

AMENDED ITEM

12 June 2013
To the Ordinary Council Meeting

Procedural Item
General Manager's Unit

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D03382804

MANAGER: Lesley Crawley, Manager Corporate Governance

AUTHOR: Sonia Witt; TL Governance and Councillor Services

SUMMARY

Confirmation of minutes of the previous Extraordinary Meeting of Council held on Thursday 16 May 2013 and the Ordinary Meeting of Council held on Wednesday 22 May 2013.

RECOMMENDATION

That Council confirm the minutes of the previous Extraordinary Meeting of Council held on Thursday 16 May 2013 and the Ordinary Meeting of Council held on Wednesday 22 May 2013.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | MINUTES - Extraordinary Council Meeting - 16 May 2013 | D03366562 |
| 2 | MINUTES - Ordinary Council Meeting - 22 May 2013 | D03376347 |

WYONG SHIRE COUNCIL

MINUTES OF THE
EXTRAORDINARY COUNCIL MEETING OF COUNCIL
HELD AT THE GOSFORD REGIONAL GALLERY AND ARTS CENTRE
36 WEBB ST, EAST GOSFORD
ON 16 MAY 2013
COMMENCING AT 7:00 PM

PRESENT

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

IN ATTENDANCE

General Manager and one administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 7.01 pm.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews due to work commitments.

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

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

1.1 Disclosure of Interest

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

621/13 ***That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.***

PROCEDURAL MOTION

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

622/13 ***That Council adopt the balance of the agenda.***

2.1 Terms of Reference - Central Coast Regional Organisation of Councils

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

623/13 That Council adopt the amended Terms of Reference - Central Coast Regional Organisation of Councils be adopted subject to the following further amendments:

A The amendment of the Membership of Committee as follows:

Executive Group – Mayors, Deputy Mayors and General Manager of Gosford and Wyong Councils. Gosford – Councillor Doyle, Councillor Macfadyen (alternate) Councillor McKinna (Chair – when Gosford hosting meeting). Wyong – Councillor Eaton (Chair – when Wyong hosting meeting). Councillor Luke Nayna. (Each Council is to nominate their own alternates.)

B The amendment of the Terms of Reference as follows:

To encourage closer co-ordination among Local, State and ~~Commonwealth~~ Federal Governments for the promotion and benefit of the region.

C The Code of Meeting Practice to be referred to the Executive at their next meeting.

2.2 Conduct Review Panel

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

624/13 That Wyong Shire Council appoint a panel of Code of Conduct Reviewers listed in Confidential Attachment A, who will provide services to Wyong Shire Council in accordance with the Code of Conduct Administrative Procedures for the period up to and including April 30 2017.

625/13 That Council note that Gosford City Council will also be appointing the same Reviewers.

3.1 Release of the Independent Local Government Review Panel 'Future Directions' Report

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

626/13 That Council receive the report on Release of the Independent Local Government Review Panel 'Future Directions' Report.

3.2 Gosford City Council Business Principles for the Implementation of the Central Coast Water Corporation

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

627/13 That Council receive the information.

628/13 That Council advise key staff stakeholders including unions that Wyong Shire Council will not be transferring any staff on the 1 July 2014, as a result of the Gosford City Council resolution.

629/13 That Council develop the funding and services agreement for 2013-14 with the Central Coast Water Corporation, to deliver Phase 1 functions only.

630/13 That Council not provide any additional funding to the Central Coast Water Corporation for the next financial year, on the basis of the report presented by the Independent Local Government Review Panel with respect to the Central Coast Water Corporation.

631/13 That Council request the Central Coast Water Corporation to utilise the accumulated surplus to fund Phase 1 activities.

THE MEETING closed at 7.09 pm.

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 22 MAY 2013
COMMENCING AT 5:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews (arrived 5.57pm), L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Acting Director Development and Planning, Director Infrastructure and Operations, Director Land Management, Director Community and Recreation Services, Chief Financial Officer, Manager Corporate Governance, Manager Human Resources, Organisational Development Partner, Contract Systems Manager, Manager Communications and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Vincent read an acknowledgment of country statement.

