
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 11 MARCH 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 R Y Nayna, L S Taylor (arrived at 5.10 pm), A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

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

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Beth Rudman, Section Manager Care & Education and Representative for staff on the Status of Women Advisory Group, advised Council of its recent nominations for the prestigious Minister's Award for Women in Local Government:

- Sara Foster, Project Officer for Contracts and Project Management, nominated in the category for Women in a non-traditional role
- Kirily Sheridan, Environmental Management and Projects Officer, nominated in the category for non-senior staff
- Jenna Hedge, Team Leader Catchment Maintenance, nominated in the category for women in a non-traditional role

Beth advised that Sara Foster was successful in winning the award for Women in a non-traditional role and was presented with her award.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1 and 7.1 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 2.2 - Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that his employer may purchase coal from the Chain Valley extension project and participated in consideration of this matter.

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."

Item 4.4 - CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General manager of Central Coast Group Training. He left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

Item 4.4 - CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that Council delegate to tenderer and participated in consideration of this matter.

Councillor Eaton 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."

Item 5.2 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and he has children that participate in Scouts and did not participated in consideration of this matter. He left the chamber at 6.27 pm, took no part in discussion, did not vote and returned to the chamber at 6.28 pm.

Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting."

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

174/15 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:

175/15 That Council allow meeting practice to be varied.

176/15 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 BEST:

177/15 That, with the exception of report numbers 2.1, 2.2, 3.1, 4.2, 4.4, 5.2, 5.4, 6.1, 7.1 and 7.2, 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 BEST:

178/15 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 BEST:

179/15 That Council receive the amended report on Invited Speakers.

180/15 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 BEST:

181/15 That Council confirm the minutes of the previous Extraordinary Meeting of Council held on Thursday 19 February 2015 and Ordinary Meeting of Council held on Wednesday 25 February 2015.

Business Arising

There was no business arising.

2.1 Draft DCP 2013: Chapter 2.1 - Housing and Ancillary Structures - Results of public exhibition

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

182/15 That Council adopt the revised versions of Wyong Development Control Plan (DCP) 2013 Chapter 2.1 – Housing and Ancillary Structures and appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.

183/15 That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.

184/15 That Council authorise the General Manager to make any minor amendments to Chapter 2.1 of DCP 2013 (if required).

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.2 Draft Planning Agreement - Chain Valley Extension Project - Wyong Shire Council and LakeCoal Pty Ltd

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that his employer may purchase coal from the Chain Valley extension project and participated in consideration of this matter.

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."

Councillor Matthews left the meeting at 5.53 pm and returned at 5.54 pm, during consideration of this item.

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

185/15 That Council resolve that the draft Voluntary Planning Agreement be exhibited, subject to the contribution value being indexed in accordance with the weighted average annual movement in the market price of coal rather than the CPI.

186/15 That Council receive a further report outlining any comments received following the 28 day exhibition period.

187/15 That Council advertise for expressions of interest from the Community for 2 representatives to participate in the Community Advisory Board.

188/15 That Council note that the 3rd delegate to participate in the Community Advisory Board it to be a Councillor.

189/15 That Council note that consent of this project was granted by the NSW Minister for Planning.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.3 Draft DCP 2013: Chapter 1.2 - Notification of Development Proposals - Results of public exhibition

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

190/15 That Council adopt the revised versions of Wyong Development Control Plan (DCP) 2013 Chapter 1.2 – Notification of Development Proposals appropriate public notice be given within 28 days that the draft DCP as amended will come into effect.

191/15 That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning and Environment within 28 days of the DCP becoming effective.

192/15 That Council authorise the General Manager to make any minor amendments to Chapter 1.2 of DCP 2013 (if required).

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.1 Proposed Closure of Part of Road Reserve and Consolidation with Council adjoining land at Lucca Road North Wyong.

Councillor Vincent left the meeting at 6.03 pm and returned at 6.05 pm, during consideration of this item.

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

193/15 That Council apply to the Minister, NSW Trade & Investment, to close the Council public road being part of the Pacific Highway and Lucca Road reserve, being the splay corners at that intersection, and vest the land in the closed road in Council.

194/15 That Council authorise the consolidation of the land in the closed road with the adjoining land Lot 1 DP 243037 and Lot 21 DP 243037, owned by Council.

195/15 That Council propose classification of the road closure land referred to in Item 1 as operational land.

196/15 That Council approve the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.

197/15 That Council adopt the classification, if no adverse submissions are received.

198/15 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents that will facilitate the road closure including the plans of road closure and consolidation.

199/15 That Council authorise the Mayor and the General Manager to execute all documents relating to road closure and consolidation.

