
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 10 DECEMBER 2014 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

General Manager, Acting Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Property and Economic Development, Director Community and Recreation Services, Director Projects IO Projects, General Counsel, Communications Coordinator, Manager Community Partnerships and Planning, Manager IT Operations, Manager Community Partners, Section Manager Community Cultural Programs, Youth Officer Community Cultural Programs and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Eaton delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

Section Manager, Community Cultural Programs, introduced and presented cheques to the recipients from the first round of the Community Grant Program.

Youth Officer, Community Cultural Programs introduced to Council the 2015 the Wyong Action Team (WAT) members.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor Taylor due to family commitments.

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

1347/14 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report nos 1.1, 1.2,1.3, 2.5, 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

Item 4.7 – Draft Community Safety Plan

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that NSW Police is his employer and as they are a committee member or a recipient in the proposal he will leave the chamber. Councillor Greenwald left the chamber at 7.53pm, took no part in discussion, did not vote and returned to the chamber at 7.54pm.

Item 4.10 – DA/545/2014 - Mixed Use Shop Top Housing Development Comprising 126 Apartments, Shops and a Restaurant with Parking and Ancillary (public domain) Works at The Entrance

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel (JRPP). Councillor Best left the chamber at 7.54pm, took no part in discussion, did not vote and returned to the chamber at 8.04pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel (JRPP). Councillor Eaton left the chamber at 7.54pm, took no part in discussion, did not vote and returned to the chamber at 8.04pm.

Item 7.0 – Mayoral Minute – General Manager’s Mid Year Performance Review 2014/15

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that it involves his employment contract. Mr Whittaker left the chamber at 8.16pm, took no part in discussion and did not return.

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

1348/14 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 BEST:

1349/14 That Council allow meeting practice to be varied.

1350/14 That Council use the exception method to deal with the balance of the Agenda.

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

- 1351/14 That with the exception of report numbers 1.6, 1.7, 2.1, 2.2, 2.4, 2.5, 2.6, 3.1, 3.3, 4.3, 4.7 4.10, 5.3, 7.0 and 7.4 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

- 1352/14 That Council receive the report on Proposed Inspections and Briefings with the inclusion of the change of date to 28 January 2015 briefing.

1.3 Address By Invited Speakers

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

- 1353/14 That Council receive the amended report on Invited Speakers.
- 1354/14 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 NAYNA and seconded by Councillor BEST:

- 1355/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 26 November 2014.

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 NAYNA and seconded by Councillor BEST:

- 1356/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2a) (2c)(2d) and (2e), if the Local Government Act 1993:

- 7.0 Mayoral Minute – General Manager's Mid Year Performance Review 2014/15
- 7.1 Councillor Outcome Report
- 7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes
- 7.3 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes
- 7.4 Acquisition of Former Wyong Courthouse

- 1357/14 That Council note its reason for considering Report No 7.0 Mayoral Minute – General Manager’s Mid Year Performance Review 2014/15 as it deals with personnel matters concerning particular individuals (other than Councillors).
- 1358/14 That Council note its reason for considering Report No 7.1 Councillor Outcome Report as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.
- 1359/14 That Council note its reason for considering Report No 7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.
- 1360/14 That Council note its reason for considering Report No 7.3 Contract Variation Report CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes as it commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret and information that would, if disclosed, prejudice the maintenance of law.
- 1361/14 That Council note its reason for considering Report No 7.4 Acquisition of Former Wyong Courthouse as information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret.
- 1362/14 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - China Business

RESOLVED on the motion of Councillor EATON:

- 1363/14 That Council note the Mayor will attend and address Australia China Cultural Foundation (ACCFI) Summit Forum in Shanghai on 16 January 2015 and that the Mayor will visit Council’s co-operation cities in China and will promote and represent the Council and its projects and investment sites.
- 1364/14 That Council authorise the use of the Mayoral Chains at appropriate events and the expenditure (and or reimbursement of expenditure) relating to these activities, such as promotional materials, gifts and hospitality in the same way as if these activities were held locally.
- 1365/14 That Council note the Memorandum of Intent signed by the Mayor on 27 November 2014.