The Mayor presented the following Wyong Chamber of Commerce Awards to Councillor Best, who accepted on behalf of Central Coast Group Training;

- Business of the Year
- Employer of Choice

APOLOGIES

There were no apologies.

1.1 Disclosure of Interest

2.2 DA/1087/2012 – Large Scale Commercial Premises at Tuggerah Business Park

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training, the applicant, left the chamber at 5.35 pm, took no part in discussion, did not vote and returned to the chamber at 5.37 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training 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."

2.3 Results of Public Exhibition of Proposed Amendments to Clause 16 of the Wyong LEP, 1991

Councillor Eaton declared a pecuniary interest in the matter for the reason that he and his wife own property that may be affected, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

3.1 CPA/220296 – Panel Contract for GTO

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who is a tenderer, left the chamber at 5.38 pm, took no part in discussion, did not vote and returned to the chamber at 5.40 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training 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."

4.4 Review of Alcohol Free Zones – Wyong Shire

Councillor Greenwald declared a pecuniary interest in the matter for the reason that he is an employee of NSW Police force who endorsed the recommendation, left the chamber at 5.47 pm, took no part in discussion, did not vote and returned to the chamber at 5.48 pm.

4.7 Recommendations and Minutes of the Employment and Economic Development Committee

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity who own land where a possible cogeneration project may be established, left the chamber at 5.56 pm, took no part in discussion, did not vote and returned to the chamber at 5.59 pm.

5.8 Capital Works – Road Adjustment

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that the company he runs owns property in one of the roads marked for an upgrade and participated in consideration of this matter.

Councillor Best 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 because it is very minor."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that her business is located in Reliance Drive, Tuggerah Business Park and participated in consideration of this matter.

Councillor Webster 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 Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is a resident of Dudley Street, Lake Haven which is identified for works and participated in consideration of this matter.

Councillor Nayna 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."

6.1 Notice of Motion – Bike Blitz on Cycle Way Menace

Councillor Greenwald declared a pecuniary interest in the matter for the reason that he is an employee of NSW Police and motion is asking for direction actions by NSW Police, left the chamber at 6.11 pm, took no part in discussion, did not vote and returned to the chamber at 6.31 pm.

7.1 Superannuation

Mr Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that the recommendation will directly impacts his remuneration, left the chamber at 7.01 pm, took no part in discussion and did not return.

Mr Greg McDonald, Director Infrastructure and Operations declared a pecuniary interest in the matter for the reason that the recommendation will directly impacts his remuneration, left the chamber at 7.01 pm, took no part in discussion and did not return.

Ms Maxine Kenyon, Director Community and Recreation declared a pecuniary interest in the matter for the reason that the recommendation will directly impacts her remuneration, left the chamber at 7.01 pm, took no part in discussion and did not return.

Mr Jari Ihalainen, Director Land Management declared a pecuniary interest in the matter for the reason that the recommendation will directly impacts his remuneration, left the chamber at 7.01 pm, took no part in discussion and did not return.

Mr Jamie Loader, Acting Director Development and Building declared a pecuniary interest in the matter for the reason that it relates to his superannuation and employment, left the chamber at 7.01 pm, took no part in discussion and did not return.

7.2 Mayoral Minute – General Manager’s Employment Contract

Mr Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that it relates to his employment , left the chamber at 7.01 pm, took no part in discussion and did not return.

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by

Councillor GRAHAM:

632/13 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 GRAHAM:

633/13 That Council allow meeting practice to be varied.

634/13 That Council use the exception method to deal with the balance of the Agenda.

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

635/13 That with the exception of report numbers 1.4, 2.1, 2.2, 2.3, 3.1, 3.4, 4.3, 4.4, 4.7, 5.1, 5.6, 6.1 and 6.2, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

636/13 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

637/13 That Council receive the amended report on Invited Speakers.

638/13 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 BEST and seconded by Councillor TAYLOR:

639/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 8 May 2013.