3.2 Classification of Land, Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven

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

- 200/15 That Council propose classification of Lot 131 DP 1193233 and Lot 234 DP 1202158 at 80 Roper Road, Blue Haven as Operational Land.**
- 201/15 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 202/15 That Council adopt the classification if no adverse submissions are received.**
- 203/15 That Council note:**
- a Nothing in these resolutions authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of the subject land can only be by resolution of the Council).**
 - b Nothing in these resolutions extinguishes or varies the terms of any trust applying to the subject land (if any).**

4.1 CPA/251791 - Provision of Security Services 2015

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

- 204/15 That Council accepts the tender from the company nominated as Tenderer 1, All Point Security Pty Ltd, in the attached Tender Evaluation Report 'A1' for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 1. The estimated two year expenditure against this contract is \$386,560.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.**
- 205/15 That Council accepts the tender from the company nominated as Tenderer 4, Business Security Management Solutions (BSMS), in the attached Tender Evaluation Report 'A2' for a period of up to two years for Contract CPA/251791 – Provision of Security Services 2015, Part 2. The estimated two year expenditure against this contract is \$216,703.00 (excl. GST) however actual expenditure may vary with fluctuations in demand.**
- 206/15 That Council determines the Tender Evaluation Report in Attachment A1 and A2 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 those tenders.**
- 207/15 That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment A1 and A2.**
- 208/15 That Council delegates to the General Manager the authority to approve the option for a further term of one year for Part 1 and Part 2.**

4.2 CPA/246855 - SPS WS 29 and WS 30 Vacuum SPS Upgrades and DV10 Installation

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

- 209/15 That Council accepts the tender from the company nominated as Tenderer No 4, Kerroc Constructions Pty Ltd, in the attached Tender Evaluation Report, for the lump sum amount of \$1,513,183.00 (excl. GST) for Contract CPA/246855 – WS29 and WS30 Vacuum SPS Upgrades and DV10 Installation.
- 210/15 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, which may be disclosed after Council has resolved to accept that tender.
- 211/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.3 CPA/251995 - The Supply and Delivery of Tools and Hardware

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

- 212/15 That Council accept the tender from the company nominated as Tenderer No '1', Aqua Terra Oil and Mineral Service and Supply Company Pty Ltd T/as Atom Supply, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 213/15 That Council accept the tender from the company nominated as Tenderer No '2', Blackwood & Son Pty Ltd, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 214/15 That Council accept the tender from the company nominated as Tenderer No '3', CDA Eastland Trade Supplies Pty Limited, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 215/15 That Council accept the tender from the company nominated as Tenderer No '4', Rexel Electrical Supplies Pty Ltd T/as Lear & Smith Electrical Wholesalers, for a contract term of 3 years based on their submitted schedule of rates in attachment B with an option to extend for a further 2 years.
- 216/15 That Council note the estimated per annum expenditure against this contract is \$298,650.70 ex GST however, this may vary with fluctuations in demand.
- 217/15 That Council approve a 12.5% contingency to allow for upgrades of items, annual price reviews and the addition of new items that maybe required over the contract period.

218/15 *That Council delegate to the General Manager the authority to approve the option to extend the contracts for an additional term based on satisfactory performance.*

219/15 *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/those tenders.*

4.4 CPA/220296 - Panel Contract - Group Training Organisation (GTO)

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training. He left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.27 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is the Council delegate to the tenderer and participated in consideration of this matter.

Councillor Eaton 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."

POINT OF ORDER

Councillor Vincent raised a point of order against Councillor Nayna for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Nayna.

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Councillor Vincent raised a point of order against Councillor Nayna for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Nayna and he was asked to withdraw his comments.

Councillor Nayna withdrew his comments.

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

220/15 *That Council exercise its option to extend for one year the current contract with Central Coast Group Training Ltd (Ranked Panel Member 1) and Novaskill (Ranked Panel Member 2) under contract CPA/220296 for provision of Group Training Services at an estimated annual cost of \$810,000.00. Actual expenditure will vary dependent on the number of apprentices and hours worked over the duration.*

221/15 *That Council approve to go to open tender for the provision of Group Training Organisation services at the conclusion of the extension period.*

5.1 Conference Attendance - 2015 Australian Local Government Women's Association NSW Conference, Wollongong

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

222/15 That Council authorise those interested Councillor/s to attend the Australian Local Government Women's Association Annual Conference 2015.

223/15 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.

5.2 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and he has children that participate in Scouts and did not participated in consideration of this matter. He left the chamber at 6.27 pm, took no part in discussion, did not vote and returned to the chamber at 6.28 pm.

Councillor Vincent stated:

"I choose to leave the chamber and not participate in discussion and voting."

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

224/15 That Council allocate an amount of \$21,500 from the 2014-15 Councillors' Community Improvement Grants as follows:

1st Tuggerah Lakes Scout Group (\$3000)	To assist with safety improvements and repairs to the building/meeting hall.	2,100
Central Coast Lakes Cub Scouts (\$2600)	Provide 130 identical coloured T-Shirts to youth members.	2,000
Coastlands Christian Community Christian Church (\$4000)	Upgrade cottage	200
EDSACC Croquet Club Inc. (\$2739)	Purchase 10 new mallets for the club.	400
Impact 4 Life Church (\$1940)	Organisation costs.	100
Marine Rescue - Norah Head Unit (\$1040)	4 Direction Street Signs to be erected.	600
Mountain Districts Association (\$2262) Emergency Approved by GM	Community Declaration Event - to prevent the introduction of the Coal Seam Gas (CSG)	1,000
Rotary Club of Wyong Tuggerah (\$4000)	Central Coast International Women's Day Expo on 7th March 2015 - assist with printing, promotional and marketing costs.	1,000

<i>Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)</i>	<i>New extra baffle to be erected out from shooting bays in range 3 along entire 24 metres.</i>	<i>1,600</i>
<i>YMCA Toukley Aquatic Centre (\$2000)</i>	<i>Teach disabled kids the lifesaving skills of being able to swim.</i>	<i>500</i>

225/15 That Council note that the provisional allocation for ANZAC day flags should not now be required given the Federal Government funding of this project.

