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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 25 JUNE 2014 COMMENCING AT 5.00PM

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### PRESENT

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

### IN ATTENDANCE

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

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm 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.

The Mayor, presented cheques to the successful recipients of the Community Benefit Grants.

### APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Troy for work commitments and Councillor Nayna due to a flight delay.

An apology for the inability to attend the 23 July and 13 August 2014 meetings was received from Councillor Vincent.

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

***664/14 That Council grant leave of absence to Councillors Troy and Nayna from the meeting.***

***665/14 That Council grant leave of absence to Councillor Vincent for the 23 July and 13 August 2014 meetings.***

All items were dealt with in the correct agenda sequence.

**1.1 Disclosures of Interest**

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**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee at Vales Point Power Station. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm.

**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land adjacent. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm

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

**666/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**PROCEDURAL MOTION**

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

**667/14 That Council allow meeting practice to be varied.**

**668/14 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 GRAHAM:**

**669/14 That with the exception of report numbers 1.6, 2.4, 3.2, 3.4, 3.8, 4.8, 5.1 and 6.1 Council adopt the recommendations contained in the remaining reports.**

**1.2 Proposed Inspections and Briefings**

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

**670/14 That Council receive the report on Proposed Inspections and Briefings.**

**1.3 Address By Invited Speakers**

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

**671/14 That Council receive the 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 GRAHAM:**

**672/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 June 2014.**

**Business Arising**

There was no business arising.

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

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

**673/14 That Council consider the following matter in Confidential Session, pursuant to Sections 10 A (2) (c) of the Local Government Act 1993:**

**6.1 – Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)**

**674/14 That Council note its reason for considering Report No 6.1 - Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence) 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.**

**675/14 That Council request the General Manager to report on these matters in open session of Council.**

**1.6 Mayoral Minute – Joint Wyong Gosford Delegation to Canberra to Discuss Regional Development**

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

**676/14 That Council receive and note the Mayoral Minute – Joint Wyong-Gosford Delegation to Canberra 2014.**

**2.1 Iconic Development Site No 16 216-224 Main Road and 21 Rowland Terrace, Toukley**

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

**677/14 That Council delete the requirement for the provision of public foreshore access contained in Wyong DCP 2013 Chapter 6.1 Section 3.16(m), subject to the execution of a Voluntary Planning Agreement in accordance with the 'significant public benefit' offer contained in the letter submitted by ADW Johnson dated 28 May 2014.**

**678/14** That Council advise the proponent to submit a Planning Proposal to address the current permissibility issue in respect of permanent residential dwellings, by way of a change in zone or an additional permitted use.

**679/14** That Council authorise the General Manager to assess the adequacy of the Planning Proposal submitted in accordance with Recommendation No. 2 above and submit it to the Department of Planning and Environment seeking a Gateway determination.

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

AGAINST: NIL

## **2.2 DA 273/2014 - Proposed 2 Lot Subdivision at Killarney Vale**

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

**680/14** That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

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

AGAINST: NIL

## **2.3 IPART Draft Report on Local Government Compliance and Enforcement**

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

**681/14** That Council receive and note the IPART Draft Report on Local Government Compliance and Enforcement and the draft submission (attached).

**682/14** That Council request the General Manager to lodge a formal submission to the Independent Pricing and Regulatory Tribunal (IPART) in support of the Draft Report on Local Government Compliance and Enforcement, in accordance with the matters raised in this report.

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

AGAINST: NIL

**2.4 RZ/8/2009 Planning Proposal - Lot 229 DP 847847 - Pinaroo Road  
Gwandalan**

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

*It was MOVED on the motion of Councillor EATON and seconded by Councillor WEBSTER:*

- 1 *That Council prepare a revised Planning Proposal to amend Wyong Local Environmental Plan 2013 to rezone lot 229 DP 847847 from E2 Environmental Protection to R1 (General Residential) and R5 (Large lot Residential) and retain the area of R2 (Low Density Residential) that adjoins Pinaroo Road.*
- 2 *That Council forward the revised planning proposal to the Department of Planning and Infrastructure (DoPE) accompanied by a request for a revised "Gateway Determination" pursuant to Section 55 of the EP&A Act.*
- 3 *That Council note that resolution 1 operates to modify resolution 1567/13 of 11 December 2013.*
- 4 *That Council note this is a Department of Planning requirement.*

