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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 11 DECEMBER 2013 COMMENCING AT 5:00 PM

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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, A Troy, D P Vincent and L D Webster.

### IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Marketing and Communications, and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 pm 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.

Lin Armstrong, Director of Development and Building announced that Wyong Shire Council has received two awards. The first being a commendation from the Planning Institute of Australia for Planning Excellence for Council's preparation of Employment Land Study and Industrial Land Audit. The second award was presented from Transport for NSW for Wyong Shire Council's Road Safety Initiative.

The Mayor gave a brief presentation regarding the signing of the cooperation agreement with Qingpu.

### APOLOGY

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

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

***1546/13 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 ,3.3, 5.12, 2.2,4.3,5.2, 8.1 and 5.7, 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**

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### **Item 3.1 – DA/542/2013 – Proposed Works Remediation of Former Landfill at Mardi**

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the JRPP that this matter is referred to, and participated in consideration of this matter.

Councillor Best 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 a Council delegate on the JRPP.”*

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to JRPP that is determining authority and participated in consideration of this matter.

Councillor Eaton 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 Council made no submission or decision on this item.”*

### **Item 3.3 – RZ/17/2009 – Planning Proposal in Respect of Land at Glenning Valley**

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that the Applicant and the Objector are both Clients of her business and she believes that her relationship with them would give rise to a perception that she would exercise her functions in biased manner and therefore will leave the chamber. Councillor Matthews left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

### **Item 5.5 – Proposed Councillors Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW and his son is a Cub who will be attending the NSW Cuboree. Councillor Vincent left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer board member of Kamira and as a result of the proposed grant she will indirectly receive training benefits. Councillor Matthews left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

### **Item 9.1 – Mayoral Minute – General Manager’s Mid Year Performance Review 2013/14**

Mr Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that this report affects his employment contract and did not participate in the item.

**Item 9.2 – DA/853/2013 – Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)**

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason that of his involvement with the matter. Councillor Greenwald left the chamber at 8.15 pm, took no part in discussion, did not vote and returned to the chamber at 8.30 pm.

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

***1547/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.***

**1.2 Proposed Inspections and Briefings**

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

***1548/13 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 GREENWALD:***

***1549/13 That Council receive the amended report on Invited Speakers.***

***1550/13 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**

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

***1551/13 That Council confirm the amended minutes of the previous Ordinary Meeting of Council held on Wednesday 27 November 2013.***

**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 BEST and seconded by Councillor TAYLOR:**

**1552/13 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2a), 10A(2e) and 10A(2c) if the Local Government Act 1993:**

**9.1 - Mayoral Minute - General Manager's Mid Year Performance Review 2013/14**

**9.2 - DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)**

**9.3 - Facility Agreement – Borrowing for LIRS 2 Projects**

**9.4 - Possible Acquisition of the North Wyong Garden Centre – 370 Pacific Hwy Wyong**

**1553/13 That Council note its reason for considering Report No 9.1 - Mayoral Minute - General Manager's Mid Year Performance Review 2013/14 as it contains information relating to personnel matters concerning particular individuals (other than Councillors)**

**1554/13 That Council note its reason for considering Report No 9.2 - DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy) as it has information that would, if disclosed, prejudice the maintenance of law.**

**1555/13 That Council note its reason for considering Report No 9.3 - Facility Agreement – Borrowing for LIRS 2 Projects 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.**

**1556/13 That Council note its reason for considering Report No 9.4 - Possible Acquisition of the North Wyong Garden Centre – 370 Pacific Hwy Wyong 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.**

**1557/13 That Council request the General Manager to report on this matter in open session of Council.**

**2.1 Mayoral Minute - Central Coast Water Corporation Director Fees**

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

**1558/13 That Wyong Shire Council's funding of Director fees for the Central Coast Water Corporation board be reduced to \$1.00 per year from 1 January 2014.**

**1559/13 That Wyong Shire Council's funding of Director fees for the Central Coast Water Corporation Board be reviewed once the value of the Board activities become clear with regards to Community outcomes / benefits.**

**1560/13 That the Mayor advise Gosford City Council of Council's decision.**

## **2.2 Mayoral Minute - Review of Funding Framework for Local Land Services**

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Councillor Taylor left the meeting at 6.38pm Councillor Taylor returned to the meeting at 6.42pm and as a result took no part in voting.