Business Arising

Councillor Best advised that he believes comments made by Councillor Graham to

various media outlets in relation to the previous minutes Item 3.4 – Policy for Use of Mayoral Chains, were inaccurate and inappropriate and requested that Councillor Graham submit a public apology in writing to Councillors, Council staff and the Mayor.

1.5 Notice of Intention to Deal with Matter in Confidential Session

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

640/13 That Council consider the following matter in Confidential Session, pursuant to Section 10A 2(a) of the Local Government Act 1993:

7.1 Superannuation

7.2 Mayoral Minute – General Manager’s Employment Contract

641/13 That Council note its reasons for considering item 7.1 – Superannuation as it contains information concerning particular individuals (other than Councillors).

642/13 That Council note its reasons for considering item 7.2 – Mayoral Minute – General Manager’s Employment Contract as it contains information concerning particular individuals (other than Councillors).

643/13 That Council request the General Manager to report on this matter in open session of Council.

2.1 DA 229/2010/b Section 96 (1a) Application to Proposed 110 Lot Residential Subdivision at Blue Haven

Councillor Vincent left the meeting at 5.24 pm and returned to the meeting at 5.26 pm during consideration of this item.

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

644/13 That Council modify Development Consent No 229/2010 having regard to the matters for consideration detailed in Section 96(1A) of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

645/13 That Council modify the Development Consent in respect to condition number 6.

646/13 That Council refuse to modify the consent as requested in respect to the deletion of condition number 24 for the reasons that the design restricts antisocial behaviour and lowers the incidence of graffiti.

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

AGAINST: NIL

2.2 DA/1087/2012 - Large Scale Commercial Premises at Tuggerah Business Park

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training, the applicant, left the chamber at 5.35 pm, took no part in discussion, did not vote and returned to the chamber at 5.37 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training 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."

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

647/13 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

648/13 That Council vary Development Control Plan 2005 Chapter 80 – Tuggerah Precinct in regard to front and side setbacks to permit the development.

649/13 That Council vary Development Control Plan 2005 Chapter 50 – Advertising Signs in regard to a proposed freestanding sign to permit the development.

650/13 That Council send a copy of the Determination to the NSW Office of Water for information.

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

AGAINST: NIL

2.3 Results of Public Exhibition of Proposed Amendment to Clause 16 of the Wyong LEP, 1991

Councillor Eaton declared a pecuniary interest in the matter for the reason that he and his wife own property that may be affected, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

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

- 651/13 ***That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal and supporting documents required by Parliamentary Counsel or the NSW Department of Planning and Infrastructure.***
- 652/13 ***That the Planning Proposal which includes LEP (Amendment No. 187) be referred to the General Manager to decide to make the Plan in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979, and to forward relevant documentation to the NSW Department of Planning and Infrastructure to arrange for the Plan to be notified.***
- 653/13 ***That Council advise those who made submissions of the decision.***

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

AGAINST: NIL

Councillor Eaton resumed the chair.

3.1 CPA/220296 - Panel Contract for GTO

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who is a tenderer, left the chamber at 5.38 pm, took no part in discussion, did not vote and returned to the chamber at 5.40 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training 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."

Councillor Nayna left the meeting at 5.39 pm and returned to the meeting at 5.40 pm during consideration

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

- 654/13 ***That Council accepts the tender from Central Coast Group Training nominated as Tenderer 'A' in the attached Tender Evaluation Report, for the estimated total amount of \$1,378,642.08 (excl GST) for Contract CPA/220296 – Panel Contract for GTO as Ranked Panel Member 1.***
- 655/13 ***That Council accepts the tender from Novaskill nominated as Tenderer 'B' in the attached Tender Evaluation Report, for the estimated total amount of \$1,354, 826.62 (excl GST) for Contract CPA/220296 – Panel Contract for GTO as Ranked Panel Member 2.***
- 656/13 ***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.

