
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 JULY 2013
COMMENCING AT 5:00 PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Land Management, Director Community and Recreation Services, General Counsel, Manager Communications and four administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.03 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 Greenwald read an acknowledgment of country statement.

The Mayor, Councillor Eaton presented Andrew Spicer with a Certificate of Appreciation. On behalf of CCGT Councillor Best congratulated Andrew on his achievement.

The Mayor acknowledged that it is currently NAIDOC week.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews for the reason that she has family commitments.

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

That Council accept the apology and grant leave of absence from the meeting.

1.1 Disclosures of Interest

2.2 Proposed Councillors Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts NSW and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Ourimbah Scout Group."

2.4 2013/14 Strategic Plan fees and Charges Amendments

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he takes rubbish to the tip from time to time in the course of his business and participated in consideration of this matter.

Councillor Troy stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."

5.2 Beach Safety Service Tender Development

General Manager declared a non-pecuniary significant conflict of interest in the matter for the reason that he is part of the bid development team left the chamber at 7.47 pm, took no part in discussion and did not return to the chamber.

Director of Community and Recreation declared a non-pecuniary significant conflict of interest in the matter for the reason that he is part of the bid development team left the chamber at 7.47 pm, took no part in discussion and did not return to the chamber.

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

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:

- 1 That Council allow meeting practice to be varied.
- 2 That Council use the exception method to deal with the balance of the Agenda.

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

That with the exception of report numbers 1.6, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 4.1, 4.2, 5.1 and 5.2, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

- 1 That Council receive the 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.

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 26 June 2013.

Business Arising

There was no business arising

1.5 Notice of Intention to Deal with Matter in Confidential Session

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

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

5.1 Councillor Outcomes Report

5.2 Beach Safety Service Tender Development

2 That Council note its reason for considering Report No 5.1 - Councillor Outcomes Report and 5.2 - Beach Safety Service Tender Development as it contains information concerning information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

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

1.6 Mayoral Minute - Regional Development Australia Fund Round Four - WSC Unsuccessful

RESOLVED unanimously on the motion of Councillor EATON:

1 That Council note that Wyong Shire Council's application to the Regional Development Australia Fund (RDAF) - Round Four was again unsuccessful.

2 That Council direct the Mayor to invite the Prime Minister to attend a meeting with the Mayor, in Wyong, to explain why Wyong Council has not received any RDAF funding in Rounds 1 – 4, and to give assurances as to priority treatment for Wyong LGA in future for regional development and other Federal Grant Funds.

3 That Council direct the Mayor to extend a similar invitation to the Federal Opposition Leader.

4 That Council request the General Manager to contact the Secretary of the Central Coast Regional Organisation of Councils (CCROC) and request that the Paucity of Grant Funding for the Central Coast from the RDAF be included as an agenda item for the next CCROC meeting scheduled for 22 August 2013.

2.1 The Wyong Education Precinct

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

1 That Council endorse the Preliminary Project Plan as attached to this report.

2 That Council note that an operational budget of \$250,000 is required for the initial planning phase of the project.

3 That the operational budget mentioned above be included in the 2013/14 financial year.

2.2 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts NSW and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Ourimbah Scout Group."

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

- 1 That Council allocate an amount of \$150 from the 2013-14 Councillors' Community Improvement Grants as follows:

<i>Proposed Allocations for 10/07/2013</i>		
<i>1st Ourimbah Scout Group (\$1800)</i>	<i>Provide each member with a branded jacket</i>	<i>100</i>
<i>Yarralong School of Arts Inc. (\$750)</i>	<i>Resurfacing of timber floor, kitchen, toilet, cleaning and stationery supplies.</i>	<i>50</i>

- 2 That Council defer the remaining sports related grants to be considered in conjunction with the new sports grants:

