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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 23 MARCH 2016  
COMMENCING AT 5.00 PM

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## 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

Acting Chief Executive Officer, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Communications Coordinator, IT Infrastructure Administrator 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.

The Mayor, Councillor 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, 4.4, 1.5, 2.1, 2.2, 3.1, 4.1, 4.2, 4.3, 4.4, 4.7, 5.6, 7.1 and 7.2 were dealt with first then the remaining reports were resolved via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

### **1.1 Disclosure of Interest**

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#### **4.3 Central Coast Business Enterprise Centre**

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that Business Enterprise Centre (BEC) is a tenant of Central Coast Group Training (CCGT) Ltd and I am the Council delegate to GGGT 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 no actual conflict as I am only delegate of Council and interests coincide."*

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that as the BEC is a partner of CCGT, that I am the General Manager of. Councillor Best left the chamber at 5.31pm, took no part in discussion, did not vote and returned to the chamber at 5.32pm.

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that her husband is employed by Transport NSW and participated in consideration of this matter.

Councillor Matthews 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 he is employed under the division of track maintenance."*

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

**289/16 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

#### **PROCEDURAL MOTION**

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

**290/16 That Council allow meeting practice to be varied.**

**291/16 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:**

**292/16 That, with the exception of report numbers 1.5, 2.1, 2.2, 3.1, 4.1, 4.2, 4.3, 4.4, 4.7, 5.6 and 7.1, Council adopt the recommendations contained in the remaining reports.**

#### **1.2 Proposed Briefings and Inspections**

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

**293/16 That Council receive the report on Proposed Briefings and Inspections.**

#### **1.3 Address By Invited Speakers**

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

**294/16 That Council receive the amended report on Invited Speakers.**

#### **1.4 Confirmation of Minutes of Previous Meeting**

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

295/16 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Thursday 10 March 2016.

#### **Business Arising**

There was no business arising.

#### **1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

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

296/16 That Council consider the following matters in Confidential Session, pursuant to Section 10A (2) (c) of the Local Government Act 1993:

7.2 – Mayoral Minute – 140 Sparks Road, Warnervale

297/16 That Council note its reason for considering Report No and 7.2 - Mayoral Minute – 140 Sparks Road, Warnervale, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

298/16 That Council request the Acting Chief Executive Officer to report on these matters in open session of Council.

#### **PROCEDURAL MOTION**

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

299/16 That Council re-commit item 7.2, Mayoral Minute – 140 Sparks Road, Warnervale, to be considered during confidential session.

#### **2.1 Planning Proposal - Additional Permitted Use - 8 Warrigal St The Entrance**

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

300/16 That Council prepare a planning proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979 to permit the land use residential flat building on Lot 6 DP 22914, 8 Warrigal Street The Entrance.

- 301/16 *That Council forward the planning proposal to the Department of Planning and Environment accompanied by a request for a gateway determination, pursuant to Section 56 of the EP&A Act 1979.*
- 302/16 *That Council request the Acting Chief Executive Officer to apply to accept plan making delegations for the planning proposal.*
- 303/16 *That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination.*
- 304/16 *That Council consider a further report on results of the community consultation.*

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

## **2.2 DCP 2013 - Review of Site Specific Residential Controls**

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

- 305/16 *That Council request that a draft amendment to Wyong Development Control Plan (DCP) 2013 as shown in Attachment 1 and 2 be publically exhibited for a period of 28 days.*
- 306/16 *That Council request that the process for the repeal of the Gwandalan DCP be commenced.*
- 307/16 *That Council note that a further report outlining submissions received during the exhibition period will be provided.*

FOR: CRS GB BEST, DE EATON, B G GRAHAM, KG GREENWALD, LM MATTHEWS, LT TAYLOR, AT TROY, DV VINCENT AND LW WEBSTER

AGAINST: NIL

## **3.1 Classification of Land, Lot C DP 360458 at 7 Anzac Avenue, Wyong**

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

- 308/16 *That Council receive and note the public submission received in response to the proposal to classify Lot C DP 360458 at 7 Anzac Avenue, Wyong as Operational Land.*
- 309/16 *That Council adopt the classification of Lot C DP 360458 at 7 Anzac Avenue, Wyong as Operational Land.*
- 310/16 *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 Council Submission to Draft Central Coast Regional Plan 2015**

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

**311/16 That Council adopt the draft submission prepared in response to the 'Draft Central Coast Regional Plan'**

**312/16 That Council authorise the inclusion of the following items into the final submission:**

- A. That tourism be recognised as a major industry on the Central Coast**
- B. That the Buttonderry Waste Management Facility be recognised as a major regional resource for the Central Coast**
- C. That Council have greater representation on the Coordinating and Monitoring committee and play a significant role in the development of the Implementation Plan**
- D. That Council in its submission recognise Woy Woy and Erina as major mixed use Centres.**
- E. That Council request the release of the final CCRP by September 2016 to enable the new Central Coast Council to use as a foundation document**

**313/16 That Council authorise the Acting CEO to forward the amended submission including any necessary refinements to the NSW Department of Planning and Environment (DP&E).**

**314/16 That Council note the Mayor's intention to make a separate submission to investigate future residential uses in the north Somersby district, generally between the M1 and Wisemans Ferry Road.**