3.2 Extension of Time - CPA/125834 - Provision of Effluent and Sludge Removal Services

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

657/13 That Council authorise the General Manager to cease the Council's direct provision of charge based effluent and sludge removal and disposal services by a Contractor to Council as at 31 December 2013;

658/13 That Council authorise the General Manager to implement the operational changes necessary to:

a Offer incentives to those ratepayers affected to connect to the sewer in a timely manner, where the appropriate level of connection to sewer services is available, by implementing a time payment plan for costs incurred under Council's Sewer Contribution Charges;

b Install flow meters at Council discharge sites in order to accurately measure the volume per kilolitre of effluent and sludge disposed of at those sites by Contractors for accounts receivable purposes;

659/13 That Council authorise the removal of the prescribed charges for the removal and disposal of effluent and sludge from the Strategic Plan 2013/2014; and

660/13 That Council approve the extension of the current contract for effluent and sludge removal and disposal with Remondis Australia Pty Ltd to 31 December 2013.

3.3 CPA/168046 - Corporate Uniform Contract Extension

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

661/13 That Council approve a contract extension for two years with Goodgear Pty Ltd for the supply and delivery of corporate uniforms.

662/13 That Council note the estimated value of the contract extension is approximately \$170K over two years.

3.4 CPA/225141 - Construction of DN355mm-Polyethylene Water Main Warnervale Road, Hamlyn Terrace

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

663/13 That Council accept the tender from Bothar Boring and Tunnelling Operations Pty Ltd nominated as Tenderer '1' in the attached Tender

Evaluation Report, for the lump sum amount of \$496,931.67 (excl GST) for Contract CPA/225141 – Construction of DN355mm Polyethylene Water Main, Warnervale Road, Hamlyn Terrace.

- 664/13 *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.*
- 665/13 *That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.*

4.1 2012-16 Strategic Plan - March Quarter Review (Q3)

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

- 666/13 *That Council receive the third Quarterly Review Report on progress against the WSC 2012-16 Strategic Plan.*
- 667/13 *That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.*

4.2 Determination of Water and Sewer Fees and Charges 2013 - 2014

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

- 668/13 *That Council approve the water, sewerage and drainage Service Charges set out in Attachment 1.*
- 669/13 *That Council note the amount of revenue to be raised by way of the Service Charges is estimated at \$46,431,515.*
- 670/13 *That Council classify all land for the purpose of levying Services Charges according to the following factors:*
- a whether the land is residential or non residential;*
 - b where the land is residential, by the intensity of the use of the land; and*
 - c the nature and extent of the water or sewerage services connected to each individual allotment.*
- 671/13 *That Council determine the Service Charges shall be levied in accordance with the Water Management Act 2000.*

4.3 Rationalisation of Category 1 Liquid Trade Waste Dischargers Requiring Council Approval

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

672/13 That Council endorse the following;

- ***That those Category 1 Liquid Trade Waste activities prescribed as being exempt by the NSW Office of Water Guidelines be removed from Council's Liquid Trade Waste approval process effective 1 July 2013;***
- ***That Council's current Liquid Trade Waste Policy be amended to reflect the above; and***
- ***That the Annual Trade Waste Fee be discontinued for those exempted Category 1 activities.***

4.4 Review of Alcohol Free Zones - Wyong Shire

Councillor Greenwald declared a pecuniary interest in the matter for the reason that he is an employee of NSW Police force who endorsed the recommendation, left the chamber at 5.47 pm, took no part in discussion, did not vote and returned to the chamber at 5.48 pm.

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

673/13 That Council adopt the Alcohol Free Zones as outlined in the enclosure (including the proposed extension to the Budgewoi Zone as identified in the public submission) to this report for the period 30 June 2013 to 30 June 2017.

674/13 That Council advise the NSW Anti-Discrimination Board of the adoption of the alcohol-free zones.

675/13 That Council place a notice of the adoption of the alcohol –free zones in the local newspaper

676/13 That Council advise those who made submission and other interested parties of the decision.

4.5 Amendment to Facilities and Expenses for Councillors Policy

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

677/13 That Council note that two submissions were received on the proposal.

678/13 That Council adopt the amended Facilities and Expenses for

Councillors for Councillors Policy.**4.6 Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 9 May 2013**

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

679/13 That Council receive the Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 9 May 2013.