Councillor Best left the meeting at 6.38pm Councillor Best returned to the meeting at 6.41pm and as a result took no part in voting.

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

**1561/13 That Council make a submission to IPART strongly objecting to the proposal by the Local Land Services (LLS) Board of Chairs' which will:**

**1561/1 Require Council to collect or pay LLS rates in respect of land holdings less than 2Ha in area;**

**1561/2 Make Council land holdings subject to LLS rates.**

**1562/13 That a copy of the Council submission be forwarded to the Premier, Minister for Lands and Local Members of Parliament for Wyong, The Entrance and Swansea.**

**1563/13 That a copy of the Council submission also be forwarded to the President of Local Government NSW.**

## **3.1 DA/542/2013 - Proposed Works Remediation of Former Landfill at Mardi**

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Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the JRPP that this matter is referred to, and participated in consideration of this matter.

Councillor Best 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 a Council delegate on the JRPP."*

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to JRPP that is determining authority and participated in consideration of this matter.

Councillor Eaton 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 Council made no submission or decision on this item."*

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

**1564/13 That Council receive the report on DA 542/2013 – Proposed Remediation of former landfill site at Mardi.**

**1565/13 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.**

**1566/13 That Council waive the Section 94A contribution for the proposed development.**

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

AGAINST: NIL

**3.2 RZ/8/2009 - Planning Proposal- Lot 229 DP 847847 - Cnr Kanangra Drive and Parraweena Road Gwandalan**

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

**1567/13 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 229 DP 847847 from E2 Environmental Protection to R2 (Low Density Residential) and R5 (Large lot Residential).**

**1568/13 That Council, amend Wyong Local Environmental Plan 2013, as part of the above planning proposal, to remove the application of clause 2.5, schedule 1, as it relates to the site.**

**1569/13 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.**

**1570/13 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".**

**1571/13 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to The planning proposal.**

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

AGAINST: NIL

**3.3 RZ/17/2009 - Planning Proposal in Respect of Land at Glenning Valley**

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Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that the Applicant and the Objector are both Clients of her business and she believes that her relationship with them would give rise to a perception that she would exercise her functions in biased manner and therefore will leave the chamber. Councillor Matthews left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

Ms Jodi Lawson , resident, addressed the meeting at 5.13pm, answered questions and retired at 5.28pm.

Ms Sonja Lyneham, Partner and Project Manager for Glenning Valley Partners addressed the meeting at 5.28pm, answered questions and retired at 5.38 pm.

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

- 1572/13 That Council resolve to rezone the subject site.
- 1573/13 That Council request DoPI to prepare a relevant Local Environmental Plan amendment, and that the minister be requested to make the Plan under Section 59 of the EP & A Act, 1979.
- 1574/13 That Council advise all those who made submissions to the exhibition of the Planning Proposal of Council's decision.
- 1575/13 That Council publicly exhibit DCP 2013: Development Provisions for WyongShire, draft Chapter 6.22 – Glenning Valley to provide guidelines for future development, in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 and associated regulations;
- 1576/13 That a further report be prepared to advise Council of the submissions received in response to the Draft DCP.

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

AGAINST: COUNCILLOR VINCENT

4.1 CPA/188701 - The Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion

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

- 1577/13 That Council agree to the contract between Hunter Councils Inc. and Downer EDI Works Pty Ltd in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/188701 – for the Supply and Delivery of Bulk Cationic Rapid Setting (CRS) Grade Bitumen Emulsion.
- 1578/13 That Council delegate to the General Manager the option to extend the contract for 1 year based on satisfactory performance.
- 1579/13 That Council notes the estimated annual expenditure against the contract is \$280,000.00 (excl GST) however actual expenditure may fluctuate depending on demand.
- 1580/13 That Council determines 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.

