
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 March 2012
COMMENCING AT 5:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride, J J McNamara, W R Symington (arrived at 5.07 pm), D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services General Counsel, Manager Development Assessment, Manager Place Management, Manager Land Use Planning and Policy Development.

Senior Planning Engineer - Hydrology and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.01 pm and advised that 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.

APOLOGIES

There were no apologies.

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

That Council adjourn the Open Session and move into Extraordinary Session for a period of 45mins.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Resumption of Ordinary Meeting

The meeting resumed in Open Session at 5.45 pm

At the commencement of the ordinary meeting report nos 1.1, 1.2 and 2.1, 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

U2/12 Motion of Urgency - Acknowledgement of the Central Coast Mariners Football Club

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners' Board of Directors, left the chamber at 7.45 pm, took no part in discussion, did not vote and returned to the chamber at 8.02 pm.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

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

1 That Council allow meeting practice to be varied.

2 That Council use the exception method to deal with the balance of the Agenda.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That with the exception of report numbers 1.2, 2.1, 2.2, 2.4, 2.5, 5.2, 5.3 and 9.1 Council adopt the recommendations contained in the remaining reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

- 1 That Council receive the amended report on Proposed Inspections and Briefings.**
- 2 That Council conduct an inspection of the Nan Tien Buddhist Temple at Wollongong at an appropriate time to be arranged between Wollongong Council, Wyong Councillors and staff.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 March 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Address by Invited Speakers

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

- 1 That Council receive the amended report on Invited Speakers.**
- 2 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, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c) and (d)(ii) of the Local Government Act 1993:

10.1 - External Audit Tender Report

10.2 - Loan Facility Agreement

10.3 - Federal Government's "Caring for our Country" Grant - Current Status

10.4 - Proposed Aldi Development and Voluntary Planning Agreement at Wyong

2 That Council note:

the reason for considering items 10.1, 10.2 and 10.3 in confidential session is because they contain commercial information of a confidential nature that would prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the Council and

the reason for considering Item 10.4 in confidential session is because 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 and also contains commercial information of a confidential nature that would prejudice the commercial position of the person who supplied it or confer a commercial advantage on a competitor of the Council

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.1 DA 200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at The Entrance North

Mr John Hancock from SJH Planning and Design, speaking against the recommendation, addressed the meeting at 5.47 pm, answered questions and retired at 5.51 pm.

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

- 1 That Council refer DA 200/2011 to the Director Environment and Planning Services to develop appropriate conditions for consent including conditions around the 2050 hazard line, the appropriate setback from the lake and all other standard conditions.**
- 2 That DA 200/2011 be submitted to Council for consideration before the Development Consent is issued.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.2 DA 987/2011 - Proposed Boundary Adjustment at Little Jilliby

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

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.**
- 2 That Council assume the concurrence of the Director-General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 13(3)(b) of Wyong Local Environmental Plan 1991 to permit the proposed development.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.3 DA/80/2012 - 2 Lot Subdivision at 1 Howelston Road, Gorokan

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council vary Clause 42D of Wyong Local Environmental Plan 1991 to permit the development.**
- 3 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 42D of Wyong Local Environmental Plan 1991 to permit the proposed development.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.4 Wyong Shire-wide Heritage Review - Consideration of Deferred Items

Councillor Vincent left the chamber at 6.28 pm and returned to the chamber at 6.30 pm during consideration of this item.

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

- 1 That Council adopt the recommendation to establish the Wyong Town Centre Heritage Conservation Area for inclusion in Wyong Local Environmental Plan 2012 and Development Control Plan 2012.**
- 2 That Council include the heritage item 'Streetscape' in the draft heritage schedule for inclusion in Wyong Local Environmental Plan 2012.**
- 3 That Council exclude the South Tacoma Heritage Conservation Area from the Wyong Local Environmental Plan 2012 and Development Control Plan 2012.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

2.5 Precinct 7A Rezoning - Warnervale and Hamlyn Terrace

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor SYMINGTON:

- 1 That Council endorse the Planning Proposal for the purposes of community consultation (see Enclosure/Attachment 6).**
- 2 That Council exhibit the Planning Proposal for 28 days, subject to the determination and specification of any additional requirements arising from further Gateway consultations.**
- 3 That Council receive a further report on the results of public consultation.**
- 4 That Council prepare a Development Control Plan based on the Precinct 7A Structure Plan and as part of this action investigate the potential to set aside additional natural areas without reducing the overall yield by increasing the density near the major transport nodes.**
- 5 That Council exhibit Development Control Plan for 28 days.**
- 6 That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal prior to public exhibition.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.1 Proposed Easement to AusGrid for Substation Kiosk over Lot 14 DP 726244 at Chittaway Road, Ourimbah