FOR: CRS GB BEST, DE EATON, B G GRAHAM, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS KG GREENWALD, LM MATTHEWS AND DV VINCENT

**4.2 Contract Variations and Finalisation Report for the period covering September to December 2015**

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

**315/16 That Council receive the Contract Variations report, apart from the labour hire contract variations, for the period covering September to December 2015.**

**316/16 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:**

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (Excl GST)</b>	<b>Additional Budget Approval (Excl GST)</b>
<b>Manufacture of Sewer Pump Station Aluminium Hatch Covers</b>	<b>CPA/252268</b>	<b>\$442,000.00</b>	<b>\$91,000.00</b>
<b>Construction of Gross Pollutant Traps Canton Beach and Berkeley Vale</b>	<b>CPA/257092</b>	<b>\$378,025.92</b>	<b>\$62,589.92</b>

**317/16 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.**

**318/16 That the Acting CEO urgently report to Council on these labour hire contracts and any other labour hire contracts Council currently has on foot.**

**4.3 Central Coast Business Enterprise Centre**

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that Business Enterprise Centre (BEC) is a tenant of Central Coast Group Training (CCGT) Ltd and I am the Council delegate to GGGT 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 no actual conflict as I am only delegate of Council and interests coincide."*

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Councillor Matthews 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 he is employed under the division of track maintenance."*

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

**319/16** That Council note that Gosford City Council does not wish to issue a joint competitive tender for these services at this time, and wishes to continue under the current arrangements

**320/16** That Council agree to renew the funding for Central Coast Business Enterprise Centre for \$30,000 per annum for an additional 12 months to 30 June 2017 with agreed deliverables in a signed funding agreement and with Wyong Shire Council funding to be contingent on continued funding from Gosford City Council and the NSW State Government

#### **4.4 Proposed Transfer of Land at Kangy Angy to Transport for NSW**

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Mr Tony Caldersmith, Chairman of the Kangy Railway Action Group, addressed the meeting at 5.07 pm, answered questions and retired at 5.24 pm.

Mr Dean Innes, local resident, addressed the meeting at 5.24 pm, answered questions and retired at 5.31 pm.

Mr Tony Caldersmith, Chairman of the Kangy Railway Action Group, was called to address the meeting again at 5.32 pm, answered further questions and retired at 5.34 pm.

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

**321/16** That Council defer this matter until the 25 May 2016 Ordinary Council meeting for consideration.

#### **4.5 Councillor Attendance - Central Coast Economic Breakfast**

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

**322/16** That Council authorise the attendance of interested Councillors at the New South Wales Business Chamber (NSWBC) Central Coast Economic Breakfast in accordance with the Council's Facilities and Expenses Policy for Councillors.

**323/16** That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

**4.6 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 3 March 2016**

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

**324/16 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 March 2016.**

**325/16 That Council to consider funding for the retarding basin, upstream of the freeway and below Mardi Dam, in the 2016/17 capital works budget.**

**4.7 Proposed Retarding Basin below Mardi Dam**

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

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

**326/16 That Council note that an allocation of \$100,000 for flood mitigation works be funded from the Tuggerah Lakes Stormwater Levy, to construct a retarding basin on the western side of the M1 Motorway, located below Mardi Dam will be included within the 2016/17 draft capital works budget.**

**5.1 Wyong Water - Works in Progress**

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

**327/16 That Council receive the report on Wyong Water - Works in Progress.**

**5.2 Investment Report for February 2016**

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

**328/16 That Council receive the Investment Report for February 2016.**

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

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

**329/16 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**



**5.4 Activities of the Development and Rezoning and Building Certification Compliance and Health Units - February 2016**

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

**330/16 That Council receive the report on Activities of the Development and Rezoning and Building Certification, Compliance and Health Units for the month of February 2016.**

**5.5 Draft Minutes of the Employment and Economic Development Committee Meeting - 2 March 2016**

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

**331/16 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 2 March 2016.**

**5.6 Councillor Strategic Planning Workshop (5-6 February 2016) - Minutes and Action Register**

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

**332/16 That Council receive and note the minutes and action register of the 2016 Councillor Strategic Planning Workshop (held from 5-6 February 2016).**

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

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

**333/16 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**7.1 Council's Animal Care Facility**

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

**334/16 That Council receive and note the report on Council's Animal Care Facility.**

**CONFIDENTIAL SESSION**

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

**335/16 That Council move into Confidential Session.**

At this stage of the meeting being 7.08pm 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.

**OPEN SESSION**

Council resumed in open session at 7.13pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**7.2 Mayoral Minute - 140 Sparks Road, Warnervale**

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Councillor Vincent left the meeting at 7.10 pm and returned to the meeting at 7.11 pm during consideration of this item.

**336/16 That Council note this report and endorse the purchase as set out in the report.**

**QUESTIONS ON NOTICE**

**Q5/16 The Entrance Markets**

**Councillor Doug Vincent**

F2004/07414

*“Could staff please advise:*

- Why the tender for The Entrance Markets was only disclosed to stall holders on the Friday before the tender was released?*
- Are The Entrance Markets being moved from The Entrance, if so why?*
- Was the decision to move The Entrance Markets to Wyong a Council decision?*
- Was the decision to move The Entrance Markets an Entrance Town Centre Management decision?”*

**THE MEETING** closed at 7.14pm.