
WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 11 FEBRUARY 2015
COMMENCING AT 5.00PM**

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, Director Projects, IT Infrastructure Administrator, Manager Corporate Governance, Communications Co-Ordinator and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm 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.

APOLOGY

A request for leave of absence 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 TAYLOR:

59/15 That Council grant leave of absence from the meeting.

At the commencement of the Ordinary Meeting report nos 1.1, 1.5, 6.2, 6.1 and 2.1 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 Disclosure of Interest

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

60/15 That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

PROCEDURAL MOTION

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

61/15 That Council allow meeting practice to be varied.

62/15 That Council use the exception method to deal with the balance of the Agenda.

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

63/15 That with the exception of report numbers 1.5, 2.1, 3.1, 3.2, 5.1, 6.1 and 6.2 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

64/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

65/15 That Council receive the amended report on Invited Speakers.

66/15 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 TAYLOR and seconded by Councillor BEST:

67/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 January 2015.

Business Arising

There was no business arising.

1.5 Mayoral Minute - Centenary of ANZAC Day Flags

RESOLVED unanimously on the motion of Councillor EATON:

68/15 That Council note the grant application submitted to Department of Veterans' Affairs to cover the cost for the purchase and installation of ANZAC flags to celebrate the ANZAC Centenary across the Shire.

69/15 That Council note the advice received in relation to lead times for ordering of the flags.

70/15 That Council authorise the use of \$12,000 of funding from the Councillor Community Improvement Grant Fund for the purchase of the flags in the interim.

71/15 That Council allocate the funding in equal amounts from each Councillor's allocation.

72/15 That Council note that should the grant application be successful the Councillors Community Improvement Grant Fund will be reimbursed.

2.1 Review of Waterfront Structures Policy

Councillor Best left the meeting at 6.21pm and returned to the meeting at 6.22pm and as a result took no part in voting.

Councillor Vincent left the meeting at 6.21pm and returned to the meeting at 6.23pm and as a result took no part in voting.

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

73/15 That Council amend Development Control Plan 2013 to include a new chapter 2.9 Waterfront Structures.

74/15 That Council place on public exhibition for a period of 28 days the proposed amendment to Development Control Plan 2013, with amendments to the jetties policy 3.0 (a) delete this clause, (b) reword to "Council encourages the shared use of jetties between 2 or more waterfront properties."

75/15 That Council repeal the Waterfront Structures Policy upon commencement of WDCP chapter 2.9.

76/15 That Council receive a further report outlining any submissions received, and if none are received within the exhibition period proceed with the amendments to WDCP 2013 as shown within attachment 1.

77/15 That Council request the General Manager review the utility of this policy, given controls existing with the State Government.

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

AGAINST: NIL

3.1 CPA/243076 Provision of Local Government Election Services

Councillor Best left the meeting at 6.21pm and returned to the meeting at 6.22pm and as a result took no part in voting.

Councillor Vincent left the meeting at 6.21pm and returned to the meeting at 6.23pm and as a result took no part in voting.

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

78/15 That Council accept the tender from Australian Election Company (AustECo.), for the lump sum amount of \$748,367.02 (excl GST) for Contract CPA/243076 – Provision of Local Government Election Services for Wyong Shire for the period 1 July 2016 to 30 June 2019 with a provision for a two year extension to 30 June 2021 subject to satisfactory performance.

79/15 That Council determine the Tender Evaluation Report in Attachment 1, 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.

80/15 That Council approve the contingency sum as detailed in Attachment 3.

3.2 CPA/250224 – Redevelopment of Frank Ballance Park

Councillor Best left the meeting at 6.21pm and returned to the meeting at 6.22pm during consideration of this item.

Councillor Vincent left the meeting at 6.21pm and returned to the meeting at 6.23pm during consideration of this item

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

81/15 That Council accept the tender from Design Landscapes Pty Ltd, for the lump sum amount of \$1,305,774.26 (excl GST) for Contract CPA/250224 – Redevelopment of Frank Ballance Park.

82/15 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.

