
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 08 APRIL 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, 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, Communications Coordinator, IT and Operations Manager and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies.

At the commencement of the Ordinary meeting report numbers 1.1, 8.1, 1.5, 2.1, 2.2, 2.3, 3.1, 4.3, 5.1, 5.5 and 6.2 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Item 2.1 - DA/1137/2014 - Proposed secondary dwelling, deck, awning and pool at Noraville

Councillor Best declared a pecuniary interest in the matter for the reason that he is the owner of the site in question. He left the chamber at 5.49 pm, took no part in discussion, did not vote and returned to the chamber at 5.50 pm.

Item 8.1 - Rescission Motion - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point Oval. Councillor Vincent left the chamber at 5.06 pm, took no part in discussion, did not vote and returned to the chamber at 5.44 pm.

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

294/15 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 WEBSTER:

295/15 That Council allow meeting practice to be varied.

296/15 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 GREENWALD:

297/15 That with the exception of report numbers 1.5, 2.1, 2.2, 2.3, 3.1, 4.3, 5.1, 5.5, 6.2 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 GREENWALD:

298/15 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 GREENWALD:

299/15 That Council receive the amended report on Invited Speakers.

300/15 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 GREENWALD:

301/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 25 March 2015.

Business Arising

There was no business arising.

1.5 Mayoral Minute - Motions to 2015 National General Assembly of Local Government

RESOLVED unanimously on the motion of Councillor EATON:

302/15 That Council submit the following motions to the 2015 National General Assembly of Local Government:

a Amendments to 888 Significant Investment Visa Scheme

That the National General Assembly call on the federal government to promote investment in rural and regional Australia by way of incentives introduced into the 888 Significant Investment Visa scheme that favours investment in rural and regional Australia.

Council Note

This visa class requires an investment of \$5million but unlike most other business visas there is no regional version that has lower thresholds. This means the majority of the investment is going into the major metropolitan areas.

A requirement could be introduced to have at least \$1m of the \$5 m invested in the regions.

b National Financing Authority

That the National General Assembly calls on the Federal Government to work with State and Territories to establish a national financing authority to finance local government borrowing through the issuance of infrastructure bonds to investment markets.

Council Note:

Such a mechanism follows on success of similar financing programs in Sweden and New Zealand.”

2.1 DA/1137/2014 - Proposed secondary dwelling, deck, awning and pool at Noraville

Councillor Best declared a pecuniary interest in the matter for the reason that he is the owner of the site in question. He left the chamber at 5.49 pm, took no part in discussion, did not vote and returned to the chamber at 5.50 pm.

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

303/15 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.

304/15 That Council advise those who made a submission of Councils decision.

305/15 That Council authorise the General Manager to determine any applications for minor modifications to the approved development plans and/or consent conditions.

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

AGAINST: NIL

2.2 RZ/15/2014 - Planning Proposal - Lot 1 DP 1012816 31 Palmdale Road Palmdale.

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

306/15 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone Lot 1 DP 1012816 from RU2 Rural Landscape to Part SP2 Special Purpose – Cemetery, Part E2 Environmental Conservation and Part RU2 Rural Landscape.

307/15 That Council forward the planning proposal to the Department of Planning and Environment (DP&E) seeking a gateway determination.

308/15 That Council request and consider the outcomes of a geotechnical investigation considering the potential for contamination of groundwater and/or surface water in determining if the site is suitable for rezoning.

309/15 That Council undertake community consultation in accordance with the requirements of the gateway determination.

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

AGAINST: NIL

2.3 Jobs Priority 1

Councillor Matthews left the meeting at 6.01 pm and returned at 6.02 pm, during consideration of this item.

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

310/15 That Council receive the report Jobs Priority 1.

311/15 That Council adopt an estimated job creation indice of 10 jobs per \$1 Million of development investment to inform the reporting of job creation through development approvals, rezoning approvals and Council projects.

2.4 Parking Enforcement Policy

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

312/15 That Council place the draft Parking Enforcement Policy on public exhibition for a period of 28 days.

313/15 That Council adopt the Parking Enforcement Policy, subject to there being no significant objections as a result of public exhibition and give appropriate public notice.

3.1 Proposed Acquisition of Lots 63 and 64 DP 13019 at Tuggerawong

Councillor Matthews left the meeting at 6.11 pm and returned at 6.12 pm, during consideration of this item.

Councillor Vincent left the meeting at 6.11 pm and returned at 6.13 pm, during consideration of this item.