5.3 Councillor Strategic Planning Workshop (13-15 February 2015) - Minutes and Action Register

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

226/15 That Council receive and note the minutes and action register of the 2015 Councillor Strategic Planning Workshop (held from 13-15 February 2015).

227/15 That Council receive the report of progress against the outcomes report from the February 2014 Councillor Strategic Planning Workshop.

5.4 Event Launch for the NSW National Trust Heritage Festival

Councillor Greenwald left the meeting at 6.30 pm and returned at 6.31 pm, during consideration of this item.

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

228/15 That Council endorse the use of allocated funds for the Heritage Festival Launch Event coordinated by the Wyong Regional Chamber of Commerce to the maximum value of \$5,000.

229/15 That Council pay the funds directly to the supplier upon receipt of invoiced costs.

6.1 Road Capital Works Program

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

230/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.2 Outstanding Questions on Notice and Notices of Motion

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

231/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Establishment of \$250,000 Netball Courts at Tunkawallin

Councillor Troy left the meeting at 5.40 pm and returned at 5.41 pm, during consideration of this item.

Mr Matthew Austin, President of Summerland Point/Gwandalan Netball Club, speaking in favour of the motion, addressed the meeting at 5.18 pm, answered questions and retired at 5.28 pm.

POINT OF ORDER

Councillor Troy raised a point of order against Councillor Greenwald for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Greenwald.

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

232/15 That Council recognise the urgent need for the establishment of suitable playing courts in our Shire's North, with already 12 established local netball teams in this area.

233/15 That Council resolve to formally agree to fund the \$250,000.00 Tunkawallin courts identified as a possible project in the draft CAPEX program for 2015/16 budget, ensuring it is formerly added as a funded project.

234/15 That Council direct staff to design these courts for multi-purpose use to meet the needs of multiple sporting groups in the area and to maximise both formal and informal use by the community.

235/15 That Council thank the community for its support and representations on this issue and note that it looks forward to working with the community in delivering these important community assets.

7.2 Notice of Motion - Tuggerah Station Parking and Safety Shambles

Councillor Nayna left the meeting at 6.43 pm and returned at 6.45 pm, during consideration of this item.

POINT OF ORDER

Councillor Nayna raised a point of order against Councillor Vincent for the reason that he is drawing improper aspersions on Councillors' conduct.

The Mayor upheld the point of order against Councillor Vincent.

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

- 236/15** That Council reiterate the total inadequacy of parking at and around the Tuggerah Rail Station, and that the provision of such parking is the sole responsibility of Transport NSW and State Government.
- 237/15** That Council explore all land options in the Tuggerah Rail Station precinct, in partnership with Transport NSW and State Government, to address this issue.
- 238/15** That Council note the urgent need to immediately deal with this matter and therefore the prospect of interim/ temporary parking should also be considered.

QUESTIONS ON NOTICE

Q11/15 Proposed Changes to Tree Policy
Councillor Luke Nayna
F2005/02982

“Question to the General Manager,

Now that proposed changes to WSC’s tree policy have undergone legislative public consultation, can the General Manager confirm when this report will be brought to the chamber for a final vote given the strong support of the elected council?”

Q12/15 Litter on Pacific Highway
Councillor Greg Best
C2014/05549

“Mr Mayor,

I have received numerous complaints from ratepayers around the extraordinary proliferation of litter on our main arterial corridor that is the pacific highway.

Mr Mayor, on investigating this issue I note that the RMS, who is responsible for mowing and litter control on this road, is choosing to mow and slash the vegetation whilst not bothering to collect rubbish prior to these works. This is resulting in a confetti like littering event that the ratepayers now have to fund to clean up. Could you enquire to the RMS as to why they are not adhering to their standard procedures, is it laziness or do they just not care?”

Q13/15 Transforming the Central Coast Event
Councillor Greg Best
F2014/01732

“Mr Mayor,

I have observed the lead up to many a state election and may I say that the lobbying and professional approach by staff seeking undertakings/ funding has been outstanding. The securing of 200 million dollars for the hospital upgrade and the link road, regardless of the electoral outcome is a tremendous achievement by Council on behalf of our community.

I would like to thank you, our GM, senior staff and in particular the operational staff that were responsible for the presentation of the two candidate functions recently held at Council. These were outstanding events and a very professional display, particularly with the Minister and Shadow Minister for Central Coast in attendance, again, thank you all.

Can you please pass on our special thanks to the operation team?”

THE MEETING closed at 7.08 pm.