.
- 1048/13 That Council approve the premium payment of \$156,802.50 ex GST.
- 1049/13 That, for the purpose of s. 55(3)(i) of the Local Government Act 1993, Council decides that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council at a competitive rate.

5.6 Grants Advisory Committee Meeting 2 August 2013

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

- 1050/13 That Council receive the draft minutes of the Wyong Shire Grants Advisory Group held on 2 August 2013.
- 1051/13 That Council approve the guidelines for the Sport and Cultural Sponsorship Program in Attachment 1.
- 1052/13 That Council reallocate \$20,000.00 from the Community Benefit Program to the new Sport and Cultural Sponsorship Program (as indicated in the Council resolution of 24 July 2013).
- 1053/13 That Council allocate \$1,400.00 from the 2013-14 Sports and Cultural Sponsorship Program as follows:

Applicant	Purpose of Funding	Funding Recommended	Recommendation
Adam Gowen	Australian Men's Oztog Team tour of New Zealand	\$500.00	Recommended - Representing Australia
Benjamin Butler	Assistance towards costs of travelling on representative rugby tour to the UK and France	\$250.00	Recommended pending copy of letter of support from NSW Country Rugby Union – Representing NSW
Rodney Dillon	Represent Australia in New Zealand for Oztog in the 2013 Trans Tasman Tour	\$500.00	Recommended - Representing Australia
Ryan Slattery	Central Coast team for State Surfing Titles	\$150.00	Recommended - Representing Central Coast

1054/13 That Council decline the following ineligible Sport and Cultural Sponsorship Program applications and refer applicants to apply for Council's Community Benefit Program:

Applicant	Purpose of Funding	Funding Recommended	Recommendation
Mingara Athletics Club	Staging 2013 State Road Relays	\$0	Not Recommended. Application is ineligible as it is not an individual or team. Recommend referring to apply for Community Benefit Grants which open 19th August 2013.
The Entrance Amateur Swimming Club	Purchase new seating and two marquees	\$0	Not Recommended. Application is ineligible as it is not an individual or team. Recommend referring to apply for Community Benefit Grants which open 19th August 2013.

1055/13 That Council allocate \$630.00 from the 2013-14 Community Subsidy Program as follows:

Applicant	Purpose of Funding	Funding Recommended	Recommendation
Lakes Anglican Church	Equipment Hire - Hire of display boards for Artfest 2013.	\$630.00 – in-kind	Recommended

1056/13 That Council defer the following applications until the next round of the Community Subsidy scheme, after consultation with WSC staff for the reasons as indicated in the table below:

Applicant	Purpose of Funding	Funding Recommended	Recommendation
St Mary of The Cross MacKillop Parish	Venue Hire - Hire of Wallarah Point Peace Park Gorokan, for a Parish picnic bringing the youth of the Parish together	\$0	Recommend - defer until next assessment period. Awaiting copy of financials and public liability insurance.

5.7 Conference Attendance - LGNSW Water Management Conference 2013

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

1057/13 That Council authorise interested Councillor/s to attend the LGNSW Water Management Conference 2013.

1058/13 That Council note it is a joint host of the Conference and the Conference is being held on the Central Coast.

1059/13 That Council authorise more than three Councillors to attend the entire conference, individual sessions and/or social events, given its status as a joint host.

1060/13 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors with approval for more than three Councillors to attend in this instance.

5.8 Course Attendance - Finance for Directors

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

1061/13 That Council authorise interested Councillor/s to attend the Finance for Directors Course conducted by the Australian Institute of Company Directors.

1062/13 That Council meet reasonable expenses incurred by Councillors attending the above Course in accordance with Council's Facilities and Expenses Policy for Councillors.

5.9 Local Government NSW Annual Conference 2013

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

1063/13 That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2013.

1064/13 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.

1065/13 That Council determine the seven delegates with voting entitlements.

1066/13 That Council note the deadline for any motions to be submitted for inclusion on the business paper has already passed.

6.1 Annual Water Supply and Sewerage Performance Reporting

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

1067/13 That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

6.2 Report on Submissions to Public Exhibition of RZ/15/2009, No. 76 Berkeley Road, Fountaindale

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

1068/13 That Council receive the Report on Submissions to Public Exhibition of RZ/15/2009, No. 76 Berkeley Road, Fountaindale.

6.3 Road Capital Works Program

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

1069/13 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.4 Outstanding Questions on Notice and Notices of Motion

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

1070/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

6.5 Contracts & Project Management Unit Annual Summary Report for 2012/13

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

1071/13 That Council receive the report on Contracts & Project Management Unit Annual Summary Report for 2012/13.

8.1 Notice of Motion - Halekulani Confusion

Ms Rowena Hamilton, representing, addressed the meeting at 5.23 pm, answered questions and retired at 5.33 pm.

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

1072/13 That Council note the community and visitor confusion regarding the boundaries and general location of the suburb of Halekulani due to anomalies such as there being no directional or Welcome signage to Halekulani and that Budgewoi Public School is actually in Halekulani and the Halekulani Bowling Club is in Budgewoi and it is further noted that the 'Welcome to Budgewoi' sign is in Halekulani.

1073/13 That Council undertake preliminary consultation with local key stakeholder groups and organisations in the affected area with a view to obtaining feedback around suitable signage or whether the community is of a mind to

consider a consolidation into Budgewoi.

- 1074/13 *That Council notes it prefers the enhanced signage option, however will be guided by the community.*
- 1075/13 *That Council receive a report outlining the community feedback around naming and signage options.*

Confidential item 9.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

9.1 Councillor Outcomes Report

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

- 1076/13 *That Council receive the Councillor Outcomes Report.*

QUESTIONS ON NOTICE

Q33/13 Prior Road Ourimbah
Councillor Lloyd Taylor
F2004/07718

“Mr General Manager, Could you please advise if Wyong has the responsibility for the maintenance of Prior Road, Ourimbah and if so, what is the maintenance schedule. If not, what are the arrangements with Gosford for the maintenance of the road?”

THE MEETING closed at 5.45 pm.