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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 28 NOVEMBER 2012 COMMENCING AT 5:00 PM

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### PRESENT

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

### IN ATTENDANCE

General Manager, Acting Director Development and Building, Director Infrastructure and Operations, Acting Director Community and Recreation Services, General Counsel, Executive Manager to the General Manager, Chief Information Officer, Manager Building Certification and Health, Manager Roads and Stormwater, Project Officer Integrated Planning, Communications and Marketing Coordinator, Director Level 2 Care and Education Karinya, Assistant Care and Education Karinya, Director Level 2 Care and Education North Lakes, Assistant Manager Care and Education, Qualified Child Development Worker and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.04 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

The Acting Director of Community and Recreation Services thanked Ms Marlene Pennings and Ms Barbara Roach for all the work they did in the community and congratulated them on being recognised in the Hidden Treasure Honor Roll for 2012, celebrating women volunteers in the community.

The Mayor announced that the North Lakes Child Care Centre won the gold medal award, throughout Australia, for best overall child care program and thanked staff representatives Ms Beth Jones, Ms Karen Fitzsimmons, Ms Alison O'Keefe, Ms Alison Whitmore and Ms Tracey Bowman for all their hard work and commitment towards Council's child care program.

### APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1 and 5.2 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**

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**5.3 Council Approval- Revised Motor Vehicle Policy and Procedure**

Acting Open Space Manager, Brett Sherar, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

**5.3 Council Approval- Revised Motor Vehicle Policy and Procedure**

Director Infrastructure and Operations, Greg McDonald, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

**5.3 Council Approval- Revised Motor Vehicle Policy and Procedure**

General Counsel Legal and Risk Manager, Brian Glendenning, declared a pecuniary interest in the matter for the reason that the item of business directly affects that the policy has an impact on his employment contract and took no part in discussion.

**5.3 Council Approval- Revised Motor Vehicle Policy and Procedure**

Land Use Planning Policy Development Manager, Martin Johnson, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

**5.3 Council Approval- Revised Motor Vehicle Policy and Procedure**

The General Manager, Michael Whittaker, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

**5.9 Central Coast Mariners Bid to Attract David Beckham.**

Councillor Bob Graham declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of The Central Coast Mariners Football Club Board of Directors and chose to remain in the chamber.

**9.1 Mayoral Minute - General Manager's Mid Year Performance Review**

The General Manager, Michael Whittaker, declared a pecuniary interest in the matter for the reason that it impacts on his employment contract, left the chamber at 7.56 pm, took no part in discussion and returned to the chamber at 7.57 pm.

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

***474/12 That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.***

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

**475/12 That Council allow meeting practice to be varied.**

**476/12 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

**477/12 That with the exception of report numbers 1.6, 1.8, 3.1, 5.1, 5.2, 5.4, 5.5, 5.7, 5.8, 6.3, 6.5, 6.6, 8.1 and 9.1 Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

Councillor Vincent left the meeting at 5.20 pm and returned at 5.23 pm and as a result took no part in voting on this item.

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

**478/12 That Council recommit item 2.1 - DA 727/2012 - Detached Secondary Dwelling at Gorokan.**

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

AGAINST: NIL

**1.2 Proposed Inspections and Briefings**

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

**479/12 That Council receive the report on Proposed Inspections and Briefings.**

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

**480/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 14 November 2012.**

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

AGAINST: NIL

**1.4 Address by Invited Speakers**

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

**481/12 That Council receive the amended report on Invited Speakers.**

**482/12 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.**

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

AGAINST: NIL

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

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

**483/12 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(a) and (c) of the Local Government Act 1993:**

**9.1 Mayoral Minute – General Manager's Mid Year Performance Review 2012-13**

**9.2 Facility Agreement – Borrowings for LIRS projects**

**9.3 2012-16 Strategic Plan – September Quarter Review Q1 – only that part arising from the Legal matters on page 26**

**484/12** That Council note its reasons for considering Report No 9.1 – Mayoral Minute – General Manager’s Mid Year Performance Review 2012-13, is that discussion is anticipated which concerns the rights of individuals; Report No 9.2 – Facility Agreement – Borrowings for LIRS projects, as it contains information that, if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business with and part of Report 5.1 2012-16 Strategic Plan – September Quarter Review Q1, is that it contains advice concerning litigation or would be otherwise privileged.