A Division was called by Councillor Vincent

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

1.7 Mayoral Minute - Mayoral Delegation

RESOLVED on the motion of Councillor EATON:

1366/14 That Council delegate to the Mayor, Cr Douglas Eaton the powers, duties and responsibilities as set out in the Instrument of Delegation attached.

A Division was called by Councillor Greenwald

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

2.1 Revision of DCP 2013: Chapter 2.1 - Dwelling Houses and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals

Councillor Nayna left the meeting at 6.18 pm and returned to the meeting at 6.20pm during consideration of this item.

Councillor Greenwald left the meeting at 6.19 pm and returned to the meeting at 6.21pm during consideration of this item.

Councillor Troy left the meeting at 6.33 pm and returned to the meeting at 6.34pm during consideration of this item.

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

1367/14 That Council request that Wyong Development Control Plan 2013 draft Chapter 2.1 – Dwellings and Ancillary Structures and Chapter 1.2 - Notification of Development Proposals be placed on public exhibition.

1368/14 That Council request that the results of the public exhibition and community consultation be provided for Council in a further report.

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

AGAINST: NIL

2.2 RZ/13/2012 - Outcomes of Consultation - Planning Proposal and Draft Voluntary Planning Agreement in Respect of Part Lot 200 DP 1181287 (2-10 Cams Boulevard, Summerland Point)

Councillor Webster left the meeting at 6.45 pm and returned to the meeting at 6.46pm during consideration of this item.

Councillor Vincent left the meeting at 6.49 pm and returned to the meeting at 6.51pm during consideration of this item.

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

1369/14 That Council request the General Manager to sign the Voluntary Planning Agreement (VPA) which requires the Proponent to undertake the necessary actions to offset the impacts to threatened flora and fauna for the future development of Pt Lot 200 DP 1181287 through the Bio Banking Scheme;

1370/14 That Council request the General Manager to exercise the Delegation issued by the Department of Planning and Environment (dated 7 February 2014) for RZ/13/2012 (PP_2013_Wyong_008_00) to proceed with the steps for drafting and making WLEP Amendment No. 13;

1371/14 That Council advise all those who made a submission of the decision.

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

AGAINST: COUNCILLOR VINCENT

2.3 RZ/1/2013 - Commence Preparation of Planning Proposal at 145 Johns Road, Wadalba

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

1372/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, WLEP pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 (generally in accordance with Attachment 1).

1373/14 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.

1374/14 That Council require, subject to the "Gateway Determination" that the landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

1375/14 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.

- 1376/14 That Council enter into a Voluntary Planning Agreement (VPA) which will require:
- a Dedication and rehabilitation of wildlife corridor land on terms acceptable to Council.
 - b Dedication of land at no cost for the realignment of Johns Road
 - c Funding of commissioning, maintenance and decommissioning of a temporary sewer pump station by the proponents to service the development.
- 1377/14 That Council authorise the General Manager (or delegate) to negotiate and execute all documentation in relation to the finalization of the VPA.
- 1378/14 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".
- 1379/14 That Council prepare appropriate Development Control Plan provisions and amend Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.
- 1380/14 That Council request DP&E to modify the East Wadalba Land Release Area Gateway Determination to enable 145 Johns Road Wadalba proceed as a site specific planning proposal.
- 1381/14 That Council consider a further report on the results of the community and agency consultation.

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

AGAINST: NIL

2.4 RZ/4/2014 - Planning Proposal in Respect of Land at Bushells Ridge and Doyalson

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

- 1382/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979 to rezone the subject land generally in accordance with the proposed concept plan for site 3 in Attachment 1.
- 1383/14 That Council forward the Planning Proposal to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979, with the following requirements:
- a That consideration be given to increasing residential densities in locations which are accessible to facilities and services in Wyee.