**4.2 CPA/225657 - Inlet Screen at Gwandalan Sewage Treatment Plant**

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

- 1581/13 That Council accept the tender from Gongues Construction Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$216,000.00 (excl GST) for Contract CPA/225657 – Inlet Screen Gwandalan Treatment Plant.
- 1582/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.
- 1583/13 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

**4.3 CPA/232299 - Domestic Water Meter Replacement**

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Councillor Taylor left the meeting at 6.38pm and returned to the meeting at 6.42pm and as a result took no part in voting.

Councillor Best left the meeting at 6.38pm and returned to the meeting at 6.41pm during consideration of this item.

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

- 1584/13 That Council accepts the tender from Select Solutions Group Pty Ltd in the attached Tender Evaluation Report, for the estimated total amount of \$249,853.50 (excl GST) for Contract CPA/232299 – Domestic Water Meter Replacement.
- 1585/13 That Council determines 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.

**4.4 CPA/234913 - Detailed Design Documentation - Remediation of Former Gwandalan Landfill**

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

- 1586/13 That Council accept the tender from the company SMEC Australia Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$333,367.00 (excl GST) for Contract CPA/234913 – Detailed Design and Documentation for Remediation – Former Gwandalan Landfill, Kanangra Drive, Crangan Bay.



1587/13 That Council determines 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.

1588/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

#### 5.1 Conference Attendance -Velo-City Global 2014 Conference

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

1589/13 That Council authorise interested Councillor/s to attend the Velo-City Global 2014 Conference.

1590/13 That Council meet reasonable expenses incurred by Councillors and/or partners attending the above Course in accordance with Council's Facilities and Expenses Policy for Councillors.

#### 5.2 Budgewoi Masterplan

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Councillor Taylor left the meeting at 6.38pm and returned to the meeting at 6.42pm during consideration of this item.

Councillor Taylor left the meeting at 6.43pm and returned to the meeting at 6.44pm during consideration of this item.

Councillor Vincent left the meeting at 6.47pm and returned to the meeting at 6.48pm during consideration of this item.

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

1591/13 That Council adopt the Budgewoi Masterplan and appropriate notice be given.

1592/13 That Council request the General Manager to advise those who made written submissions of the decision.

1593/13 That Council consider the funding of some of the short to medium term elements of the draft Masterplan as identified in the Implementation Plan as part of the 4 Year Delivery Plan.

#### PROCEDURAL MOTION

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

1 That Council allow meeting practice to be varied

2 That Council suspend the order of business to allow consideration of item 8.1

***Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes and allow the speaker to come forward and make his address.***

### **5.3 Halekulani Suburb Identification**

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Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm and as a result took no part in voting.

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

- 1594/13 That Council receive the report on Halekulani Suburb Identification.***
- 1595/13 That Council note that the suggestion the Budgewoi Buff Point Halekulani Precinct Committee to provide both Street and Suburb name on signage will be included in to the feedback for the Council Branding Strategy.***
- 1596/13 That Council note that Town entry signage will be installed as part of the Budgewoi Masterplan and subject to the finalisation of the Branding Strategy in 2014.***
- 1597/13 That Council install directional suburb signage as described in the report as soon as practicable.***

### **5.4 Joint Water Supply Budgets for 2013/14**

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

- 1598/13 That Council adopt the 2013/14 Joint Water operating budget of \$12,556,956, comprising \$6,049,376 to be expended by Wyong Shire Council and \$6,507,580 to be expended by Gosford City Council.***
- 1599/13 That Council adopt the 2013/14 Joint Water capital works budget of \$8,841,792, comprising \$2,620,000 to be expended by Wyong Shire Council and \$6,221,792 to be expended by Gosford City Council.***

### **5.5 Proposed Councillors' Community Improvement Grants**

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Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW and his son is a Cub who will be attending the NSW Cuboree. Councillor Vincent left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer board member of Kamira and as a result of the proposed grant she will indirectly receive training benefits. Councillor Matthews left the chamber at 7.41 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm and as a result took no part in voting.