**485/12** That Council request the General Manager to report on this matter in open session of Council.

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

AGAINST: NIL

#### **1.6 Mayoral Minute - Australian Chinese Theme Park Offer to Purchase Council Land**

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Councillor Best left the meeting at 5.56 pm and returned to the meeting at 5.57 pm during consideration of this item.

Councillor Matthews left the meeting at 6.00 pm and returned to the meeting at 6.02 pm during consideration of this item.

Councillor Troy left the meeting at 6.01 pm and returned to the meeting at 6.03 pm during consideration of this item.

**RESOLVED unanimously on the motion of Councillor EATON:**

**486/12** That Council approve the sale of the 1 Warren Road being an area of 15.77 ha and part of Lot 3 DP 10007500 for a sale price of \$10,000,000 to the Australian Chinese Theme Park Pty Ltd (ACN 47 054 613 735).

**487/12** That Council authorise the Common Seal of Wyong Shire Council to be affixed to the “Contract for Sale of Land” between Wyong Shire Council and ACTP (ACN 47 054 613 735)

**488/12** That Council authorise the Mayor and General Manager to execute all documents relating to this sale of land.

**489/12** That Council authorise the Mayor and General Manager attend the signing ceremony on behalf of Council.

**490/12** That Council set a sunset date of the 10 December 2012 by which the contract is to be signed by both parties.

**491/12** The Council requests the General Manager to report back to Council at its meeting of 12 December 2012 on the outcome of the resolutions contained within this minute.

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

AGAINST: NIL

**1.7 Mayoral Minute – Submission Review of Approved Wyong Shire Council  
Organisation Structure 24 October 2012**

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

***492/12 That Council receive and note all submissions.***

***493/12 That Council adopt the proposed organisation structure as presented in  
Attachment 4 as the Wyong Shire Council Organisation Structure.***