- b That clarification be sought on the extent of the R5 – Large Lot Residential Zone at Bushells Ridge.*
 - c That areas identified in the Planning Proposal for development be supported by a biodiversity certification application which is “agreed in principle” with the OEH and Council prior to public exhibition.*
- 1384/14 That Council request the assistance of the DP&E in obtaining a whole of Government approach to resolve outstanding regional planning, mining, infrastructure and biodiversity issues within the NWSSP which impact on the Planning Proposal.*
- 1385/14 That Council require, subject to the “Gateway Determination” that the landowner enter into a Funding Agreement with Council in accordance with Council’s Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 1386/14 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 1387/14 That Council prepare appropriate amendment to Wyong Development Control Plan (WDCP 2013) to provide provisions for the sites to be placed on public exhibition for 28 days concurrent with the planning proposal.*
- 1388/14 That Council amend the Section 94 Contributions Plans (if required) to support the development of the land subject to this Planning Proposal.*
- 1389/14 That Council authorise the General Manager (or delegate) to sign any voluntary planning agreement or application for biodiversity certification to support the rezoning. This agreement shall:*
 - a Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.*
 - b Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).*
 - c Sign any documentation associated with any future application for biodiversity certification of the lands (as this can only be made by a planning authority).*
- 1390/14 That Council undertake community and public authority consultation, in accordance with the requirements of the “Gateway Determination”.*
- 1391/14 That Council consider a further report on results of community and public authority consultation.*
- 1392/14 That Council advise the applicant that it would consider rezoning of Site 4 for alternate uses but does not support rezoning to residential in this location due to the strategic matters detailed in the North Wyong Structure Plan. This would be subject to the provision of adequate justification from the proponent and proper consideration by Council*

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

AGAINST: NIL

2.5 RZ/8/2014 - Proposed Rezoning of Nos. 2 - 8 Aldinga Road, Gwandalan

Mr Colin Wynn, Board Member, Gwandalan Bowling Club, addressed the meeting at 5.19pm answered questions and retired at 5.24pm

It was MOVED on the motion of Councillor BEST and seconded by Councillor TROY:

That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community.

An AMENDMENT was MOVED by Councillor VINCENT and seconded by Councillor GREENWALD

- 1 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, by preparation of a Planning Proposal to rezone the subject lands from Zone R2 Low Density Residential to Zone R1 – General Residential under the Wyong Local Environmental Plan, 2013.*
- 2 That Council forward the Planning Proposal to the Department of Planning and Environment requesting a "Gateway" determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.*
- 3 That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 4 That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*
- 5 That Council undertake agency and community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.*
- 6 That Council delegate authority to the General Manager to make minor amendments and to finalise and make the Local Environmental Plan.*
- 7 That Council simultaneously submit to the EEDC for consideration.*

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TROY AND WEBSTER

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

1393/14 That Council temporarily defer to the next EEDC meeting to be held in February 2015 with a view in assisting the club in identifying the optimum use of the site and return on capital for the club in conjunction with the local community.

2.6 RZ/10/2014 Commence preparation of Planning Proposal for Australia China Theme Park at Warnervale

Councillor Matthews left the meeting at 7.08 pm and returned to the meeting at 7.10pm during consideration of this item.

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

1394/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.

1395/14 That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Environment (DP&E) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.

1396/14 That Council require, subject to the "Gateway Determination," the applicant/landowner enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.

1397/14 That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.

1398/14 That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".

1399/14 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Part Lot 3 in DP1007500.

1400/14 That Council consider a further report on the results of community consultation.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

3.1 CPA/226654 - Evaluation and Selection of Tenders - Wyong South Sewage Treatment Plant Augmentation Stage 4

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

- 1401/14 That Council accept the tender from the company nominated as Tenderer No 1 Leed Engineering and Construction Pty Ltd, in the attached confidential Tender Evaluation Report, for the lump sum amount of \$11,028,100.00 (excl GST) for Contract CPA/226654 – Wyong South Sewage Treatment Plant Augmentation Stage 4.
- 1402/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 1403/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