680/13 That Council maintain the existing hazard lines removing reference to 2050 and 2100, adopting an immediate high and low Coastal Planning Zone.

681/13 That Council amend the development control plan to reflect a risk based approach to develop land rather than sterilise it, which requires the applicant to demonstrate suitability within the zone.

682/13 That Council consider minor development in front of the immediate hazard line and within the Coastal Planning Zone these developments to be defined in the CP when amended and not require significant engineering coastal studies.

683/13 That Council endorse the Committee's recommendations.

4.7 Recommendations and Minutes of the Employment and Economic Development Committee

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity who own land where a possible cogeneration project may be established, left the chamber at 5.56 pm, took no part in discussion, did not vote and returned to the chamber at 5.59 pm.

Councillor Troy left the meeting at 5.50 pm and returned to the meeting at 5.51 pm during consideration of this item.

Councillor Matthews entered the meeting at 5.57 pm during consideration of this item.

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

684/13 That Council receive the minutes of the Employment and Economic Development Committee meeting held on 1 May 2013.

685/13 That Council request the General Manager to provide a report to the Employment and Economic Development Committee on potential motor sport sites.

686/13 That Council request the General Manager to advise the Employment and Economic Development Committee on the balance between encouraging employment and economic activity versus rigid compliance.

687/13 That Council request the General Manager to provide a report to the Employment and Economic Development Committee on the

streamlining of the fees and policy for progressing planning proposals.

688/13 *That Council request the General Manager to provide a report to the Employment and Economic Development Committee on the possible extension of the Section 94 Stimulus Package to the Warnervale Town Centre.*

689/13 *That Council note the Employment and Economic Development Committee endorsement of the Draft Incentive Policy for Iconic Development on Key Sites, subject to the addition of the following dot point to part D4;*

“That Council may consider varying the public benefit multiplier where Council forms a view that the proposed development is of significant public benefit in itself.”

5.1 Bicycle Racks on Buses

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

690/13 *That Council receive the report on Bicycle Racks on Buses.*

5.2 Investment Report for April 2013

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

691/13 *That Council receive the Investment Report for April 2013.*

5.3 Quarterly Update on Section 94 Contributions

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

692/13 *That Council receive the report on Quarterly Update on Section 94 Contributions.*

5.4 Works in Progress - Water Supply and Sewerage

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

693/13 *That Council receive the report on Works in Progress - Water Supply and Sewerage.*

5.5 Activities of the Development Assessment and Building Certification and Health Units

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

694/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for April 2013.

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

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

695/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.7 Outstanding Questions on Notice and Notices of Motion

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

696/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

5.8 Capital Works - Road Adjustment

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that the company he runs owns property in one of the roads marked for an upgrade and participated in consideration of this matter.

Councillor Best 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 because it is very minor."

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that her business is located in Reliance Drive, Tuggerah Business Park and participated in consideration of this matter.

Councillor Webster 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 Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is a resident of Dudley Street, Lake Haven which is identified for works and participated in consideration of this matter.

Councillor Nayna 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 GRAHAM and seconded by Councillor GREENWALD:

697/13 That Council allocate an additional \$2,762,000 to the roads budget to be spent from savings in other areas of the 2012/13 Capital Works program.

6.1 Notice of Motion - Bike Blitz on Cycle Way Menace

Mr Wes Hooper, resident, addressed the meeting at 6.11 pm, answered questions and retired at 6.18 pm.

Councillor Greenwald declared a pecuniary interest in the matter for the reason that he is an employee of NSW Police and motion is asking for direct actions by NSW Police, left the chamber at 6.11 pm, took no part in discussion, did not vote and returned to the chamber at 6.31 pm.

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

698/13 That Council note with great concern the escalation of unlicensed and unregistered motor bikes using the Shires shared pathways which are frequented by young cycling families and the elderly.

699/13 That Council raises these concerns as a matter of public safety and as a possible public liability risk.