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

1600/13 That Council allocate an amount of \$11,847.31 from the 2013-14 Councillors' Community Improvement Grants as follows:

11 December 2013		
Central Coast Foster Carers Support Group (\$300) (Emergency approved by GM)	Annual Christmas gathering at PCYC Bateau Bay	300.00
Gwandalan & Summerland Point Community Garden Inc (\$747.31)	Cost of sewer junction cut in	747.31
Kamira Alcohol and Other Drug Treatment Services (\$4000)	Governance training and skills development	1,700.00
Killarney Kripples (\$1000)	Golf Day Fundraiser	300.00
Lake Macquarie FM Inc (\$4000) (\$2100 already allocated)	To connect electricity	500.00
Scouts Australia - Central Coast Lakes District (\$1800)	Provide a common camp bag to 90 local scouts	400.00
Shirley Shuttle Cancer Patient Transport Service (\$4000)	To assist the running costs of Shirley Shuttle Wyong and Shirley Shuttle 3	2,700.00
Soldiers Beach Surf Life Saving Club (\$2000)	Purchase a water trampoline	2,000.00
The Entrance and District Cricket Club Inc	Ice Maker Machine, First Aid Kits, Portable Sunshades, Refrigerator for the use of players, teams, spectators and volunteers.	1,800.00
Toukley Neighbourhood Centre Inc (\$2117.50)	7 Monthly Hat Making Workshops	1,400.00

## 5.6 Policy on Dealings with the Media

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

1601/13 That Council approve the Policy on Dealings with the Media.

**5.7 Voluntary Planning Agreement - Metro Cinemas, Lake Haven**

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Councillor Greenwald left the meeting at 7.40pm and returned to the meeting at 7.42pm during consideration of this item.

Councillor Webster left the meeting at 7.42pm and returned to the meeting at 7.43pm during consideration of this item.

Councillor Troy left the meeting at 7.44pm and returned to the meeting at 7.45pm during consideration of this item.

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

- 1602/13 That Council endorse the offer by Metro Cinemas to provide public domain improvements to the Council land surrounding the proposed Lake Haven Metro Cinema, in accordance with the draft Lake Haven Town Centre Masterplan. Such works are in lieu of Section 94A contributions and are to be valued at a minimum of \$100,000.
- 1603/13 That Council agree to match the financial contribution by Metro Cinemas to an amount capped at \$100,000 and to make a provision in the 2014/15 budget.
- 1604/13 That Council delegate responsibility to the General Manager to negotiate and execute the Voluntary Planning Agreement.

**5.8 Waste Watch Committee**

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

- 1605/13 That Council establish a strategic committee known as the Waste Watch Committee.
- 1606/13 That Council adopt the Terms of Reference for the Waste Watch Committee provided as Attachment 1.
- 1607/13 That Council appoint Councillors Best, Greenwald, Nayna, Matthews, Taylor, Troy and Vincent as members of the Waste Watch Committee for the term of Council.
- 1608/13 That Council appoint Councillor Taylor as Chairperson for the Waste Watch Committee.
- 1609/13 That Council appoint Councillor Matthews as deputy Chairperson of the Waste Watch Committee.

**5.9 Electronic Business Papers**

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

- 1610/13 That Council note the cost to Council in the provision of hard copy business papers to Councillors, staff and the community.
- 1611/13 That Council note the provisions of the Section 9 of the Local Government Act in relation to the provision of some copies of the business paper in hard copy for inspection and taking away.
- 1612/13 That Council endorse a trial of providing Council and Committee meeting business papers electronically in accordance with the terms outlined in attachment 1 to this report.
- 1613/13 That Council endorse the trial to be conducted for 12 months from January 2014 to December 2014.
- 1614/13 That Council direct the General Manager to provide a report reviewing the trial in December 2014.
- 1615/13 That Council advise all community groups and other organisations that currently receive a hard copy of the business papers.