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

- 1 That Council grant an easement for a kiosk style electricity substation 5.3m² x 3.3m² over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid.**
- 2 That Council grant an easement for electricity & other purposes 2.0m² wide over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid for a substation kiosk.**
- 3 That Council grant a right of carriageway 4.0m² wide over Lot 14 DP 726244 Chittaway Road, Ourimbah to AusGrid for a substation kiosk.**
- 4 That Council sign the AusGrid Deed of Agreement for Easement which will allow access to the site for the purpose of constructing a substation kiosk to service the Ourimbah pump station WPS 17.**
- 5 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all related documents as required.**

- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.1 CPA/181554 - Detailed Design and Documentation for Remediation of Mardi Landfill - Approval of Variation and Increase to Contract Budget

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

- 1 That Council approve a variation to contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill, in the amount of \$40,000 (excl GST), for Mardi Landfill eastern batter investigation;**
- 2 That Council approve Contract CPA/181554 for a budget of \$379,686.00 (excl GST) that provides an amount of \$40,000 (excl GST) for the variation in Item 1, \$36,500.00 (excl GST) for provisional sum items identified within the tender and a contingency amount of \$39,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.1 Proposed Amendments to Capital Works Projects to be Completed in 2011/12

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

- 1 That Council note that the proposed capital expenditure (CAPEX) program for 2011/12 is expected to be underspent by \$21.680M, as a result of some savings being achieved in some completed projects and also as a result of some works being delayed or deferred as a result of issues in the design and approval process or changed circumstances.**
- 2 That Council approve the bringing forward of a total amount of \$4,286,500 worth of projects, as listed in the attachment to this report, to allow them to be completed during 2011/12 and to improve cash flows for 2011/12 and 2012/13.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.2 Memorandum of Understanding with Pacific Link Community Housing Association

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

That Council delegate to the General Manager the authority to enter into a Memorandum of Understanding with Pacific Link Community Housing Association Ltd.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.3 Amendment to the Code of Meeting Practice

Councillor Best left the chamber at 6.52 pm and returned to the chamber at 6.54 pm during consideration of this item.

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

That Council amend the WSC Code of Meeting Practice, Clause 2.1.5 by adding:-

“-The Chairperson and General Manager, may, by agreement, determine that additional ordinary or extraordinary meetings are required to meet the business needs and workload of Council and they may call such meetings provided that notification is in accordance with legislation and this Code.”

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

POINT OF ORDER

Councillor Symington raised a point of order in relation to comments made by Councillor Eaton in respect of the General Manager.

The Mayor upheld the Point of Order.

6.1 Information Reports

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

That with the exception of report numbers and Council receive the information reports and adopt the recommendations.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.3 Works in Progress - Water Supply and Sewerage

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.4 Waste Levy Charges - Waste Levy Review

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

That Council receive the report on Waste Levy Charges - Waste Levy Review.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.5 General Works in Progress

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

That Council receive the report on General Works in Progress.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.6 Investment Report for February 2012

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

That Council receive the report on Investment Report for February 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.7 Activities of the Development Assessment and Building Certification and Health Units.

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

That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.8 Mardi to Mangrove Link Project Status

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

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.9 Outstanding Questions on Notice and Notices of Motion

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 Notice of Motion - Toukley Taj Mahal Saga

Councillor Wynn left the chamber at 7.16 pm and returned to the chamber at 7.17 pm and as a result took no part in voting.

Councillor Matthews left the chamber at 7.16 pm and returned to the chamber at 7.17 pm and as a result took no part in voting.

RESOLVED on the motion of Councillor BEST and seconded by Councillor McNamara:

- 1 *That Council note the widespread community concern over the now 7 year saga to gain completion of the eye sore site known as the 'Toukley Taj Mahal.'***
- 2 *That Council direct the General Manager to provide a report to Council on any progress to date with bringing into compliance this site, located on the gateway to Toukley.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE AND VINCENT

9.1 Notice of Rescission - CPA/205510 Wyong River Catchments Flood Study

Councillor Wynn left the chamber at 7.16 pm and returned to the chamber at 7.19 pm during consideration of this item.

Councillor Matthews left the chamber at 7.16 pm and returned to the chamber at 7.19 pm during consideration of this item.

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

That the following resolution carried at the Ordinary Meeting of Council held on 14 March 2012 be rescinded:

- “1 That Council accept tender no. 3 from BMT WBM Pty Ltd in the lump sum amount of \$156,260.00 excluding GST.***
- 2 That Council approve a contingency amount of \$15,600 excluding GST representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.”***

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

It was MOVED by Councillor EATON and SECONDED by Councillor BEST:

That Council defer this matter pending advice on the effect on insurances and land values of including theoretical sea level rise into the study.

The MOTION was put to the vote and declared LOST

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN

The General Manager noted that the item would have to be resolved at a future meeting of Council.