<i>Proposed Allocations for 10/07/2013</i>		
<i>Adam Gowen (\$1128.58)</i>	<i>Australian Men's Oztag Team</i>	<i>100</i>
<i>Benjamin Butler (\$2000)</i>	<i>Assistance towards costs of travelling on representative rugby tour to UK and France.</i>	<i>100</i>
<i>Mingara Athletics Club (\$1000)</i>	<i>Staging 2013 State Road Relays</i>	<i>100</i>
<i>Rodney Dillon (\$2000)</i>	<i>Represent Australia in New Zealand in Oztag in the 2013 Trans Tasman Tour</i>	<i>100</i>
<i>The Entrance Amateur Swimming Club (\$1450) (\$700 already allocated)</i>	<i>Purchase new seating and 2 x marquees</i>	<i>100</i>

- 3 That Council request the General Manager to advise the above applicants of alternate options for grant applications.

2.3 Report on Naming of Public Facilities Policy

Councillor Troy left the meeting at 05:50 pm and returned to the meeting at 05:51 pm during consideration of this item.

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

That Council approve the the Policy for Naming of Public Facilities with an amendment to remove all references to roads.

MATTER ARISING

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

That Council recognise the services of long serving former Councillor – Tony Sheridan and the former General Manager – John Dawson by naming parts of the Art House in their honour.

2.4 2013/14 Strategic Plan Fees and Charges Amendments

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he takes rubbish to the tip from time to time in the course of his business and participated in consideration of this matter.

Councillor Troy stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”

Councillor Graham left the meeting at 06:07 pm and returned to the meeting at 06:08 pm during consideration of this item.

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

- 1 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 after an exhibition period, and;**
- 2 That Council advertise the amendments referred to in (2) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993.**
- 3 That Council adopt the typographical amendments to the 2013/14 Fees and Charges as described in Attachment 2.**
- 4 That Council direct the Mayor to seek a meeting with the Minister for Environment and Heritage to protest the outrageous increase in waste tax.**
- 5 That Council direct the General Manager to investigate the viability of freighting our waste to Queensland or some other area.**
- 6 That Council defer the Disabled Beach Access Licence Fee (new fee) for further advice.**

A DIVISION was called.

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

AGAINST: COUNCILLORS GREENWALD AND VINCENT

2.5 Councillor Professional Development - Chinese Language Classes

Councillor Vincent left the meeting at 06:24 pm and returned to the meeting at 06:25 pm during consideration of this item.

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

- 1 ***That Council authorise interested councillors to attend Central Coast Community College Language Classes that support professional development in relation to their responsibilities as a Councillor.***
- 2 ***That Council meet reasonable expenses incurred in councillors attending the above classes in accordance with Council's Facilities and Expenses Policy for Councillors.***

2.6 Principles for the Establishment of the Central Coast Water Corporation

Councillor Taylor left the meeting at 06:31 pm and returned to the meeting at 06:32 pm during consideration of this item.

Councillor Greenwald left the meeting at 06:32 pm and returned to the meeting at 06:34 pm during consideration of this item.

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

- 1 ***That Council note the Business Principles adopted by Gosford City Council on 26 March 2013.***
- 2 ***That Council note that Wyong Shire Council has continued to act in accordance with the Central Coast Water Corporation suite of agreements formally signed in June 2012.***
- 3 ***That Council reaffirms the principles contained within these signed agreements.***
- 4 ***That Council advises Gosford City Council accordingly.***

2.7 Recommendations and Minutes of the Employment and Economic Development Committee 3 July 2013

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

- 1 ***That Council receive and note the minutes of the Employment and Economic Development Committee meeting held on 3 July 2013.***
- 2 ***That Council extend the proposed Section 94 Stimulus Plan to residential development proposed in the Warnervale Town Centre.***
- 3 ***That Council adopt a further requirement for the Stimulus Plan being that; lots that are eligible for the Stimulus Plan must be part of a subdivision plan that receives a subdivision certificate prior to 30 December 2014.***

4 That Council develop a strategy for infrastructure delivery for Warnervale Town Centre that takes into account any loss of contributions under the Stimulus Plan.