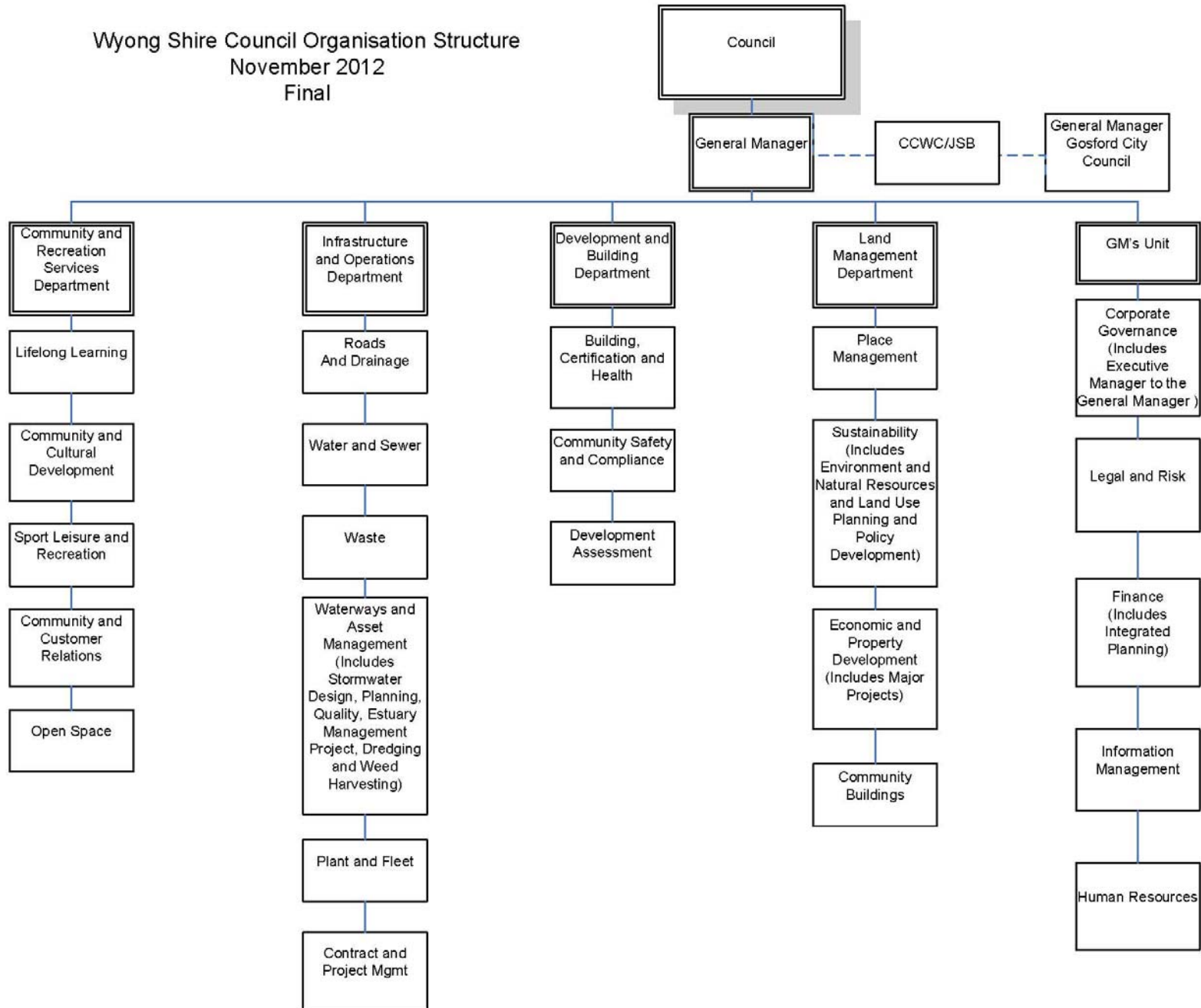
***494/12 That Council delegate power to the General Manager to undertake  
continuous improvement to the WSC Organisation structure to enhance  
customer service, staff satisfaction and financial savings.***

***495/12 That Council designate the positions of Director Development and Building,  
Director Land Management, Manager Sustainability and Manager  
Waterways and Asset Management as Senior Designated Officers.***

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

AGAINST: NIL

Wyong Shire Council Organisation Structure  
 November 2012  
 Final







**1.8 Mayoral Minute - M1 Ramp at Wyong**

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**RESOLVED unanimously on the motion of Councillor EATON:**

- 496/12** That Council reiterate its support for the need for a Freeway connection to Alison Road, in order to provide expedited emergency services, and request the General Manager to formally advise the Minister for Roads and Ports.
- 497/12** That Council request the General Manager to direct staff from Council's Asset Management Unit to arrange a meeting with Roads and Maritime Services (RMS) to initiate preliminary investigations into the feasibility of constructing a northbound entry ramp to the M1 Pacific Motorway at Wyong in the vicinity of the existing emergency access facility and the availability of funding to cover the cost of this investigation work.
- 498/12** That Council request the General Manager to direct staff from Council's Asset Management Unit to work with RMS to develop concept designs and cost estimates for the project, subject to the external costs being met by State and Federal Government Funding .
- 499/12** That Council request the General Manager to direct staff to write to the Federal Government seeking their funding for the delivery of the proposal.
- 500/12** That Council request the General Manager to direct staff to investigate and report on a concept design to improve Old Maitland Road and its connectedness to the M1 at Cobbs Road, Tuggerah.