**5.10 Facilities and Expenses Policy - Adoption of Annual Review and Proposal of Additional Amendments**

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

- 1616/13 That Council note that the exhibition period for annual review of its Facilities and Expenses Policy has concluded and no submissions were received.
- 1617/13 That Council adopt the Facilities and Expenses Policy for Councillors as endorsed at its meeting held on 23 October 2013 (Attachment 1) with the following additional minor changes:
- 1617/1 Child care expenses can only be reimbursed against a receipt from a carer holding and quoting an ABN number on their invoice.
- 1617/2 Council will provide a deduction administrative service for up to a maximum of 2 monthly deductions from a Councillor allowance for nominated payments that incur no external cost to Council, for example, political party donations, union fees, superannuation and health insurance.
- 1617/3 Council business (C8) includes meetings with State and Federal politicians, public servants and staff within NSW and ACT.
- 1617/4 D52 to provide that the General Manager can provide an exemption to the requirement to publish a Councillors mobile phone number due to harassment, safety or health reasons.

1618/13 That Council deem the additional amendments considered by Council not to be significant and do not require exhibition.

1619/13 That Council note the additional proposed amendments to its Facilities and Expenses Policy for Councillors and place the further amended Policy on public exhibition until 28 February 2014 in accordance with Section 252 of the Local Government Act, 1993 (Enclosure 1).

1620/13 That Council direct the General Manager to report the submissions received Council after the conclusion of the exhibition period.

#### 5.11 Wyong Action Team 2014 - Endorsement of Applicants

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

1621/13 That Council endorse the following young people as Wyong Action Team leaders 2014:

Angel Danzante	15	San Remo
Ariel Malcolm	15	Killarney Vale
Ashleigh Flack	14	Berkeley Vale
Brittany Scotman	16	Bateau Bay
Emily Clemson	15	San Remo
Holly Schwebel	14	Kanwal
Karla Jacob	15	Lake Haven
Kelton Hirst	15	Gorokan
Liam Briggs	14	Lake Munmorah
Maddison O'Gradey-Lee	16	Bateau Bay
Matilda Gittins	14	Budgewoi
Preston Daniel	17	Mardi
Rhys Reid	17	Mardi

#### 5.12 Warnervale Airport proposed Fees and Charges Amendments

Councillor Matthews left the meeting at 5.12 pm and returned to the meeting at 6.04pm during consideration of this item.

Councillor Best left the meeting at 6.03pm and returned to the meeting at 6.04pm during consideration of this item.

Councillor Greenwald left the meeting at 6.03 pm and returned to the meeting at 6.04pm during consideration of this item

Mr Rob Britton, addressed the meeting on behalf of Mr Dennis Hunt, President Central Coast Aero Club at 6.03 pm, answered questions and retired at 6.19pm.

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

- 1622/13 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 for public exhibition, and;
- 1623/13 That Council advertise the amendments referred to in (1) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993, and;
- 1624/13 That Council apply the proposed fees following the public notification period, subject to no objections.
- 1625/13 That Council receive a report, should there be any objections, in early 2014 outlining the basis of the objections.

#### PROCEDURAL MOTION

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

- 1626/13 That Council allow meeting practice to be varied.
- 1627/13 That Council use the exception method to deal with the balance of the Agenda.

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

- 1628/13 That with the exception of report numbers 2.2 ,4.3, 5.2, 5.3, 5.5, 5.7, 5.8, 5.10,5.12, 6.1, 6.3, 6.5, 8.1, and 9.2 Council adopt the recommendations contained in the remaining reports.

#### 5.13 Annual Code of Conduct Complaints Reporting

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

- 1629/13 That Council receive the report on Annual Code of Conduct Complaints Reporting.
- 1630/13 That Council provide the Division of Local Government with the attached report.

