
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 22 JULY 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 S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

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

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

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

APOLOGY

Council, at its meeting held 8 July 2015;

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

723/15 That Council allow meeting practice to be varied.

724/15 That Council grant Councillor Nayna leave of absence from the 22 July 2015 Ordinary Council meeting due to work commitments.”

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 2.1, 7.2 and 1.4 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 5.6 – General Works in Progress

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that the works at the western end of Vincent Close Buff Point are reported as completed 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 because the works are in the general locality to where I live and do not provide any benefit or connect directly on my property.”

Item 7.1 – Notice of Motion – Establishment of New Extreme Bike and Skate Facility in the Shires North

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he participates in cycling as a sport/hobby and participated in consideration of this matter.

Councillor Troy 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 Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity who lease the extreme sports park land to Council at peppercorn rate, he has previously over cautiously declared a non pecuniary interest significant conflict in this area, however after making further enquiries has revised his position.

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 because;

- 1 *No benefit is received*
- 2 *The lease arrangement is not connected to my employment or role at Delta Electricity.”*

Item 7.2 – Notice of Motion – Shire Wide Events and Promotions Board

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is Council delegate to The Entrance Town Centre Management 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 because there is no conflict as Council delegate .”

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is the alternative delegate to Wyong Regional Chamber of Commerce for Wyong Shire Council and participated in consideration of this matter.

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."

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is Council delegate on The Entrance Centre Management and Wyong Regional Chamber of Commerce and participated in consideration of this matter.

Councillor Taylor 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 Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that her daughter works at The Entrance Visitors Centre which operates under The Entrance Town Centre Management. Councillor Webster left the chamber at 5.36pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

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

725/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

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

726/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

727/15 That Council receive the amended report on Invited Speakers.

728/15 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 MATTHEWS and seconded by Councillor EATON:

729/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 8 July 2015.

Business Arising

Councillor Matthews noted the absence of Councillor Nayna with concern regarding adequate representation on Committees and for the community.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

730/15 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) of the Local Government Act 1993:

8.1 Mayoral Minute – GM Recruitment

731/15 That Council note its reason for considering Report No 8.1 Mayoral Minute – GM Recruitment as it may confer a commercial advantage (Section 10A(2)(c)).

732/15 That Council request the General Manager to report on this matter in open session of Council.

2.1 Planning Proposal - 2 Norberta St The Entrance - Rezone from E2 to R2/R3

Ms Kay Wall, community representative, addressed the meeting at 5.06pm, answered questions and retired at 5.14pm.

Mr Mathew Wales, the applicant, addressed the meeting at 5.14pm, answered questions and retired at 5.21pm.

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

733/15 That Council not proceed with the planning proposal as outlined in this report.

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

AGAINST: NIL

2.2 Supplementary Report - RZ/8/2014 - Proposed Planning Proposal for Land at Aldinga Road, Gwandalan

Councillor Matthews left the meeting at 7.05pm and returned to the meeting at 7.06pm during consideration of this item.

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

734/15 That Council receive and note the report on the outcomes of the Gwandalan Bowling Club public meeting.

735/15 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.

736/15 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.

737/15 That Council undertake agency and community consultation regarding the planning proposal in accordance with the gateway determination.

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

AGAINST: NIL

3.1 Classification of Land, Lot 45 DP 1207188 at Johns Road, Wadalba

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

738/15 That Council adopt the classification of Lot 45 DP 1207188 at Johns Road, Wadalba as Operational Land.

739/15 That Council note that:

- a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).**
- b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.**

4.1 CPA/249734 - Removal of Underground Petroleum Storage Systems (UPSS) and Site Remediation at Wyong Council's Charmhaven and Long Jetty Depots

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

740/15 That Council accept the tender from EESI Contracting Pty Ltd, for the estimated total amount of \$481,818.19 (excl GST) for Contract CPA/249734 – Removal of Underground Petroleum Storage Systems (UPSS) and Site Remediation at Wyong Council's Charmhaven and Long Jetty Depots.

741/15 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.

742/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Audit of Best Practice Management Guidelines for Water Supply and Sewerage

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

743/15 That Council receive the report on Audit of Best Practice Management Guidelines for Water Supply and Sewerage.

5.2 Investment Report for June 2015

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

744/15 That Council receive the Investment Report for June 2015.

5.3 Draft Minutes of the Audit and Risk Committee Meeting - 17 June 2015

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

745/15 That Council receive the report on Draft Minutes of the Audit and Risk Committee Meeting - 17 June 2015.

5.4 Draft Minutes of the Employment and Economic Development Committee Meeting - 1 July 2015

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

746/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 1 July 2015.

5.5 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 2 July 2015

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

747/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 2 July 2015.

5.6 General Works in Progress

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that the works at the western end of Vincent Close Buff Point are reported as completed 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 because the works are in the general locality to where I live and do not provide any benefit or connect directly on my property."

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

748/15 That Council receive the report on General Works in Progress.

5.7 Works in Progress - Water Supply and Sewerage

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

749/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

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

750/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.9 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

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

751/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of June 2015 and related job creation.

5.10 Outstanding Questions on Notice and Notices of Motion

Councillor Vincent left the meeting at 7.19pm and returned to the meeting at 7.21pm during consideration of this item.

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

752/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Establishment of New Extreme Bike and Skate Facility in our Shire's North

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he participates in cycling as a sport/hobby and participated in consideration of this matter.

Councillor Troy 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 Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity who lease the extreme sports park land to Council at peppercorn rate, he has previously over cautiously declared a non pecuniary interest significant conflict in this area, however after making further enquiries has revised his position.