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

AGAINST: NIL

**2.1 DA 727/2012 - Detached Secondary Dwelling at Gorokan**

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

- 501/12** That Council grant consent having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, and subject to the conditions detailed in the schedule attached to the report with the Section 94 contributions deleted from the consent.

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

AGAINST: NIL

**2.2 Ex Officio appointment to Tuggerah Lakes Reserve Trust (Central Coast Wetlands - Pioneer Dairy)**

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

**502/12 That Council's Manager Sustainability or their delegate be nominated to the Department of Primary Industries Catchments and Lands as Council's ex officio member for a 5 year term to the board of Tuggerah Lakes Reserve Trust (Central Coast Wetlands – Pioneer Dairy).**

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

AGAINST: NIL

**3.1 RZ/9/2012 Rezoning to Permit Officeworks at Tuggerah**

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

**503/12 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, pursuant to Section 55 of the Environmental Planning and Assessment Act, 1979 based on the Applicant's Planning Proposal Submission.**

**504/12 That Council, upon compilation, forward the Planning Proposal to the Department of Infrastructure and Planning accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the Environmental Planning and Assessment Act, 1979.**

**505/12 That Council undertake community consultation and consultation with relevant Government Agencies, in accordance with details attached to the "Gateway Determination".**

**506/12 That Council request the Department of Planning and Infrastructure to prepare a relevant Local Environmental Plan amendment and that the Minister be requested to make the Plan, subject to there being no significant objections, that cannot be resolved by making minor amendments to the Planning Proposal.**

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

AGAINST: NIL

**4.1 Contract Variation - Microsoft Licensing**

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

**507/12 That Council approve a budget variation increase of \$320,000 (excl GST) for the existing Microsoft Licensing Agreement in order to support increases in demand and improvements to the service delivery model.**

**508/12 That Council note the estimated total value of the contract over the three (3) year period will now be \$995,000 (excl. GST).**

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

AGAINST: NIL

**5.1 2012-16 Strategic Plan - September Quarter Review (Q1)**

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

**509/12 That Council defer consideration of this item until the confidential session, as item 9.3, as additional legal advice has now been received regarding this matter.**

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

AGAINST: NIL

**5.2 Proposed Replacement of Pedestrian Bridge over Tumbi Creek, Peninsula Point, Berkeley Vale**

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Councillor Vincent left the meeting at 5.22 pm and returned at 5.23 pm during consideration of this item.

Ms Susan Zgraja addressed the meeting at 5.23 pm, answered questions and retired at 5.29 pm.

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

**510/12 That Council endorse the construction of a new "Cable Stay Bridge" with associated shared pathway approaches over Tumbi Creek at the location as shown in Option A.**

**511/12 That Council approve expenditure for the construction of the new bridge within the funding limits of Councils existing 2012/2013 capital works budget.**

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

### **5.3 Council Approval - Revised Motor Vehicle Policy and Procedure**

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Acting Open Space Manager, Brett Sherar, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

Director Infrastructure and Operations, Greg McDonald, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

General Counsel Legal and Risk Manager, Brian Glendenning, declared a pecuniary interest in the matter for the reason that the item of business directly affects that the policy has an impact on his employment contract and took no part in discussion.

Land Use Planning Policy Development Manager, Martin Johnson, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

The General Manager, Michael Whittaker, declared a pecuniary interest in the matter for the reason that the policy has an impact on his employment contract and took no part in discussion.

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

***512/12 That Council note the consultation process between with staff and management***

***513/12 That Council consider the issues and submissions raised by staff and detailed in the report.***

***514/12 That Council endorse the revised Motor Vehicle Policy and Procedure.***

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

**5.4 NSW Local Infrastructure Renewal Scheme Approved Loan Interest Subsidy - options concerning the use of resulting savings**

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

**515/12 That Council approve the following proposals in this report relating to the allocation of associated savings as a result of the success of Council's two applications under the NSW Local Infrastructure Renewal Scheme and that the Finance team process those changes in the December quarter review.**

