
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 27 August 2014 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Property and Economic Development, Director Community and Recreation Services, General Counsel, IT and Operations Manager, Marketing and Brand Coordinator, Chief Financial Officer 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 Vincent read an acknowledgment of country statement.

APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillors Best and Troy due to attendance at the Parks and Leisure Conference. An apology for the inability to attend the meeting was also received on behalf of Councillor Matthews due to a family emergency.

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

933/14 That Council accept the apologies and grant leave of absence from the meeting.

All reports were dealt with in sequential order.

1.1 Disclosures of Interest

Item 3.2 - Amendments to Development Contribution Plans

Councillor Vincent declared a pecuniary interest in the matter for the reason that he resides in the Budgewoi Contribution Plan area and is affected by the plan changes. Councillor Vincent left the chamber at 5.16pm, took no part in discussion, did not vote and returned to the chamber at 5.17pm.

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

934/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

935/14 That Council allow meeting practice to be varied.

936/14 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 WEBSTER:

937/14 That with the exception of report numbers 1.4, 2.1, 3.3, 3.4, 3.5, 4.5, and 6.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

938/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

939/14 That Council receive the report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

940/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 August 2014 with the following amendment to items 1.1 Disclosure of Interest and 7.1 - Federal Government Funding for the National Whale Trail:

'Item 7.1 – Federal Government Funding for the National Whale Trail

Councillor Nayna declared a non-pecuniary significant interest in the matter for the reason that he is employed by the member for Dobell and the motion called for direct action on her behalf.. Councillor Nayna left the chamber at 7.44pm, took no part in discussion, did not vote and returned to the chamber at 7.52pm.'

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

941/14 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2) (c) of the Local Government Act 1993:

6.1 Toukley Caravan Park

6.2 Extension of Operation and Management Contracts of the Central Coast Holiday Parks

942/14 That Council note its reason for considering Report No 6.1 - Toukley Caravan Park and 6.2 - Extension of Operation and Management Contracts of the Central Coast Holiday Parks as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

943/14 That Council request the General Manager to report on these matters in open session of Council.

2.1 Proposed Additional Use of Crown Reserves R170146 and R85574 at Tuggerah Parade, Long Jetty

Councillor Vincent left the meeting at 5.07pm and returned to the meeting at 5.09pm during consideration of this item.

Councillor Greenwald left the meeting at 5.13pm and returned to the meeting at 5.15pm during consideration of this item.

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

944/14 That Council request Crown Lands Division to add the purpose of "Urban Development" to Tuggerah Lake (R170146) Public Recreation Reserve Trust and Long Jetty Recreation (R85574) Reserve Trust for Public Recreation.

2.2 Proposed Grant of Easement for Electricity Purposes to AusGrid at Wyong

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

- 945/14 That Council grant an easement for a kiosk style electricity substation 5.3m x 3.3m to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 946/14 The Council grant an easement for electricity & other purposes 2.2m wide to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 947/14 That Council grant a right of carriageway 10.1m wide and variable width to AusGrid over Lot 1 Section 7 DP 3136 Margaret Street, Wyong.
- 948/14 That Council sign the AusGrid Deed of Agreement for Easement which will allow access to the Site for the purpose for constructing a substation kiosk and electricity supply to service The Art House development on the same Council land.
- 949/14 That Council authorise the Common Seal of Wyong Shire to be affixed to all related documents as required.
- 950/14 That Council authorise the Mayor and General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.

3.1 Approval of 2013/14 Capital Projects to be Continued in 2014/15

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

- 951/14 That Council approve the proposed capital projects to be continued in 2014/15 as detailed in this report.
- 952/14 That Council approve the adjustments to the 2014/15 Capital Works budget to accommodate projects continuing from 2013/14 and other emergent initiatives as detailed in this report.

3.2 Amendments to Development Contribution Plans

Councillor Vincent declared a pecuniary interest in the matter for the reason that he resides in the Budgewoi Contribution Plan area and is affected by the plan changes. Councillor Vincent left the chamber at 5.16pm, took no part in discussion, did not vote and returned to the chamber at 5.17pm.