83/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Proposed Councillors' Community Improvement Grants

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

84/15 That Council allocate an amount of \$1,450 from the 2014-15 Councillors' Community Improvement Grants as follows:

Mannering Park Amateur Sailing Club (\$1000)	To pay for a Yachting Australia instructor to conduct the Start Sailing component of our Discover Sailing Program.	450
Northlakes United Rugby Union Club (\$1060)	Insurance Costs	650
YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$1400 already allocated)	Special Needs Christmas Party	350

4.2 Community Subsidy Program and Sport and Cultural Sponsorship Program

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

85/15 That Council allocate \$3,087.10 from the 2014-15 Community Subsidy Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Long Jetty/The Entrance Branch of Country Women's Association	Rates Subsidy	\$825.85
Central Coast Lapidary Club Inc	Rates Subsidy	\$571.75
Gwandalan-Summerland Point Rural Fire Brigade	Venue hire of Mannering Park Oval	\$191.00
Marine Rescue Norah Head	Digital Printing	\$599.50
The Central Coast Collective	Digital Printing and Venue Hire	\$899.00
Total		\$3,087.10

86/15 That Council allocate \$500.00 from the 2014-15 Sport and Cultural Sponsorship Program as follows:

Applicant	Project Name Summary	Staff Funding Recommended
Bryce Calderon	National Under 16's Baseball Championships at Blacktown, representing NSW	\$500.00
Total		\$500.00

4.3 Delegations of Authority under the Noxious Weeds Act 1993

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

87/15 That Council acting as the Local Control Authority for Wyong Shire:

- 1 Rescind all previous delegations under the Noxious Weeds Act 1993.
- 2 Delegate powers under that Act to positions as outlined below:

Section	Section Title	Powers Conferred	Delegated Positions
12	Failure to Control Noxious Weeds	Subsection (1) The power to initiate prosecution	General Manager Director, Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
		Subsection (2) The power to issue a notice under this provision	Director, Community & Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development Manager, Open Space Noxious Weeds and Pest Species Officer
14	LCAs' obligations to control noxious weeds on own land	Authority to control noxious weeds on land subject to a weed control order	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
17	Obligation to control aquatic weeds	Authority to control noxious weeds located on a watercourse, river or inland water in the local area	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development

Section	Section Title	Powers Conferred	Delegated Positions
18a	Prior Notice of Weed Control Notice	The power to issue a notice of a proposed weed control	General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
		Subsection (2) (c) and (d) The power to consider submissions from occupiers regarding a proposed weed control notice	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
		Subsection (3) to give oral or written notice of an emergency weed control notice	General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
18	Weed Control Notices	The power to issue and to amend or revoke a weed control notice	General Manager Director, Community and Recreation Services Manager, Open Space Noxious Weeds and Pest Species Officer Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
20	Noxious Weed Control by Local Control Authority after Weed Control Notice not complied with	Subsection (1) The power to authorise such work	General Manager Director Infrastructure and Operations Director Development and Building Director Property and Economic Development Director, Community and Recreation Services
		Subsection (2) The power to carry out such work	Noxious Weeds and Pest Species Officer Council Spray Operators Contractor working on Council's behalf

Section	Section Title	Powers Conferred	Delegated Positions
		Subsection (3) The power to issue notices to occupiers, prior to action under this section	General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
21	Recommend Weed control notice be given to public authority	Authority to recommend to the Minister that weed control notices be given by the Minister to a public authority or another local control authority	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
22	Weed control notices given by Minister	Power to take all necessary action and authorise all such work to comply with a notice given by the Minister	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
26	Expenses	The power of recovery expenses in accordance with this section	General Manager General Counsel Chief Financial Officer
27	Notice of Control of Prohibited Plants	Authority to give notices under this section	General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
36	Noxious weed control functions of local authorities	Authority to exercise the noxious weed control functions of Council in relation to the area for which it is the local control authority	Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development

Section	Section Title	Powers Conferred	Delegated Positions
36a	<i>Temporary restrictions during noxious weed control</i>	<i>Authority to impose restrictions under this section</i>	<i>General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>
37	<i>Record Keeping Obligations</i>	<i>Subsection (1) Responsibility to monitor presence of noxious weeds and to keep records</i>	<i>General Manager Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>
		<i>Subsection (2) Responsibility to report to the Director General on the presence and distribution of noxious weeds if required</i>	<i>General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>
38	<i>Aquatic Weeds</i>	<i>The power to consider objections and authorise the draining of a swamp</i>	<i>General Manager Director, Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>
41	<i>Appointment of Inspectors</i>	<i>The power to appoint inspectors under the Noxious Weeds Act for the local control authority</i>	<i>General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>
43	<i>Power of Entry</i>	<i>Authority to enter premises</i>	<i>Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development</i>