- a That Council meet the cost of the loan principal repayments for the Warnervale Road Project from the Section 94 reserve fund (with the Finance team managing the accounting details).**
- b That Council meet the cost of the loan principal repayments for the Local Roads Pavement Renewal Programme from the current CAPEX budget.**
- c That Council meet the cost of the interest repayments for both of the loan funded projects from the current debt portfolio budget.**
- d That Council utilise some of the associated capital savings to the current budget, as a result of the loan funding, to allocate \$2M towards an accelerated CAPEX programme of backlog works of road pavement renewal in 2012/13.**

**516/12 That Council authorise the General Manager to negotiate and execute the associated loan contract with a selected lending authority.**

**517/12 That Council authorise the affixing of the seal to and executing the two funding agreement documents associated with successful applications under the NSW Local Infrastructure Renewal Scheme.**

**518/12 That Council authorise the Mayor to write to the Premier, Treasurer, Minister of Local Government and Members for Wyong and The Entrance thanking them for the Local Government Infrastructure Renewal Scheme (LIRS) and request they continue the LIRS in future NSW government budgets.**

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

AGAINST: NIL

**5.5 2011/12 Annual Report**

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Councillor unanimously Vincent left the meeting at 6.24 pm and returned to the meeting at 6.25 pm during consideration of this item.

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

**519/12 That Council adopt the 2011/12 Annual Report (including enclosures).**

**520/12 That Council post a copy of the 2011/12 Annual Report (including enclosures) on Council's website.**

**521/12 That Council advise the Minister for Local Government of Council's URL link to access the report.**

**522/12 That Council receive the 2008-12 Outcomes Report against the Community Strategic Plan.**

**523/12 That Council note its appreciation of the staff in relation to the production of the 2011/12 Annual Report (including enclosures).**

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

AGAINST: NIL

**5.6 Voluntary Planning Agreements - Capped Contributions**

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

**524/12 That Council delegate to the General Manager the authority to endorse the two draft VPA's lodged with Development Applications 671/2012 and 695/2012 respectively.**

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

AGAINST: NIL

**5.7 Councillor Weekend Workshop - February 2013**

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

**525/12 That Council note the contents of the report.**

**526/12 That Council hold the Councillor Weekend Workshop at Shoal Bay, Port Stephens.**

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

AGAINST: NIL

**5.8 NSW Local Infrastructure Renewal Scheme (LIRS) Round 2. Proposal to submit projects to incur borrowings to be subsidised under the LIRS**

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

**527/12 That Council approve the submission of the following two projects for approval to incur borrowings to be subsidised under LIRS Round 2:**

- a Purchase of capital equipment to facilitate increased wrack harvesting**
- b Renewal and upgrading of Gross Pollutant Traps and Stormwater Treatment Devices to benefit water quality in Tuggerah lakes**

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

AGAINST: NIL

**5.9 Central Coast Mariners Bid to attract David Beckham**

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Councillor Bob Graham declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of The Central Coast Mariners Football Club Board of Directors and chose to remain in the chamber.

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

**528/12 That Council receive and note the report on Central Coast Mariners Bid to attract David Beckham.**

**529/12 That Council approve a sponsorship of \$100,000 as an underwriting for the Mariner's costs incurred in recruiting David Beckham as a guest player for a ten week period from mid January 2013, subject to a formal agreement between Wyong Shire Council (WSC) and the Central Coast Mariners Ltd.**

**530/12** *That Council authorise the General Manager to execute the agreement which shall include a condition that makes payment subject to a satisfactory Return On Investment being achieved for the Shire on completion of the sponsorship.*

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

AGAINST: NIL

### **6.1 Information Reports**

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

**531/12** *That Council receive the report on Information Reports.*

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

AGAINST: NIL

### **6.2 Works in Progress - Water Supply and Sewerage**

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

**532/12** *That Council receive the report on Works in Progress - Water Supply and Sewerage.*

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

AGAINST: NIL

### **6.3 Upgrading of the Pacific Highway through the Wyong Township by the Roads and Maritime Services**

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Councillor Graham left the meeting at 7.01 pm and returned to the meeting at 7.03 pm during consideration of this item.