3.2 CPA/242985 - Oracle Middleware Implementation and Support Services

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

- 1404/14 That Council decline to accept any of the tenders.
- 1405/14 That Council resolve to enter in to negotiations with tenderers with a view to entering in to a contract with one of those parties.
- 1406/14 That Council authorise the General Manager (or his delegate) to engage in negotiations with tenderers and to finalise any contract resulting from those negotiations.
- 1407/14 That Council state, for the purposes of clause 178(4) of the Local Government (General) Regulation 2005 that its reasons for declining to invite fresh tenders or applications for the proposed contract, and for determining to enter into negotiations with tenderers are:
- a *Inviting fresh tenders and fresh applications based on the same or different details will impose additional costs on Council that are unlikely to result in more appropriate or competitive proposals from suppliers of these services.*
 - b *The tender submissions received from tenderers provide an appropriate basis to engage in informed negotiations with those tenderers.*

3.3 CPA/247284 - Saltwater Creek Pedestrian Bridge

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

- 1408/14 That Council accept the tender from the company nominated as Tenderer No 2a, Fleetwood Urban Option 1, in the attached Tender Evaluation Report, for the lump sum amount of \$642,153 (excl GST) for Contract CPA/247284 – Saltwater Creek Pedestrian Bridge.
- 1409/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender (note that such a determination means that the contents of Attachment A cannot be discussed in the open session of the Council meeting).
- 1410/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Code of Meeting Practice

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

- 1411/14 That Council amend the Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting.
- 1412/14 That Council note that no submissions were received during the exhibition period.
- 1413/14 That Council adopt the Code of Meeting Practice as exhibited.

4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program

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

- 1414/14 That Council allocate \$5,601.97 from the 2014-15 Community Subsidy Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Yarramalong School of Arts	Rates Subsidy	\$266.81
Mannering Park Country Women's Association of NSW	Rates Subsidy	\$655.16

<i>The Fathers Table</i>	<i>Venue Hire of Wyong Neighbourhood Centre</i>	<i>\$2000.00</i>
<i>Titans Swimming Club</i>	<i>Venue Hire of Koala Park</i>	<i>\$191.00</i>
<i>Berkeley Vale Neighbourhood Centre</i>	<i>Digital printing</i>	<i>\$400.00</i>
<i>Wyong Neighbourhood Centre Inc</i>	<i>Venue Hire of Wyong Town Park</i>	<i>\$307.00</i>
<i>Warnervale Family and Community Centre</i>	<i>Venue Hire of Warnervale Community Centre</i>	<i>\$1782.00</i>
<i>Total</i>		<i>\$5,601.97</i>

4.3 Proposed Road Renaming - Kitchener Road, Long Jetty

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

1415/14 That Council do not change the name of Kitchener Road.

1416/14 That Council request staff to investigate improved directional signage on the southern section of Kitchener Road .

4.4 Proposed Road Renaming - Woodland Parkway, Budgewoi

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

1417/14 That Council endorse the renaming of the section of Woodland Parkway between Sonoma Road and Scenic Drive to Sonoma Road, Budgewoi, being a continuation of the existing street.

1418/14 That Council request the General Manager to provide written notification to public authorities and to affected property owners of the decision to rename that section of Woodland Parkway, Budgewoi in accordance with the requirements of the Roads Regulation 2008.

4.5 Proposed Councillors' Community Improvement Grants

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

1419/14 That Council allocate an amount of \$10,600 from the 2014-15 Councillors' Community Improvement Grants as follows:

Camp Breakaway Inc. (\$3909) (\$2100 already allocated)	To purchase a Promethean Mobile Interactive Whiteboard System.	500
Central Coast CC Australian Italian Friendship Society Inc. (\$2000) (\$450 already allocated)	Social Gatherings and luncheons	400
Central Coast Group Training (\$4000) (\$3200 already allocated)	2014 Apprentice and Trainee Awards	800
Community Environment Network (\$4000) (\$300 already allocated)	Workshop on Habitat for Wildlife to residents in the Wyong Shire.	500
Global Care/Foodcare Charmhaven (\$1310)	Insulation for the Factory	200
Gwandalan Outside of School Hours Care Inc. (\$1000) (\$100 already allocated)	Purchase blinds, plants for garden and to purchase an iPad.	250
North Entrance Surf Life Saving Club (\$3600) (\$400 already allocated)	To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.	1,600
Northern Power Cricket Club (\$3336) (\$400 already allocated)	Purchase of First Aid Kits	400
Ourimbah United Football Club (\$4000)	Fix the wet, muddy area between the car park, amenities building and playing fields.	2,600
Soldiers Beach Surf Life Saving Club (\$4000) (\$3420 already allocated)	Associated costs in running a charity fundraising event.	500
Toukley and District Art Society (\$2000) (\$1200 already allocated)	To engage professional tutors to teach at our workshops to the general public to increase the appreciation of art.	750
Toukley and District Senior Citizens Club Inc. (\$3877)	Purchase and installation of CCTV Cameras	500
Toukley Sailing Club Inc. (\$4000) (\$600 already allocated)	Replacement of the roof on the premises.	800
Toukley Torchbearers (\$1000) (\$500 already allocated)	Memorial Golf Day in Memory of Harry Moore OAM.	500
Wyong District Museum and Historical Society (\$4000) (\$2500 already allocated)	Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.	300

