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# Wyong Shire Council

Minutes of the  
**Ordinary Council Meeting of Council**  
Held in the Council Chamber  
Wyong Civic Centre, Hely Street, Wyong  
on 22 April 2015  
commencing at 5.00pm

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## PRESENT

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

## IN ATTENDANCE

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

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

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

Councillor Eaton OAM asked the chamber to stand to give a minute silence in honor of our ANZACs.

Councillor Eaton OAM asked that feedback be given to staff for their efforts during the Natural Disaster Event.

## APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews due to flooding and Councillor Vincent due to illness.

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

***358/15 That Council accept the apologies and grant leave of absence from the meeting.***

At the ordinary meeting report nos 1.1, 8.1, 3.1, 3.2, 3.3, 3.4, 5.2, 5.3, 5.4, U2/15 and 4.1 were dealt with in this order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

**1.1 Disclosures of Interest**

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**3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

**3.2 DA/450/1991/A - Proposed application to modify approved Retail and Wholesale Plant Nursery building to include hardware and building supplies at Ourimbah**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

**Item 5.3 - Proposed Names of Buildings at Wyong Grove Community and Cultural Hub**

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that former Councillor Robyn Stewart is a close friend.

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."*

**Item 8.1 - Notice of Motion - Traffic Management - Watanobbi Road**

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he works for NSW Police in an unrelated area.

Councillor Greenwald 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 WEBSTER:**

**359/15 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:**

**360/15** That Council allow meeting practice to be varied.

**361/15** That Council use the exception method to deal with the balance of the Agenda.

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

**362/15** That with the exception of report numbers 3.1, 3.2, 3.3, 3.4, 4.1, 5.2, 5.3, 5.4 and 8.1 Council adopt the recommendations contained in the remaining reports.

**1.2 Proposed Inspections and Briefings**

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

**363/15** That Council receive the report on Proposed Inspections and Briefings.

**1.3 Address By Invited Speakers**

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

**364/15** That Council receive the amended report on Invited Speakers.

**365/15** 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**

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

**366/15** That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 8 April 2015.

**Business Arising**

There was no business arising.

**2.1 Mayoral Minute - 2015 Garage Sale Trail**

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

**367/15 That Council participate in the 2015 Garage Sale Trail program at a cost of \$6,250.**

**368/15 That Council note the cost will be funded by existing funds allocated to its Waste Unit.**

**PROCEDURAL MOTION**

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

**369/15 That Council consider both items 3.1 and 3.2 concurrently.**

**3.1 DA/397/2014 - Proposed Change of Use of part of an Existing Retail and Wholesale Plant Nursery Building to Hardware and Building Supplies at Ourimbah**

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Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

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

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

**370/15 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 1979 and other relevant issues.**

**371/15 That Council authorise the General Manager to determine any application for minor modifications to the approved development plans and/or consent conditions.**

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

AGAINST: NIL

**3.2 DA/450/1991/A - Proposed application to modify approved Retail and Wholesale Plant Nursery building to include hardware and building supplies at Ourimbah**

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Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason his family has a leased interest in the property. Councillor Eaton left the chamber at 5.49pm, took no part in discussion, did not vote and returned to the chamber at 6.06pm.

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

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

***372/15 That Council offer the applicant the opportunity to withdraw the Section 96(1A) application DA/450/1991/A within 14 days.***

***373/15 That Council authorise the General Manager to refuse the Section 96(1A) application if the application is not withdrawn within 14 days.***

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

AGAINST: NIL

Councillor Eaton resumed the chair.

**3.3 DA/895/2014 - Proposed 3 Storey Dwelling at The Entrance North**

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

***374/15 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.***

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

AGAINST: NIL

### **3.4 RZ/8/2014 - Proposed Rezoning of Land at Gwandalan**

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Councillor Best left the meeting at 6.16pm and returned at 6.19pm during consideration of this item.