FOR: COUNCILLORS EATON, TAYLOR AND WEBSTER

AGAINST: COUNCILLORS BEST, GRAHAM, GREENWALD, MATTHEWS, AND VINCENT

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

- 1 *That Council note it will not support the gateway determination and seek it to be revised to reflect the original gateway application.*
- 2 *That Council proceed with the preparation of the original planning proposal, should the department not be agreeable to this request.*

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

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

AGAINST: NIL

***The AMENDMENT became the MOTION.***

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

***683/14 That Council note it will not support the gateway determination and seek it to be revised to reflect the original gateway application.***

***684/14 That Council proceed with the preparation of the original planning proposal, should the department not be agreeable to this request.***

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

AGAINST: NIL

**3.1 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications**

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

**685/14 That Council allocate \$1,587.58 from the 2013-14 Community Subsidy Program as follows:**

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<i>The NSW Wildlife Information Rescue and Education Service Inc</i>	<i>Venue Hire - Berkeley Vale Community Centre</i>	<i>442.00</i>
<i>Country Women's Association of NSW - Toukley Branch</i>	<i>Rates subsidy</i>	<i>745.58</i>
<i>Global Care Australia - Foodcare Charmhaven</i>	<i>Digital Printing</i>	<i>400.00</i>

**686/14 That Council allocate \$2,250.00 from the 2013-14 Sport & Cultural Sponsorship Program as follows:**

<b>Applicant</b>	<b>Project Name and Summary</b>	<b>Committee Funding Recommended</b>
<i>Ashley Fouche</i>	<i>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</i>	<i>500.00</i>
<i>Sonya Mahony</i>	<i>NSW Primary Schools Sporting Association, Primary Open Rugby League Representative team, at Kingscliff NSW, representing North Sydney</i>	<i>250.00</i>
<i>Michael Leard</i>	<i>2014 Australian Expos USA Tour Championships, USA, representing Australia</i>	<i>1,000.00</i>
<i>Kerry Heffernan</i>	<i>2014 Trampoline Gymnastics Australian Championships, Melbourne, representing NSW</i>	<i>500.00</i>

**3.2 Draft Water Craft Storage Policy**

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

**687/14 That Council note the draft Wyong Shire Council Water Craft Storage Policy.**

**688/14 That Council exhibit the draft Water Craft Storage Policy for a period of 28 days.**

**3.3 Joint Water Capital Works Budget for 2014/15**

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

- 689/14 That Council adopt a Joint Water capital works budget of \$6,642,257 for 2014/15, comprised of \$1,277,000 for Wyong projects and \$5,365,257 for Gosford projects.
- 690/14 That Council contribute \$3,110,896 for Gosford projects in 2013/14, being 50% of the approved budget.
- 691/14 That Council allocate \$12.5M for Joint Water capital works over the 2014 to 2017 financial years, being 50% of expenditure allowed for in the price path.

**3.4 Terrace Towers**

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

- 692/14 That Council endorse the actions taken by the General Manager in regard to the negotiations for the purchase of the land described in the report.
- 693/14 That Council approve the purchase of the land described in the report subject to a thorough due diligence and valuation exercise.
- 694/14 That Council note the purchase prices of - \$10,000,000 for the land owned by Warner Business Park Pty Ltd and \$7,000,000 for the land owned by Woodbury Park Pty Ltd.
- 695/14 That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the purchase of these lands.
- 696/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the vendor.

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

**3.5 Update on the State Government's Position - Funding of Water Rebates to Residents Affected by the October 2013 Bushfires.**

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

- 697/14 That Council receive the report on Water Usage Rebates for Residents affected by the October 2013 bushfires.
- 698/14 That Council resolve to express its disappointment with the position taken by the State Government in not offering to fund water rebates to fire affected residents connected to town water, as it did for the Lake Macquarie and Blue Mountains local government areas similarly impacted by the declared October 2013 fires.
- 699/14 That Council direct the General Manager to arrange a delegation of the Mayor and General Manager to approach the State Treasurer or Premier on this matter.