LEAVE TO INTRODUCE A MOTION OF URGENCY

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

That Council consider a Motion of Urgency regarding acknowledgement of the Central Coast Mariners Football Club should they succeed in winning the Premiership of the Australian A-League soccer competition which is due to take place on Saturday 31 March 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

U2/12 Motion of Urgency - Acknowledgement of the Central Coast Mariners Football Club

Councillor Doug Eaton

F2011/02504

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners' Board of Directors, left the chamber at 7.45 pm, took no part in discussion, did not vote and returned to the chamber at 8.02 pm.

Councillor Wynn assumed the chair for consideration of this item.

RESOLVED on the motion of Councillor EATON and seconded by Councillor MATTHEWS

- 1 That Council formally congratulate the outstanding success of the Central Coast Mariners Football Club (the Mariners or CCM) in winning the Minor Premiership of the Australian A-League soccer competition.**
- 2 That Council authorise the General Manager to conduct an appropriate celebration that publicly recognises the success of the Mariners.**
- 3 That Council authorise the General Manager to arrange a public screening of the Grand Final subject to the Mariners becoming a Grand Finalist in 2012.**
- 4 That Council authorise the General Manager to arrange an appropriate public celebration and acknowledgement in the event the Mariners are successful in winning the Grand Final of 2012.**
- 5 That Council request the General Manager to seek funding and support from the other sponsors of the Central Coast Mariners and Gosford City Council.**
- 6 That Council request the General Manager to ensure that these events be held in Wyong Shire.**

FOR: COUNCILLORS BEST, EATON, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLOR MCBRIDE

Councillor Graham resumed the chair at 8.02pm.

The General Manager reported the resolutions on the Confidential Items to the Ordinary meeting of council as follows:

10.1 External Audit Tender Report

- 1 That Council appoint PricewaterhouseCoopers (PWC) as Council's External Auditor for a period of six years from 1 July 2011 to 30 June 2017 for the annual lump sum price of \$100,000.00 for 2012-13 and as adjusted in accordance the consumer price index (CPI) for subsequent years.**
- 2 That Council note the total estimated contract value of \$600,000.00 exceeds the minimum Council by resolution approval threshold requirements of s.55 of the Local Government Act 1993.**
- 3 That Council authorise the General Manager to execute all documentation related to the formal contract between Council and PWC, provided that Wyong Shire Council (WSC) retains, at its sole discretion, the right to preclude PWC from other Council consultancies during their term as External Auditor should there be a perceived conflict of interest by WSC.**

10.2 Loan Facility Agreement

- 1 That Council accept the offer of loan borrowings, as dated 21 March 2012, for an amount of \$18,125,000 for a 10 year term, based on a 20 year amortisation table, from Australia and New Zealand Banking Group ABN 11 005 357 522 ("ANZ") in accordance with the 2011-15 Strategic Plan.**
- 2 That Council authorise the Common Seal to be affixed to the Facility Agreement between the Wyong Shire Council and ANZ.**
- 3 That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and ANZ relating to the loan in recommendation 1.**

10.3 Federal Government's "Caring for our Country" Grant accelerated works program - Current Status

RECOMMENDATION

- 1 That Council receive the report on the Caring for our Country accelerated works program.**
- 2 That Council note the second Caring for our Country milestone payment of \$2M will be made in the 2011-12 Financial Year provided the mitigation actions outlined in the body of the report are implemented and the required expenditure met.**

10.4 Proposed Aldi Development and Voluntary Planning Agreement at Wyong

- 1 That Council receive the report on Proposed Aldi Development and Voluntary Planning Agreement at Wyong.**
- 2 That Council authorise the General Manager to execute the Voluntary Planning Agreement that meets his satisfaction.**
- 3 That Council consider any additional funds required for undertaking upgrades to the stormwater drainage system in Wyong as part of the 2012/13 Annual Plan.**

QUESTIONS ON NOTICE

Q11/12 Wallarah 2 Coal Wording - The Hon. Chris Hartcher MP
Councillor Sue Wynn
F2004/07086

“Can Council please ascertain the wording of the Minister for the Central Coast, The Honourable Chris Hartcher MP, from the meeting held at Mingara Sport and Recreation Club on Wednesday 21 March 2012, for State Plan 281, with regard to Wallarah 2 Coal Mine, where it is believed he stated the NSW State Government was beginning the process to revoke the licence to explore/ mine by Wallarah 2 Coal?”

Q12/12 Impact of a Section 149 Flood Affection Notation on Residential Property Premiums
Councillor Doug Eaton
CPA/205510

“Could Council request its insurance broker/ insurers to advise Council on the impact on individual residential property premiums of a S149 flood affection notation due to predicted sea level rise?”

THE MEETING closed at 8.05 pm.