Councillor Taylor left the meeting at 7.03 pm and returned to the meeting at 7.04 pm during consideration of this item.

Councillor Troy left the meeting at 7.15 pm and returned to the meeting at 7.16 pm during consideration of this item.



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

**533/12 That Council receive the report on Upgrading of the Pacific Highway through the Wyong Township by the Roads and Maritime Services.**

**534/12 That Council reaffirm its previous resolution, of the 24 October 2012, supporting the Roads and Maritime Service's (RMS) preferred option through the town.**

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

AGAINST: NIL

#### **6.4 Activities of the Development Assessment and Building Certification and Health Units**

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

**535/12 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units**

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

AGAINST: NIL

#### **6.5 Investment Report for October 2012**

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

**536/12 That Council receive the Investment Report for October 2012.**

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

AGAINST: NIL

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

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

**537/12 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

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

AGAINST: NIL

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

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

**538/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

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

AGAINST: NIL

**8.1 Notice of Motion - Green Tape Reduction on DCP Chapter 14 - Trees**

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Councillor Webster left the meeting at 7.34 pm and returned to the meeting at 7.37 pm during consideration of this item.

Councillor Taylor left the meeting at 7.43 pm and returned to the meeting at 7.44 pm during consideration of this item.

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

**539/12 That Council amend its Development Control Plant 2005: Chapter 14 - Tree Management;**

**7.1.1 "Plants with undesirable characteristics" due to location. Now to read "trees located within (6) metres of an approved residential structure and (12) metres of a non residential approved structure, will be considered to be undesirable due to their location".**

**540/12 That Council also vary clause;**

**7.1.2 "Plants with undesirable characteristics generally" to now read "all trees that are of non native species"**

**541/12**     ***That Council staff follow the statutory process with regards to amendments to DCP Chapter 14.***

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

AGAINST:         NIL

## **CONFIDENTIAL SESSION**

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

**542/12**     ***That Council move into Confidential Session.***

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

AGAINST:         NIL

At this stage of the meeting being 7.52 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.

## **OPEN SESSION**

Council resumed in open session at 7.57 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**9.1**           **Mayoral Minute - General Manager's Mid Year Performance Review 2012-2013**

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**543/12**     ***That Council endorse the General Manager's performance review for the mid year 2012/13 assessment.***

**544/12**     ***That Council approve the change to his financial contribution for private use of the Council motor vehicle within his remuneration package as contained in Attachment 1 and any consequential changes to other components of his remuneration package noting the total remuneration package remains unchanged.***

**9.2 Facility Agreement - Borrowings for LIRS projects**

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- 545/12 That Council accept the offer of loan borrowings, as dated 21 November 2012, for an amount of \$7,130,000 for a nine years and eleven month (9yrs and 11mths) term, based on a bi-annual amortisation table, from Commonwealth bank of Australia in accordance with the 2012-13 borrowings Programme.
- 546/12 That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Commonwealth Bank of Australia.
- 547/12 That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and Commonwealth Bank of Australia.

**9.3 2012-16 Strategic Plan - September Quarter Review (Q1)**

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- 548/12 That Council receive the first Quarterly Review Report on progress against the WSC 2012-16 Strategic Plan.
- 549/12 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.
- 550/12 That Council authorise the General Manager to attempt to settle land and environment court proceedings 10957 of 2012 by the upholding of the appeal and the granting of conditional consent to DA/733/2012, on the best terms as the General Manager can negotiate.

**QUESTIONS ON NOTICE**

**Q42/12 Wyong Neighborhood Centre Project**  
**Councillor Lisa Matthews**  
F2004/07438

*"Could staff please provide an update of the status of the men's shed?"*

*Can staff/council confirm that there will be no additional costs or liability to council?"*

**THE MEETING** closed at 7.59pm.