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

- 953/14 That Council exhibit the proposed amendments in accordance with Clause 28 of Part 4 of the Environmental Planning and Assessment Regulations 2000.
- 954/14 That Council adopt the proposed amendments subject to no objections being received as a result of the public exhibition.

3.3 2013-17 Strategic Plan Business Report (Q4)

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

955/14 That Council receive the Q4 Business Report on progress against the 2013-17 Strategic Plan.

956/14 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

3.4 Wyong Education & Business Precinct Masterplan and Amendment to Wyong Local Environmental Plan 2013

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

957/14 That Council initiate the Local Environmental Plan "Gateway" process by the preparation of a Planning Proposal, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.

958/14 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.

959/14 That Council refer the planning proposal to appropriate public authorities for comment, subject to the determination of the Gateway Process, pursuant to Section 56(2) of the Environmental Planning and Assessment Act 1979.

960/14 That Council advise the Department of Planning and Environment that it does intend to apply for plan making delegations for the planning proposal, pursuant to Section 23 of the Environmental Planning and Assessment Act 1979.

961/14 That Council place on public exhibition the draft Wyong Education and Business Precinct Masterplan for a period of 28 days once a "gateway determination" has been received.

962/14 That Council direct the General Manager to submit a further report to Council on the outcomes of the above process.

963/14 That Council authorise the General Manager to make representations to, and seek interest from, a wide variety of education providers to be part of Councils Education and Business Precinct.

3.5 Link Road, Warnervale - Southern Section North From Watanobbi - Completion of Preconstruction Work

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

964/14 That Council engage Aurecon, under the provisions of Section 55(3)(i) of the Local Government Act NSW, due to the extenuating circumstances in which Aurecon possesses a substantial body of historical knowledge, data and records concerning the previous design work in the Link Road project.

965/14 That Council concur that a satisfactory result to either Council or other consultant firms would not result by inviting tenders for the completion of the design of Stage 2 of the project.

966/14 That Council authorise the General Manager to negotiate and accept a specific proposal from Aurecon to complete the work, within the limits of the current budget allocation and subject to the General Manager being satisfied that the proposal represents good value for money to the Council.

4.1 End of Financial Year Update on Environmental Planning & Assessment and Local Government Act Developer Contributions

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

967/14 That Council receive the report on End of Financial Year Update on Environmental Planning & Assessment and Local Government Act Developer Contributions.

4.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 7 August 2014

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

968/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 August 2014.

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

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

969/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

4.4 Works in Progress - Water Supply and Sewerage

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

970/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

4.5 Activities of the Development Assessment and Building Certification Compliance and Health Units

Councillor Vincent left the meeting at 6.06pm and returned to the meeting at 6.07pm during consideration of this item.

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

971/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of July 2014.

4.6 Investment Report for July 2014

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

972/14 That Council receive the Investment Report for July 2014.

4.7 Outstanding Questions on Notice and Notices of Motion

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

973/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

CONFIDENTIAL SESSION

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

974/14 That Council move into Confidential Session.

At this stage of the meeting being 6.12pm 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

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

975/14 That Council move back into Open Session.

Council resumed in open session at 6.29pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

6.1 Toukley Caravan Park

976/14 That Council note the contents of this report.

977/14 That Council delegate to the General Manager the power to negotiate for the possible acquisition of this site at an advantageous price to Council.

978/14 That Council request a further report be provided if advantageous terms are negotiated for the site.

6.2 Extension of Operation and Management Contracts of the Central Coast Holiday Parks

979/14 That Council exercise an option to extend by one (1) year the period of the four Holiday Park Management contracts:

**CPA/204591 – Toowoan Bay Holiday Park
CPA/204588 – Norah Head Holiday Park
CPA/204589 – Canton Beach Holiday Park
CPA/204590 - Budgewoi Holiday Park**

at an estimated value of \$2.1M for the one year term. The estimate is based on the forecast figures in Council's Long Term Financial Plan.

QUESTIONS ON NOTICE

There were no questions on notice.

THE MEETING closed at 6.31pm.