5 That Council extend the temporary Stimulus Plan to medium density proposals in accordance with the following table:

Size of Dwelling	No Of DUs	Total contributions
1 Bedroom	0.52	\$13,000
2 bedroom	0.73	\$13,000
3 Bedroom	1	\$18,000

6 That Council endorse the following requirements for medium density proposals that wish to benefit from the Stimulus Plan:

- a VPA's be finalised prior to 30 December 2013 (as per existing policy).
- b A deed of agreement will need to be entered into under Council deferred payment of Contributions Policy (as per existing policy).
- c The dwellings within the medium density proposal shall be substantially completed (completion of foundations and floors) prior to the 14 December 2014 to be eligible for the Stimulus Plan rate.

7 That Council develop a strategy for infrastructure delivery that takes into account any loss of contributions for medium density proposals under the Stimulus Plan.

8 That Council approve, subject to the agreement of all the current owners of 2-4 Holmes Avenue, Toukley, the surplus contributions monies paid in respect of that site be permitted to be transferred and used as a credit against contributions required to be paid in respect of another development in the area covered by the Toukley Contributions Plan.

3.1 Road Capital Works Program

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

That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

3.2 Australian Institute of Company Directors - Company Directors Conference 2013 - Delegates Report

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

That Council receive the report on Australian Institute of Company Directors - Company Directors Conference 2013 - Delegates Report.

3.3 Coal Seam Gas within Wyong Shire

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

That Council receive the report on Coal Seam Gas within Wyong Shire.

3.4 Outstanding Questions on Notice and Notices of Motion

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

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

4.1 Wastewatch Committee

Councillor Best left the meeting at 07:04 pm and returned to the meeting at 07:06 pm during consideration of this item.

Councillor Troy left the meeting at 07:21 pm and returned to the meeting at 07:22 pm during consideration of this item.

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

- 1 *That Council establish a Wastewatch Committee to investigate material items of Council expenditure and make recommendations as to improved efficiency and cost saving measures.***
- 2 *That Council determine the membership of the Committee.***
- 3 *That Council direct the General Manager to prepare a draft Charter for this committee and report it to Council for adoption.***

4.2 2013 Rabbit Plague

Councillor Nayna left the meeting at 07:27 pm and returned to the meeting at 07:29 pm during consideration of this item.

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

- 1 *That Council recognise the enormous damage the current 2013 rabbit plague is having on our natural environment, particularly the Coast environs and the surrounding local urban areas .***
- 2 *That Council acknowledge that addressing this plague is a priority given the millions spent on environment restoration works, including extensive native plantings and millions spent on sporting grounds management.***

- 3 *That Council urgently seek to coordinate with NSW National Parks and Wildlife Service and NSW Crown Lands to develop a plan to reduce Rabbit numbers given that the plague is set to escalate with the upcoming spring breeding season.*
- 4 *That Council receive a report containing the responses and recommendations from NSW National Parks and Wildlife Service and NSW Crown Lands as soon as possible.*

CONFIDENTIAL SESSION

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

That Council move into Confidential Session.

At this stage of the meeting being 7.41 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 8.30 pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

5.1 Councillor Outcomes Report

That Council defer the report to be considered at the 24 July 2013 Ordinary Council meeting.

5.2 Beach Safety Service Tender Development

That Council receive and note the report on Beach Safety Service Tender Development.

QUESTIONS ON NOTICE

Q27/13 Re [REDACTED] - Youth Connections

Councillor Robert Graham
F2004/07419

"I direct my question to Councillor Taylor.

*At the Council meeting held on the 12 June 2013 you asked Q21/13 [REDACTED]
– Youth Connections.*

Have you been able to justify your allegations?

If not when do you intend to publically apologise to this not for profit community based youth organisation for the hurt you have inflicted upon them?"

Q28/13 Budget Impact of 5% Carbon Tax Increase

Councillor Luke Nayna
F2004/06579

"Could the Mayor please advise the budget impact of the Labour Government's 5% Carbon Tax increase on our operational costs?"

THE MEETING closed at 8.30 pm