4.6 Conference Attendance - Local Government Managers Australia(LGMA) National Congress and Business Expo

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

- 1420/14 That Council authorise those interested Councillor/s to attend the Local Government Managers Australia (LGMA) National Congress and Business Expo 2015.
- 1421/14 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.

4.7 Draft Community Safety Plan

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that NSW Police is his employer and as they are a committee member or a recipient in the proposal he will leave the chamber. Councillor Greenwald left the chamber at 7.53pm, took no part in discussion, did not vote and returned to the chamber at 7.54pm

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

- 1422/14 That Council adopt the Community Safety Plan for Wyong Shire.

4.8 Establishment of The Art House Limited Company

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

- 1423/14 That Council make an application to the Minister of Local Government, under section 358 of the Local Government Act 1993, for consent to form a company limited by guarantee to be known as The Art House Limited, or such other name as allocated, a charitable institution for the purpose of managing and operating the Art House Performing Arts and Conference Centre.
- 1424/14 That Council note that the constitution of the proposed company shall be in the form attached to this report.

4.9 Submission from Urban Development Institute of Australia

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

1425/14 That Council receive and note correspondence from Urban Development Institute of Australia (UDIA) regarding developer charges.

1426/14 That Council make a submission to the Minister for Planning & Environment requesting:

- a That the State Government contributions be determined for new release areas in Wyong Shire as a matter of urgency.**
- b Those State Government contributions are set at a consistent level that does not inhibit the development of land.**

4.10 DA/545/2014 - Mixed Use Shop Top Housing Development Comprising 126 Apartments, Shops and a Restaurant with Parking and Ancillary (public domain) Works at The Entrance

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel (JRPP). Councillor Best left the chamber at 7.54pm, took no part in discussion, did not vote and returned to the chamber at 8.04pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel (JRPP). Councillor Eaton left the chamber at 7.54pm, took no part in discussion, did not vote and returned to the chamber at 8.04pm

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

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

1427/14 That Council receive the report on DA/545/2014 - Mixed Use Shop Top Housing Development Comprising 126 Apartments, Shops and a Restaurant with Parking and Ancillary (public domain) Works at The Entrance.

1428/14 That Council submit for consideration to the Joint Regional Planning Panel.

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

AGAINST: NIL

Councillor Eaton resumed the chair

5.1 Future Trends in Electricity Costs

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

1429/14 That Council receive the report on Future Trends in Electricity Costs.

5.2 Road Capital Works Program

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

1430/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

5.3 Response to Notice of Motion - Waste Initiatives

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

1431/14 That Council receive the report on Response to Notice of Motion - Waste Initiatives.

5.4 Works in Progress - Water Supply and Sewerage

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

1432/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

5.5 Investment Report for November 2014

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

1433/14 That Council receive the Investment Report for November 2014.

5.6 Outstanding Questions on Notice and Notices of Motion

Councillor Troy left the meeting at 8.13 pm and returned to the meeting at 8.14pm during consideration of this item

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

1434/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

QUESTIONS ON NOTICE

**Q84/14 JRPP Representatives
Councillor Doug Vincent**

“Could staff please advise who Council’s representatives are on the JRPP and whether the meeting minutes or recordings are publicly available?”