**3.6 2014 Wyong Regional Chamber of Commerce Annual Business Awards**

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

700/14 That Council note the approval granted by the General Manager for Councillors to attend the 2014 Wyong Regional Chamber of Commerce Annual Business Awards in accordance with the Council's Facilities and Expenses Policy for Councillors.

701/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

**3.7 Debt Management - Interfund Loan**

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

702/14 That Council approve the interfund loan from Sewer fund to Water fund based on terms contained in the attached documents.

**3.8 Naming Proposal - Anzac Centenary Cove**

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

703/14 That Council thank the Federal Member Ms Karen McNamara for her strong representation on this important naming initiative.

704/14 That Council understand the Senator's determination on this matter, however, Council seeks his reconsideration along the lines recommended by the Toukley RSL Sub Branch to name the location in question Anzac Centenary Beach.

705/14 That Council treat this issue as a matter of urgency.

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

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

706/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

**4.2 Activities of the Development Assessment and Building Certification Compliance and Health Units**

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

**707/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of May 2014.**

**4.3 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 GRAHAM:**

**708/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**4.4 Contract Variations and Finalisation for the period covering January 2014 to April 2014**

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

**709/14 That Council receive the Contract Variations and Finalisation report for the period covering January to April 2014.**

**710/14 That Council note the additional expenditure above resolved estimates for the following contracts:**

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (Excl GST)</b>	<b>Additional Budget Approval (Excl GST)</b>
<b>Detailed Design for New Cell 4.3 at Buttonderry Waste Facility</b>	<b>CPA/201014</b>	<b>\$201,344.37</b>	<b>\$11,944.37</b>
<b>The Entrance Tile Replacement Project Stage 2</b>	<b>CPA/236170</b>	<b>\$591,681.00</b>	<b>\$31,950.00</b>

**711/14 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.**

**4.5 Investment Report for May 2014**

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

**712/14 That Council receive the Investment Report for May 2014.**

**4.6 Annual Water Supply and Sewerage Performance Reporting**

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

**713/14 That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.**

**4.7 Wyong Shire Council Quarterly Risk Management Report - May 2014**

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

**714/14 That the Council receive the report and note the current status of high level risks in Wyong Shire Council as at May 2014.**

**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

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**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee at Vales Point Power Station. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm.

**4.8 Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2**

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land adjacent. He left the chamber at 6.23pm, took no part in discussion, did not vote and returned to the chamber at 6.27pm

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

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

**715/14 That Council receive and note the report and submissions on Chain Valley Colliery - Modification 1 and Mannering Colliery - Modification 2.**

Councillor Eaton resumed the chair.

**4.9 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 5 June 2014**

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

**716/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 June 2014.**

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

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

**717/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**5.1 Notice of Motion - State Government Budgets \$6 Billion for Regional NSW**

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Councillor Matthews left the meeting at 6.27pm and returned to the meeting at 6.29pm during consideration of this item.

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

**718/14 That Council note the recent welcomed release of the \$20 Billion State Government Budget which identifies some \$6 billion dollars for projects in regional NSW around hospitals, roads, schools and water supply.**

**719/14 That Council request the General Manager to provide a detailed report indicating exactly what funding has been earmarked for the Central Coast as a Region.**

**720/14 That Council request the General Manager provide a report highlighting the exact break down in funding shared between the two central coast local government areas.**

**QUESTIONS ON NOTICE**

There were no Questions on Notice.

**CONFIDENTIAL SESSION**

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

**721/14 That Council move into Confidential Session.**

At this stage of the meeting being 6.32pm 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.

**OPEN SESSION**

Council resumed in open session at 6.42pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**6.1 Alternative Approaches to Local Print Advertising to Reduce Costs and Improve Editorial Coverage (Commercial in Confidence)**

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**722/14** *That Council continue to advertise key events, information and formal notifications via the Central Coast Express Advocate and undertake regular reviews to reducing costs and increasing positive coverage for Council.*

**THE MEETING** closed at 6.43pm.