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

314/15 That Council consider this item during confidential session.

4.1 Collection and Purchase - Scrap Metal / Batteries - Charmhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant & Buttonderry Waste Management Facility CPA/248200A

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

315/15 That Council accepts the tender from the company nominated as Tenderer No. 3, Sell & Parker Metal Recycling Services, in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/248200A – Collection and Purchase – Scrap Metal / Batteries – Charmhaven Depot, Long Jetty Depot, Bateau Bay Treatment Plant and Buttonderry Waste Management Facility. The estimated three year income against this contract is \$427,000 (excl GST), however actual income may vary significantly with fluctuations in demand.

316/15 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.

317/15 That Council delegates to the General Manager the power to approve the option for a further one year term.

4.2 CPA/242383 - The Entrance Town Centre Lawn and Garden Maintenance

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

318/15 That Council accept the tender from the company nominated as Tenderer '13', Skyline Landscape Services Pty Ltd, in the attached Tender Evaluation Report, for a period of two years for Contract CPA/242383 – The Entrance Town Centre Lawn and Garden Maintenance. The total expenditure against this contract for the two year term is \$152,361.52 (excl GST), however actual expenditure may vary with fluctuations in demand.

319/15 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.

320/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

321/15 That Council delegates to the General Manager the authority to approve the option for a further term of one year.

4.3 CPA/249912 - Upgrade of Sewage Pump Station WS11

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

322/15 That Council consider this item during confidential session.

5.1 Community Subsidy Program and Sport and Cultural Sponsorship Program

RESOLVED on the motion of Councillor EATON and seconded by Councillor TROY:

323/15 That Council allocate \$4,196.92 from the 2014-15 Community Subsidy Program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Staff Funding Recommended</i>
<i>Toukley RSL Sub-Branch</i>	<i>Road Closure for Anzac Day March</i>	<i>\$1000.00</i>
<i>Ourimbah Lisarow RSL Sub-Branch</i>	<i>Road Closure for Anzac Day March</i>	<i>\$500.00</i>
<i>Wyong Creek Literary Institute Inc</i>	<i>Rates Subsidy</i>	<i>\$496.92</i>
<i>Wyong Family History Group Inc</i>	<i>Venue Hire of Wyong Community Cultural Centre Building</i>	<i>\$2000.00</i>
<i>Long Jetty/The Entrance CWA</i>	<i>Digital Printing</i>	<i>\$200.00</i>
<i>Total</i>		<i>\$4,196.92</i>

324/15 That Council allocate \$4,000.00 from the 2014-15 Sport and Cultural Sponsorship Program as follows:

<i>Applicant</i>	<i>Project Name Summary</i>	<i>Staff Funding Recommended</i>
<i>Kingi Callaghan</i>	<i>Sydney Cavaliers Rugby Union 2015 Under 14's World Cup tour of England/Wales, representing NSW</i>	<i>\$500.00</i>
<i>Mitchell Leard</i>	<i>2015 Australian Expos USA Tour Championships in baseball, representing Australia</i>	<i>\$1,000.00</i>
<i>April Brown</i>	<i>2015 Australian Junior Athletics Championships, Sydney, representing NSW</i>	<i>\$500.00</i>
<i>Elizajane (Muffi) Loader</i>	<i>Australian Junior National Basketball Championships, Ballarat Victoria, representing NSW</i>	<i>\$500.00</i>
<i>Timothy Hopkins</i>	<i>Malaysia Futsal Tour Australian Under 12's Boys Team, representing Australia</i>	<i>\$1000.00</i>
<i>Taylah Juckes</i>	<i>Australian Hockey Championships, NSW Girls Under 15's Team, Southport Queensland, representing NSW</i>	<i>\$500.00</i>
<i>Total</i>		<i>\$4,000.00</i>

325/15 That Council decline the 2014-15 Community Subsidy Program application as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Mannering Park Precinct Committee Inc	Venue hire of Mannering Park Community Hall	\$260.00

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

AGAINST: COUNCILLOR VINCENT

5.2 Sponsorship

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

326/15 That Council receive this report and note the changes that have occurred in the current 2014/15 Sponsorship Program;