#### 5.14 Amendment to Incentive Policy For Iconic Development on Key Sites to Address Council Developments

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

- 1631/13 That Council endorse the changes to Policy No. WSC105 - Incentive Policy for Iconic Development on Key Sites for the purposes of public exhibition.
- 1632/13 That Council exhibit the amended policy for 28 days, for public comment.

1633/13 *That Council adopt the amended policy referred to in No. 1 above subject to no significant objections being received as a result of the public exhibition process.*

**5.15 Development & Building Department Service Delivery Charter**

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

1634/13 *That Council endorse the proposed Development and Building Standard of Service Delivery Charter.*

**6.1 Quarterly Compliments Report - July to September 2013**

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

1635/13 *That Council receive the report on Quarterly Compliments Report - July to September 2013.*

**6.2 Road Capital Works Program**

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

1636/13 *That Council receive the report on the status of the Council's Road Capital Rolling Works Program.*

**6.3 Ice-Pigging**

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

1637/13 *That Council receive the advantages of Ice Pigging.*

**6.4 Investment Report for November 2013**

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

1638/13 *That Council receive the Investment Report for November 2013.*

**6.5 Council participation in the Project Control Group (PCG) for the Australia China Theme Park**

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



- 1639/13 *That Council receive the report on Council participation in the Project Control Group (PCG) for the Australia China Theme Park.*
- 1640/13 *That Council authorise the General Manager to appoint a delegate(s) to become members of the PCG.*
- 1641/13 *That Council authorise the expenditure of funds on lands associated with this project that will be in private ownership in 2015 under Section 67 of Local Government Act.*

#### **6.6 Christmas and New Year Operational Arrangements**

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

- 1642/13 *That Council receive the report on Christmas and New Year Operational Arrangements for 2013/2014.*

#### **6.7 Wyong Shire Council Quarterly Risk Management Report**

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

- 1643/13 *That Council receive the report and note the current status of high level risks in Wyong Shire Council as at November 2013.*

#### **6.8 Outstanding Questions on Notice and Notices of Motion**

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

- 1644/13 *That Council receive the report on Outstanding Questions on Notice and Notices of Motion.*

#### **8.1 Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes**

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Councillor Vincent left the meeting at 6.50pm and returned to the meeting at 6.55pm during consideration of this item.

Councillor Matthews left the meeting at 7.28pm and returned to the meeting at 7.30pm during consideration of this item.

Mr Robert Ray, Commercial Fisherman, addressed the meeting at 6.49pm, answered questions and retired at 7.09pm.

*It was MOVED by Councillor TAYLOR and seconded by Councillor TROY:*

- 1 *That Council call on the State Government to phase out commercial fishing on Tuggerah Lakes noting:*

- a *the previous cessation of commercial fishing in Lake Macquarie with the associated rise in recreational fishing,*
- b *the paucity of fish and prawns available to our tourist and recreational fishermen,*
- c *the unsustainability of the current commercial fishery including practices such as haul netting,*
- d *the impact on the lakes,*
- e *expansion of commercial licences to non-local operators,*
- f *impact on boating, watercraft and recreational lakes usage.”*

**AN AMENDMENT** was moved by Councillor BEST and seconded by Councillor GRAHAM:

- 1 *That Council recognise the historic and primary industry benefits that local professional fishermen/persons residing in Area 4 provide to this Community.*
- 2 *That Council note with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.*
- 3 *That Council seek confirmation from Department of Primary Industries – Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.*
- 4 *That Council note that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.*
- 5 *That Council note that the Tuggerah Lakes are owned and controlled by the NSW state government.*
- 6 *That Council lobby its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries particularly in regard to haul netting.*
- 7 *That Council seek the reinstatement of a permanent fisheries office at The Entrance and call on the Minister to ban haul netting on Tuggerah Lakes.*

**The AMENDMENT was put to the VOTE and declared CARRIED**

**The AMENDMENT became the MOTION**

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

- 1645/13** *That Council recognise the historic and primary industry benefits that local professional fishermen/persons residing in Area 4 provide to this Community.*