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 because;

- 1 *No benefit is received*
- 2 *The lease arrangement is not connected to my employment or role at Delta Electricity."*

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

753/15 That Council welcome the community's recent drive to establishment a steering committee to activate a Northern area competition BMX Track based at San Remo.

754/15 That Council request the General Manager to provide a report on the Committee's initiative to activate a new competition standard version of the Extreme Bike and Skate Facility at San Remo and that committee representatives be invited to brief Council on their vision.

755/15 That further to Council's recent announcement to construct a major regional Skate Facility in the Shires South, Council recognise the need to equitability distribute resources across the Shire, to this end Council welcomes this community driven initiative.

PROCEDURAL ITEM

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

756/15 That Council allow meeting practice to be varied.

757/15 That Council consider each recommendation in item 7.2 – Notice of Motion – Shire Wide Events and Promotions Board separately and display voting for each.

7.2 Notice of Motion - Shire Wide Events and Promotions Board

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is Council delegate to The Entrance Town Centre Management 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 because there is no conflict as Council delegate ."

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is the alternative delegate to Wyong Regional Chamber of Commerce for Wyong Shire Council and participated in consideration of this matter.

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."

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is Council delegate on The Entrance Centre Management and Wyong Regional Chamber of Commerce and participated in consideration of this matter.

Councillor Taylor 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 Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that her daughter works at The Entrance Visitors Centre which operates under The Entrance Town Centre Management. Councillor Webster left the chamber at 5.36pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

Councillor Matthews left the meeting at 5.48pm and returned to the meeting at 5.49pm during consideration of this item.

Councillor Troy left the meeting at 5.56pm and returned to the meeting at 5.58pm during consideration of this item.

Councillor Best left the meeting at 6.29pm and returned to the meeting at 6.37pm during consideration of this item.

Councillor Vincent left the meeting at 6.48pm and returned to the meeting at 6.50pm during consideration of this item.

Mr John Millard, community representative, addressed the meeting at 5.37pm, answered questions and retired at 6.00pm.

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

758/15 That Council reaffirm its' principal direction from the February workshop to investigate options for management and promotion of tourism, employment and investment within the shire including forming a shire wide events and promotions body.

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

AGAINST: NIL

759/15 That Council negotiate changes to the existing agreements to give effect to Council's new direction with:

a) The Entrance Centre Management

FOR: COUNCILLORS BEST, EATON, MATTHEWS, TAYLOR AND TROY

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

b) Greater Toukley Vision

FOR: COUNCILLORS BEST, EATON, TAYLOR AND TROY

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

The MOTION was CARRIED on the casting vote of the Mayor.

c) Central Coast Tourism

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

d) Wyong Regional Chamber of Commerce

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

The MOTION was CARRIED on the casting vote of the Mayor.

760/15 That Council request the General Manager to provide a report back to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY AND VINCENT
AGAINST: NIL

MATTER ARISING

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

761/15 That Council request the General Manager to carry out a full audit of The Entrance Centre Management.

762/15 That Council request this audit include operations, outcomes, minutes, financial statements and compliance with its original purpose.

763/15 That Council request the General Manager provide a report detailing the outcomes and make recommendations for the future management of The Entrance Town Centre based upon this audit.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, TAYLOR, TROY AND VINCENT
AGAINST: NIL

PROCEDURAL MOTION

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

764/15 That Council allow meeting practice to be varied.

765/15 That Council use the exception method to deal with the balance of the Agenda.

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

766/15 That with the exception of report numbers 1.4, 2.2, 5.6, 5.9, 5.10, 7.1 and 8.1 Council adopt the recommendations contained in the remaining reports.

CONFIDENTIAL SESSION

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

767/15 That Council move into Confidential Session.

At this stage of the meeting being 7.32pm 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 as the items listed come within the following provisions:-

OPEN SESSION

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

768/15 That Council move back into Open Session.

Council resumed in open session at 7.49pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

8.1 Mayoral Minute - GM Recruitment

769/15 That Council appoint Davidson Executive as its Recruitment Adviser for Initial Professional Advice as contained in the Davidson Proposal.

770/15 That Council note that Mr Whittaker will be present at briefings by the recruitment adviser and Council thanks him for his assistance.

QUESTIONS ON NOTICE

**Q27/15 Toukley By Pass Shambles
Councillor Greg Best**

"Mr Mayor,

Further to the RMS's outrageous decision to force speedbumps into Main Rd Toukley, this unsurprisingly has forced motorists on to the back streets of Toukley. My question is on the behalf of the good people of Moss Avenue, Crossingham Street, Evans Road and Oleander Street that now have become a back road raceway in residential streets. These roads, in my view, are under prepared for such a significant increase of traffic and the safety issues that arise from the RMS's decision. Also these back streets, now main roads, require maintenance and repairs by the rate payers, not the RMS. What plans are in place to assist the residents in these affected back streets to manage, improve safety and slow traffic?"

**Q28/15 Gateway To Toukley
Councillor Greg Best**

“Mr Mayor,

On numerous occasions I have raised, on behalf of the residents of Toukley, the issue of the disgraceful, uncompleted building at the Toukley bridge, locally known as the “Taj Mahal”. I understand through my representations, this site has been the focus of legal action by Council, however, the site still, in my view, is a total disgrace. Could you please update the Council on any progress to date. Also Mr Mayor, the highly controversial site of the old Toukley caravan park is simply another shambles in this gateway. What options has Council to force the owners to be more respectful of the image and street scape Toukley seeks to project?”

THE MEETING closed at 7.50pm.