*It was MOVED on the motion of Councillor TAYLOR and seconded by Councillor GRAHAM:*

- 1 *That Council prepare a planning proposal to amend the Wyong Local Environmental Plan (WLEP 2013) to insert an enabling provision within Schedule 1-Additional Uses, to permit a form of "tourist and visitor accommodation" on the land.*
- 2 *That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*
- 3 *That Council require, subject to the gateway determination, the proponent enter into a Funding Agreement with Council in accordance with Council's adopted Statement of Revenue Policy to recover the costs involved in further progressing the proposal.*
- 4 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 5 *That Council undertake agency and community consultation regarding the Planning Proposal in accordance with the gateway determination.*

FOR: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

***The MOTION was put to the vote and declared LOST.***

#### **MATTER ARISING**

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

- 375/15** ***That Council defer this matter for full preliminary public consultation via a public meeting at Gwandalan. This meeting to be convened by Council, held at the Bowling Club (if possible) and be notified widely within the Gwandalan community.***

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND TAYLOR

#### **PROCEDURAL MOTION**

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

- 376/15** ***That Council defer consideration of item 4.1 until the end of the business paper.***

**CONFIDENTIAL SESSION**

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

**377/15 That Council move into Confidential Session to discuss items within the confidential tender report on item 4.1.**

At this stage of the meeting being 7.14pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

**OPEN SESSION**

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

**378/15 That Council move back into Open Session to consider item 4.1.**

Council resumed in open session at 7.23pm

**4.1 CPA/253210 - Water Meter Reading**

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Councillor Troy left the meeting at 7.15pm and did not returned.

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

**379/15 That Council accept the tender from Skilltech Consulting Services Pty Ltd, for a period of up to four years for Contract CPA/253210 – Water Meter Reading. The estimated annual expenditure against this contract is \$457,027 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.**

**380/15 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.**

**381/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

**382/15 That Council delegate to the General Manager the power to approve the option for a further term.**

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

AGAINST: COUNCILLOR GREENWALD

4.2 CPA/254049 - Construction of Forecourt Landscaping - Shelly Beach Surf Life Saving Club

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

383/15 That Council accept the tender from Glenn Simpson Landscapes Pty Ltd, for the lump sum amount of \$389,099.00 (excl GST) for Contract CPA/254049 – Construction of Forecourt Landscaping, Shelly Beach Surf Life Saving Club.

384/15 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.

385/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.3 CPA/257092 - Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erin Avenue, Berkeley Vale

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

386/15 That Council accept the tender from Kerroc Constructions Pty Ltd, for the lump sum amount of \$315,425 (excl GST) for Contract CPA/257092– Construction of Gross Pollutant Traps at Beach Parade, Canton Beach, and Erina Avenue, Berkeley Vale.

387/15 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.

388/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Draft Policy on Community Infrastructure Asset Management

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

389/15 That Council include the updated Asset Management Policy in the draft Wyong Shire Council Strategic Plan 2015-2019 for public exhibition.

390/15 That Council adopt the Community Infrastructure Asset Management Policy presented in this report.

**5.2 Exhibition of Draft Wyong Shire Council Strategic Plan 2015-2019 (incorporating the Four Year Delivery Program and 2015-16 Operational Plan)**

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

**391/15 That Council adopt the Draft Wyong Shire Council Strategic Plan 2015-2019 (the Draft Plan) for public exhibition.**

**392/15 That Council receive submissions from the community and interested groups or stakeholders concerning the Draft Strategic Plan for consideration and possible inclusion in the final plan to be adopted by Council in June 2015.**

**393/15 That Council authorise the General Manager to make appropriate corrections in the Draft Strategic Plan to eliminate numerical inconsistencies and typing errors.**

**5.3 Proposed Names of Buildings at Wyong Grove Community and Cultural Hub**

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Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that former Councillor Robyn Stewart is a close friend.

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."*

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

**394/15 That Council endorse the naming of the individual buildings at Wyong Grove Community and Cultural Hub as follows:**

- **Building A – Robyn Stewart Building**
- **Building B – John Dawson Building**
- **Building C – Tony Sheridan Building**
- **Building D – Cliff Russell Building**
- **Building E – Wyong Grove Theatre**

**5.4 Review Policy - Councillor Community Improvement Grants**

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

**395/15 That Council note that a periodical review of the Councillors Community Improvement Grant Policy has been undertaken, including stakeholder feedback.**

**396/15 That Council adopt the Councillors' Community Improvement Grant Policy attached to this report with an additional amendment to Clause D15 to add the following words:**

- "...unless approved by Council or the GM due to the public benefit that arises."