Positioning	Initiative	Funding Initially Approved	Revised funding commitment	Total over 3 years
Tier 1 Multi-year	Central Coast Academy of Sport	\$15,000 p/a Pre-existing agreement 2013-2017	\$15,000	\$45,000
Tier 2 Multi-year	The Entrance Triathlon	\$15,000 per year for three years (total \$45,000) approved in last EOI	\$30,000 for 2015/16 and 2016/17 (event did not proceed in 2014/15)	\$30,000
Tier 2 Multi-Year	Central Coast hosting of NSW Academy Games	Approved at March 2014 CCROC meeting	\$10,000 per year for three years	\$30,000
Tier 2 Single Year	Community Automotive Sport And Recreation Park (CASAR) Virtual Launch	\$5,000 approved in principle in last EOI round	\$0 (sponsorship cancelled due to event not proceeding)	N/A
Tier 2 Single Year	Central Coast Business Awards	Pre-committed sponsorship	\$5,000 in 2014	N/A
Tier 2 Single Year	Mingara Christmas Under the Stars	Pre-committed sponsorship	\$5,000 in-kind	N/A
Tier 3 Single Year	Sports Star of the Year Award Central Coast Academy of Sport	Pre-committed sponsorship	\$3,000	N/A

Tier 3 Single Year	Success Women's Network – series of eight networking events to help women in business	\$500 per event (total of \$4,000) approved in last EOI round	\$500 for Nov2014 event then \$300 per event (total of \$2,600)	N/A
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327/15 That Council support the allocation of \$4,950 in available sponsorship funding for the 2014-15 year to the following new request:

Positioning	Initiative	New request	Funding commitment	Total over 3 years
Tier 3 Single year	CASAR Foundation Sponsorship	New	\$4,950	N/A

328/15 That Council support a new two year sponsorship for the Central Coast Business Awards and allocate \$6,000 per annum in sponsorship for the 2015/16 and 2016/17 years subject to the event being held in Wyong in one year.

Positioning	Initiative	New Funding Request	Amount per year funding commitment	Total over 2 years
Tier 2 Multi-year	Central Coast Business Awards	New 2 year funding agreement	\$6,000	\$12,000

329/15 That Council decide that the new Award Category for Wyong Shire Council sponsorship of the Central Coast Business Awards for the next two years will be:

- **Outstanding Contribution to the Central Coast OR Creative Industries**

330/15 That Council note that at the CCROC meeting on 19 February 2015 Council endorsed in principle allocation of an additional \$20,000 in sponsorship funding to support the hosting of a round of the Offshore Powerboat Championships on the Central Coast provided Gosford City Council and the NSW State Government also provide funding of \$20,000 and \$10,000 respectively. Provision of funds should be subject to the event being held in the Gosford and Wyong areas and that there is a business case presented to Council that demonstrates a positive net benefit arising to the Wyong Community.

331/15 That Council note that the information in relation to NSW Government support has not yet been received and therefore no allocation from the Sponsorship fund has been made at this time.

5.3 Proposed Councillors' Community Improvement Grants

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

332/15 That Council allocate an amount of \$2964 from the 2014-15 Councillors' Community Improvement Grants as follows:

Bateau Bay PCYC (\$4000)	Friday Night Youth Police Program costs.	250
BreakThru People Solutions (\$4000)	Introduction of iPads to Learning Program.	250
Central Coast Bombers (\$2244)	Purchase an Ice Making Machine for the treatment of injuries.	450
Homeless No More Charity (\$4000)	Recruitment Workshops.	250
Mannering Park Precinct Committee Inc. (\$1300)	Administration Costs.	430
Street Ratz Hotrod Kustom Club Inc. (\$4000)	"Summer City Rumbel" - 8th Annual Hotrod Show - Operation Costs.	400
Wyong Dog Training Club Inc. (\$934)	To pay for the rent of the Tuggerah oval which is their training ground.	934

5.4 Election of Council Representatives on Art House Company Board

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

333/15 That Council note the appointment of the Mayor of Wyong Shire to the Board of The Art House Company Limited, (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre)

334/15 That Council note the appointment of the Manager Community Partnerships and Planning, as the General Manager's representative to the Board of The Art House Company Limited, (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre).

335/15 That Council note the appointment of Tim Cornish Norths Construction and Building Ltd, as the General Manager's representative to the Board of The Art House Company Limited (or other such name as allocated for the purpose of managing and operating The Art House Performing Arts and Conference Centre) for a period of two years

336/15 That Council endorse this group to act as an interim management committee until such time as formal approval is granted to form the independent company.