Section	Section Title	Powers Conferred	Delegated Positions
44	Inspections and Investigations	The power to undertake inspections and investigations under this section	Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
45	Notice of Entry	The duty to give occupiers notice prior to entry	Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
46	Use of Force	The power to authorise use of force to gain entry to premises	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
47	Notification of Use of Force	The responsibility to notify an occupier of the use of force	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
49	Compensation	The responsibility to authorise payment of compensation	General Manager Chief Financial Officer
50	Certificates of Authority	The power to issue Certificates of Authority for Inspectors under the Noxious Weeds Act 1993 (the General Manager must also sign the Certificate of Authority)	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development
59	Recovery of fees and expenses	The power to recover expenses in accordance with this section	General Counsel Chief Financial Officer

Section	Section Title	Powers Conferred	Delegated Positions
64	Certificates as to Weed Control Notices etc	The power to issue such certificates	Noxious Weeds and Pest Species Officer Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development Chief Financial Officer Natural Areas Supervisor
68	Delegation by local control authorities	The power to delegate	General Manager Director Community and Recreation Services Director Infrastructure and Operations Director Development and Building Director Property and Economic Development

4.4 Councillor Attendance - Business Women Connect International Women's Day Cocktail Party

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

88/15 That Council authorise the attendance of interested Councillors at the Business Women Connect International Women's Day Cocktail Party in accordance with the Council's Facilities and Expenses Policy for Councillors.

89/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

5.1 Road Capital Works Program

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

90/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

5.2 Outstanding Questions on Notice and Notices of Motion

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

91/15 That Council receive the amended report on Outstanding Questions on Notice and Notices of Motion.

6.1 Notice of Motion - Wyong and Gosford Councils Regional Rejection of Coal Seam Gas Proposal

Councillor Matthews left the meeting at 6.09pm and returned to the meeting at 6.10pm during consideration of this item.

Mr Simon Perry, Co-Convenor, Coal Seam Gas Subcommittee, addressed the meeting at 5.39pm, answered questions and retired at 6.01pm.

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

92/15 That Council reaffirm its strident opposition to the current Coal Seam Gas proposal.

93/15 That Council work with Gosford City Council to oppose the Coal Seam Gas proposal in order to take a regional approach in protecting our water supply and catchment from this potentially devastating proposal.

94/15 That Council promote, support and encourage (within existing budget and media channels) community participation in the upcoming, 28 February 2015, Mountain Rally to be held at Kulnura Hall and hosted by key environmental and community groups to highlight the likely impact of such a massive and untested mining proposal.

6.2 Notice of Motion - Intersection Band Aid Upgrade - Louisiana Road/Pacific Highway

Councillor Troy arrived at 5.19pm during consideration of this item.

Ms Cathy Harris, Resident, addressed the meeting at 5.14pm, answered questions and retired at 5.20pm.

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

95/15 That Council note with great concern this intersections history of serious and fatal accidents.

96/15 That Council request the RMS to review its funding formula/criteria around scoring deaths and serious accidents for a more sophisticated and humane approach to funding allocations.

97/15 That Council urgently request the RMS to install full traffic signals that will afford safety particularly for our children whilst providing maximum traffic turning movements for our community's convenience, before this intersection claims further lives.

QUESTIONS ON NOTICE

**Q6/15 Development at Johns Road, Wadalba - "Eagle Nest Site"
Councillor Ken Greenwald**

"Can the General Manager report on whether an offer has been made from the developer of the Johns Road Wadalba 'Eagle Nest Site' to divest the land the tree is on to protect it and what has or will be Council's response to this offer?"

**Q7/15 The Eagle Has Landed
Councillor Greg Best**

"Mr Mayor, my question is on behalf of many local residents that are concerned by land clearing in the Johns Rd area. I understand that this clearing was approved some time ago by staff and that the some 90 DA conditions affectively place a stop work order for an extended period on any future clearing until the eagles have completed nesting.

Mr Mayor, further I understand that the developers have voluntarily made representation to staff with the view to a more permanent and lasting resolution to this important environmental issue. Could you please update Council on the progress of these discussions. Thank you?"

THE MEETING closed at 6.37pm.