700/13 That Council formally raise these community concerns with the Local Area Command (NSW Police) with a view to conducting a series of enforcement blitzes across the Shire, in an endeavour to reign in this extremely dangerous behaviour by unlicensed, unregistered and uninsured juveniles.

701/13 That Council highlight the importance of responsible bike usage, through its communication section and various media outlets and include outcomes and penalties applied as a result on heightened enforcement.

702/13 That Council direct the General Manager to report the response from the Local Area Command and suggested action, followed by a later outcomes update report to Council.

**6.2 Notice of Motion - Common Sense Review of Tree Application
TA/170/13**

Mr Peter Lisle, resident, addressed the meeting at 6.31 pm, answered questions and retired at 6.43 pm.

Councillor Taylor left the meeting at 6.39 pm and returned to the meeting at 6.43 pm during consideration of this item.

Councillor Vincent left the meeting at 6.50 pm and returned to the meeting at 6.52 pm during consideration of this item.

Councillor Troy left the meeting at 6.56 pm and returned to the meeting at 6.57 pm during consideration of this item.

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

703/13 That Council invite the applicant for TA/170/2013 to lodge a s82A Application for review of the determination made by Council staff on 22 April 2013.

704/13 That Council waive the requirement for the lodgement of an Arborist's Report to support the s82A application in this instance.

705/13 That Council waive the fee for the lodgement of the s82A application.

706/13 That Council refer the application to the General Manager for determination with an indication that it favours approval for the removal of the trees to which the application relates, subject to appropriate conditions.

Confidential items 7.1 and 7.2 were resolved via the exception method during open session. The Mayor reported on this item as follows:

7.1 Superannuation

707/13 That Council apply the 0.25% increase in superannuation to all eligible award staff (96% of our total staff) in a consistent manner (as we did when SGC last increased in the 1990's/2000's).

708/13 That Council:

a) **approve to increase the Senior Designated Officer (SDO) level staff total employment package in the same way as the Award staff,**

b) **approve to increase the SDO level staff total employment package as a minimum the same way as the Award staff and in addition as a retention strategy remove the superannuation maximum contribution cap applicable to SDO's.**

709/13 That Council note that amendments to the Superannuation Scheme are in response to and in accordance with legislative requirements.

7.2 Mayoral Minute - General Manager's Employment Contract

710/13 *That Council endorse the Mayor with authority to sign the attached contract, including standard Department of Local Government Contract for May 2015 through to May 2020 to the General Manager.*

QUESTIONS ON NOTICE

Q19/13 **Norah Head Staircase Eye Sore**
Councillor Greg Best

Mr Mayor, Many local residents have raised this issue with me. Could you please advise when Council intends removing the old concrete pile of steps dumped on Soldiers Beach by staff some two years ago during the construction of the new timber staircase to the west? Further Mr Mayor, the embankment in this area is also failing and exposing old timber and metal shoring materials that are also an eye sore and quite likely a danger to the public.

Q20/13 **Don Small Oval**
Councillor Greg Best

Mr Mayor, I was very disappointed to recently learn of the fire that destroyed the Don Small Oval facilities. At the completion of the fire investigation could you arrange for a staff report to Council addressing key issues around future facility options?

Q21/13 **Australian Institute of Company Directors Councillors Course Completion**
Councillor Lloyd Taylor

Mr Mayor, As a new Councillor I am regularly reminded on waste and mismanagement of previous Councils such as Councillors attending rate payer funded courses in particular the Australian Institute of Company Directors course reportedly at the cost of approximately \$27,000.

What concerns me as a new Councillor is that it is been suggested that a number of Councillors did not bother to sit the final examination. Could you please confirm if this is correct and are any of these Councillors still sitting? Further is there any mechanism for them to repay the wasted funds?

Response to Q18/13

Councillor Taylor

Mr Mayor, could you please advise Councillor Graham that the response to his Question on Notice Q18/13, is "shortly"?

Q22/13 **Removal of Cricket Pitch at Jack Gear Reserve**
Councillor Ken Greenwald

Could I ask the General Manager for a report on why the cricket pitch was removed from Jack Gear Reserve?

THE MEETING closed at 7.06 pm.