5.5 Water & Sewer and Roads & Drainage Restructure

RESOLVED on the motion of Councillor EATON and seconded by Councillor NAYNA:

- 337/15 That Council receives the report on the Infrastructure and Operations Review.**
- 338/15 That Council notes the structural changes proposed for the Water and Sewer and Roads and Drainage units.**
- 339/15 That the Council notes the non-structural changes proposed and the business philosophy presented for Water and Sewer and Roads and Drainage units.**
- 340/15 That Council approves the name Wyong Water as the name of the Water Service Authority.**
- 341/15 That Council endorse the management committee consisting of the Director Infrastructure and Operations, Chief Financial Officer, General Manager or their delegate and two external members.**
- 342/15 That interested Councillors and council officers visit Hunter Water, Gold Coast Water and Unity Water to observe larger operations.**

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

6.1 Road Capital Works Program

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

- 343/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

6.2 Regional Skate Facility

Councillor Troy left the meeting at 6.21 pm and returned to the meeting at 6.23 pm during consideration of this item.

Councillor Greenwald left the meeting at 6.54 pm and returned to the meeting at 6.55 pm during consideration of this item.

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

- 344/15 That Council receive and note the report on Regional Skate Facility.**

A Division was called by Councillor Vincent.

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

6.3 Outstanding Questions on Notice and Notices of Motion

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

345/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Rescission Motion - Removal of Buff Point Affordable Housing from Major Amendment 1 to Wyong LEP 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has relatives that live near the Buff Point Oval. Councillor Vincent left the chamber at 5.06 pm, took no part in discussion, did not vote and returned to the chamber at 5.44 pm.

Mr Steven Vandertouw, Community Member, addressed the meeting at 5.12 pm, answered questions and retired at 5.17 pm

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

346/15 That the following resolution carried at the Ordinary Meeting of Council held on 25 February 2015 be rescinded:

“151/15 That Council defer this matter pending consideration by Council of concept plans for possible affordable seniors accommodation on this site.

152/15 That Council reaffirm that this matter will not progress without extensive community consultation.”

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

347/15 That Council withdraw the proposal to rezone 17W Moola Road, Buff Point (Buff Point Oval) from RE1 Public Recreation to R1 General Residential from Wyong Local Environmental Plan (LEP) 2013 – Major Amendment 1.

348/15 That Council further recognise the importance of providing integrated housing in suitable locations particularly to support our seniors.

349/15 That Council not pursue the establishment of integrated housing on lands adjoining or in close proximity to existing community parklands/playing fields.

350/15 That Council request the General Manager report on opportunities/options to provide integrated housing on Council land in traditional residential areas.

351/15 *That Council thank the local community for their submissions and representations that have assisted Council in its deliberation and consideration of this important matter.*

At this stage of the meeting, the Mayor adjourned the meeting for a period of 2 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 5.48 pm.

PROCEDURAL MOTION

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

352/15 *That Council move into Confidential Session.*

At this stage of the meeting being 6.59 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.

PROCEDURAL MOTION

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

358/15 *That Council move back into Open Session.*

Council resumed in open session at 7.32 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

3.1 Proposed Acquisition of Lots 63 and 64 DP 13019 at Tuggerawong

353/15 *That Council acquire Lots 63 and 64 DP 13109 at 326-328 Tuggerawong Road, Tuggerawong.*

354/15 *That Council acquire the land referred to in Item 1 by compulsory acquisition.*

355/15 *That Council give authorisation to proceed with an application seeking the approval of the Minister and the consent of the Governor NSW, pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1990, to proceed with the compulsory acquisition.*

356/15 *That Council authorise the General Manager to sign and seal all documentation associated with the acquisition of the land referred to in Item 1 by Council.*

4.3 CPA/249912 - Upgrade of Sewage Pump Station WS11

357/15 *That Council defer this matter pending further advice from staff.*

QUESTIONS ON NOTICE

Q17/15 Norah Head Boat Ramp
Councillor Greg Best
F2015/00428

"Mr Mayor,

Over the Easter break I visited the Cabbage Tree Bay/Norah Head boat ramp area on a number of occasions where our new ramp was in full use by locals and visitors alike. The feedback I've received is very positive, particularly by those who knew the old ramp. May I take this opportunity to ask you to pass on our appreciation to the staff and contractors who delivered the facility.

Further, just for Council feedback, a reoccurring comment by boaties was around when will the ramp's stage 2 wave attenuation buffer on the eastern/seaward side be installed?

Thank you again to all involved."

THE MEETING closed at 7.35 pm