**397/15 That Council authorise unallocated amounts in the 2014/2015 Councillors' Community Improvement Grant (CCIG) Fund to be allocated to the CCIG fund for the 2015/2016 year and otherwise distributed in accordance with the Policy. Councillor the Community Improvement Grant Policy.**

**398/15 That Council note that adjustments to the 2015/2016 Annual Plan to accommodate the funding change will be made as part of the quarterly review process.**

**5.5 Councillor Attendance - Wyong Regional Chamber of Commerce - April Luncheon Meeting**

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

**399/15 That Council authorise the attendance of interested Councillors at the Wyong Regional Chamber of Commerce April luncheon meeting in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**400/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**6.1 Investment Report for March 2015**

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

**401/15 That Council receive the Investment Report for March 2015.**

**6.2 Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015**

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

**402/15 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 25 March 2015.**

**6.3 General Works in Progress**

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

**403/15 That Council receive the report on General Works in Progress.**

**6.4 Works in Progress - Water Supply and Sewerage**

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

**404/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

**6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units**

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

**405/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of January 2015.**

**6.6 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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

**406/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**6.7 Outstanding Questions on Notice and Notices of Motion**

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

**407/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**8.1 Notice of Motion - Traffic Management - Watanobbi Road**

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Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he works for NSW Police in an unrelated area.

Councillor Greenwald 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."*

Steve Barnes, Community Member, addressed the meeting at 5.10pm, answered questions and retired at 5.31pm.

*It was MOVED by Councillor TAYLOR and SECONDED by Councillor TROY:*

- 1 *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 2 *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 3 *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 4 *That Council support the community initiative to generate a petition and make representation to the state member.*

*An AMENDEDMENT was MOVED by Councillor GREENWALD:*

- 1 *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 2 *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 3 *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 4 *That Council support the community initiative and encourage the community to make representation to the state member.*

***The AMENDMENT was LAPSED due to the want of a seconder.***

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

- 408/15** *That Council note with concern the reports of frequent drag racing and burnouts on Watanobbi Rd.*
- 409/15** *That Council refer this issue to the Traffic Committee for their advice on how to rectify the problem.*
- 410/15** *That Council write to the Tuggerah Lakes Police Command advising it of this problem and seeking their support and implementation of regular patrols and enforcement action.*
- 411/15** *That Council support the community initiative to generate a petition and make representation to the state member.*

**LEAVE TO INTRODUCE A MATTER OF URGENCY**

Councillor Greenwald sought leave to introduce a motion of urgency concerning Wyong Shire being declared a Natural Disaster Area.

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

**412/15 That Council consider a Matter of Urgency regarding concerning Wyong Shire being declared a Natural Disaster Area.**

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

**U2/15 Wyong Shire - Natural Disaster Area  
Councillor Ken Greenwald**

*It was MOVED on the motion of Councillor GREENWALD and seconded by Councillor NAYNA:*

- 1 *That Council request the State Government to declare the Wyong Shire a Natural Disaster Area.*
- 2 *That Council recognise the assistance given by the State Government for the current event and would be thankful on behalf of the local residents for the extra benefits bestowed upon them by this declaration.*

*An AMENDMENT was MOVED by Councillor EATON and seconded by Councillor BEST:*

- 1 *That Council thank the Minister for environment for his decision to exempt the Central Coast from payment of the waste levy.*
- 2 *That Council thank the State Government for their assistance to date in directing additional emergency services support to the region to cope with the storm event.*
- 4 *That Council thank the Premier in anticipation of his declaration of the storm event as a natural disaster.*

**The AMENDMENT was put to the vote and declared CARRIED.**

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

AGAINST: NIL

**The AMENDMENT became the MOTION.**

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

**413/15 That Council thank the Minister for environment for his decision to exempt the central coast from payment of the waste levy.**

**414/15 That Council thank the State Government for their assistance to date in directing additional emergency services support to the region to cope with the storm event.**

**415/15** That Council thank the Premier in anticipation of his declaration of the storm event as a natural disaster.

#### QUESTIONS ON NOTICE

**Q18/15** April 2015 Storms  
Councillor Greg Best

*“Mr Mayor,  
In reviewing the Shire in the last 48 hours has highlighted the magnitude of the storm damage mainly due to the falling trees. I have noted all matter of emergency services working under difficult conditions and clearly doing an excellent job. Understandably, we appreciate their efforts in very difficult circumstances. Of particular note is the outstanding efforts of Council’s field staff ably supported by our Management teams. Could you please pass on our genuine appreciation for their efforts and going above and beyond their call of duty?”*

**Q19/15** Assisting Disabled Travellers  
Councillor Greg Best

*“Mr Mayor,  
For some time now I have noticed groups of disabled people gathering around a bus stop in Tuggerah Business Park in the rain with no shelter or seating, in reliance Drive opposite Fairhaven Services. Mr Mayor could you have this looked into as a matter of urgency, as in my view this is totally unacceptable?”*

**THE MEETING** closed at 7.24pm.