- 1646/13 *That Council note with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.*
- 1647/13 *That Council seek confirmation from Department of Primary Industries – Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.*
- 1648/13 *That Council note that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.*
- 1649/13 *That Council note that the Tuggerah Lakes are owned and controlled by the NSW state government.*
- 1650/13 *That Council lobby its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries particularly in regard to haul netting.*
- 1651/13 *That Council seek the reinstatement of a permanent fisheries office at The Entrance and call on the Minister to ban haul netting on Tuggerah Lakes.*

#### **CONFIDENTIAL SESSION**

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

***That Council move into Confidential Session.***

At this stage of the meeting being 8.15 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:-

#### **OPEN SESSION**

Council resumed in open session a 8.31 pm and the Mayor reported on item 9.1 and the General Manager reported on items 9.2, 9.3 and 9.4 of the confidential session of the ordinary meeting of council as follows:

#### **9.1 Mayoral Minute - General Manager's Mid Year Performance Review 2013/14**

- 1652/13 *That Council receive and endorse the General Manager's performance review for the mid year 2013/14 assessment.*

1653/13 *That Council authorise the General Manager and Mayor to attend the Airports Council International Airport Master Planning Course in Incheon, South Korea.*

1654/13 *That Council thank the General Manager for his excellent performance to date.*

9.2 DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)

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1655/13 *That Council receive the report on DA/853/2013 - Skydiving Operation at 1897 South Tacoma Road Tuggerah (Pioneer Dairy).*

1656/13 *That Council receive a further report for consideration and determination of the development application due to the number of objections received.*

9.3 Facility Agreement - Borrowing for LIRS 2 projects

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1657/13 *That Council accept the offer of loan borrowings, as dated 25 November 2013, for an amount of \$3,000,000 for a ten years term, based on a bi-annual amortisation table, from National Australia Bank in accordance with the 2013-14 borrowings programme.*

1658/13 *That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and National Australia Bank.*

1659/13 *That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and National Australia Bank.*

9.4 Possible acquisition of the North Wyong Garden Centre - 370 Pacific Hwy Wyong

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1660/13 *That Council authorise the General Manager to enter into negotiations to acquire Lot 1 DP 372243 No.370 Pacific Hwy Wyong at a fair market value, as supported by independent valuation, subject to due diligence investigation.*

1661/13 *That Council authorise the General Manger to allocate a deposit of 10% of the purchase price, to be paid this financial year, with the remainder to be allocated in the 2014/15 budget.*

1662/13 *That Council authorise the General Manager and the Mayor to execute all necessary documentation relevant to the acquisition of this site.*

1663/13 *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 property owner.*

- 1664/13 ***That Council propose the classification of Lot 1 DP 372243 as Operational Land, once the property is acquired.***
- 1665/13 ***That Council advertise the classification, in accordance with Section 34 of the Local Government Act 1993.***
- 1666/13 ***That Council adopt the classification, if no adverse submissions are received.***

**QUESTIONS ON NOTICE**

- Q49/13 Darkinjung Large Scale Manufactured Home Estate, Budgewoi (DA 493/2012 lodged 21 June 2012)  
Councillor Greg Best**

*'Mr General Manager, my question is on behalf of the good people of the greater Budgewoi area. As their local Councillor, I have received numerous calls and representations around the inordinate amount of time that this major development is taking for Council to determine. Understandably, with Council receiving more than 2,000 submissions on this particular DA, the most ever, it is only fair and reasonable that after more than a year, this matter be determined. Could you please advise Council, and in deed the community, when will this happen?'*

- Q50/13 Loss of Disabled Parking, Lake Haven  
Councillor Greg Best**

*'Mr Mayor, in a heightened time of need to assist the elderly and disabled in our community, I was alarmed to hear that disabled parking was actually being reduced in the Lake Haven shopping precinct. Could you please have this investigated and advise Council as to the situation and the options available to assist our local community?'*

**THE MEETING** closed at 8.34pm.