If the minutes and recordings are publicly available, where can they be requested from?”

**Q85/14 Speakers call lights for Council Chambers
Councillor Doug Vincent**

“Could staff please report on the costs associated with providing a set of viewable speakers call lights so all in the chamber can see which Councillors have elected to speak on a matter and in which order?”

**Q86/14 Classification of Undeveloped Land
Councillor Ken Greenwald**

“Can the General Manager inform whether Wyong Shire Council classifies or describes parkland that is named, has full signage, is pathed, may be even gardened, possibly even has carparks and the like; does Council classify or describe these areas as undeveloped land?”

**Q87/14 Christmas and New Year
Councillor Luke Nayna**

“Could the General Manager please pass my thanks on to the staff for their dedication and commitment in 2014 and extend Council’s best wishes for Christmas and the New Year?”

**Q88/14 Litigation by Australia Skydiving
Councillor Greg Best**

“Mr Mayor,

I have received numerous inquiries across the community around the progress of our defence of the litigation by Australia Skydive over its recreational parachuting business conducted from Council’s Warnervale airport. Could staff please provide a suitable update as to progress and/or outcomes to date?”

**Q89/14 Recognition of Acting Director Brett Sherar
Councillor Greg Best**

"Mr Mayor,

We welcome back our Director Maxine Kenyon from secondment. I would also like to recognise and I believe on behalf of the council, the excellent efforts by Acting Director Brett Sherar in Maxine's absence. The feedback I have received from the department and indeed across the community has been outstanding. Would you please pass on our sincere appreciation to Brett's for his efforts?"

CONFIDENTIAL SESSION

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

1435/14 That Council move into Confidential Session.

At this stage of the meeting being 8.16 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 as the items listed come within the following provisions:-

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

1436/14 That Council move back into Open Session.

Council resumed in open session at 8.32 pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.0 Mayoral Minute - General Manager's Mid Year Performance Review 2014/15

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that it involves his employment contract. Mr Whittaker left the chamber at 8.16pm, took no part in discussion and did not return.

1437/14 That Council receive and endorse the General Manager's performance review for the mid-year 2014/15 assessment.

1438/14 That Council authorize for the General Manager's distinguished and lengthy career in public service to be recognised in terms of continuous service from 1984 to date and continuing.

1439/14 That Council thank the General Manager for his excellent performance to date.

7.1 Councillor Outcomes Report

1440/14 That Council receive the report on progress against 2014/15 Councillor Outcomes.

7.2 Contract Extension CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes

1441/14 That Council approve a variation to extend Contract CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" between Wyong Shire Council and Australian Native Landscapes (ANL) as follows;

- 1.1** An extension of the contract and associated lease with a negotiated variation to expire on 31 January 2018 with an option, at Council's sole discretion, to extend the contract by a further five months to expire 30 June 2018.
- 1.2** That Council delegate authority to the General Manager to enact the five months extension from 1 February 2018 to 30 June 2018.
- 1.3** An annual expenditure of approximately \$2,100,000 per annum over three years (excluding GST), plus a 20% contingency provided for fluctuations in volume of organics/biosolids received over the contract extension term and to allow for rise and fall adjustments.
- 1.4** Contract Amendments as detailed in Attachment 'A'.

7.3 Contract Variation Report CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" with Australian Native Landscapes

1442/14 That Council approve increased financial delegation on CPA/101670 "Receival and Processing of Organics for Wyong Shire Council" by an amount of \$1,980,000, based on expenditure of \$220,000 per month from October 2014 (including a contingency of 20%) to the contract end date of 30 June 2015.

1443/14 That Council approve a total contract value of \$14,004,712 over the 7.5 year contract term from 1 February 2008 to June 30 2015.

7.4 Acquisition of Former Wyong Courthouse

1444/14 That Council note the information contained in this report.

1445/14 That Council delegate to the General Manager the power to negotiate for the possible acquisition of 17 Alison Road, Wyong at no more than \$1,100,000 subject to an independent valuation which confirms the sale price is not more than fair market value.

THE MEETING closed at 8.37 pm.