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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 12 November 2014  
COMMENCING AT 5.00PM

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## PRESENT

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

## IN ATTENDANCE

Acting General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Property and Economic Development, Acting Director Community and Recreation Services, General Counsel, Manager Communications, Chief Financial Officer, Project Director Special Projects, Manager Construction, Senior Contributions Officer. Strategic Development, Manager Property Development, Manager IT Operations 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.

Stuart Baverstock, Manager Construction presented an Award to the Mayor from the Institute of Public Works Engineering Australasia (IPWEA) for The Wyong River Construction Project.

## APOLOGY

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

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

***1224/14 That Council accept the apology and grant leave of absence from the meeting.***

All reports were dealt with in sequential order.

**1.1 Disclosures of Interest**

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**Item 5.4 - Proposed Councillors' Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scout Group , left the chamber at 6.17 pm, took no part in discussion, did not vote and returned to the chamber at 6.18 pm.

**Item 5.6 - Naming Proposal – Gallipoli Cove and Anzac Centenary Park - Response from Geographical Names Board**

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he was involved in the process of the application for the centenary of Anzac grants and this motion refers to the location of such project being permissible. Councillor Nayna left the chamber at 6.33pm, took no part in discussion, did not vote and returned to the chamber at 6.36pm.

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

***1225/14 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 TROY:***

***1226/14 That Council allow meeting practice to be varied.***

***1227/14 That Council use the exception method to deal with the balance of the Agenda.***

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

***1228/14 That with the exception of report numbers 2.1, 3.2, 3.3, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 6.4 Council adopt the recommendations contained in the remaining reports.***

**1.2 Proposed Inspections and Briefings**

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

**1229/14 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 NAYNA and seconded by Councillor TROY:**

**1230/14 That Council receive the report on Invited Speakers.**

**1.4 Confirmation of Minutes of Previous Meeting**

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

**1231/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 22 October 2014 and the Extraordinary Meeting of Council held Thursday 30 October 2014.**

**Business Arising**

There was no business arising.

**2.1 Investigation into the potential provision of a Regional Skate/BMX Facility in Wyong Shire**

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

**1232/14 That Council supports in principle the concept of building a best value regional skate/ BMX Facility within the Shire.**

**1233/14 That Council request the General Manager to direct Staff to include the regional Skate/BMX facility proposal as part of the draft 2015/2016 budget for discussion at the Councillor's Strategy Workshop in February 2015.**

**1234/14 That Council request the General Manager to direct staff to provide a further report to Council on costs , location , benefits and design options for the proposed regional skate/BMX Facility.**

**3.1 Policy for Determining Development Applications Subject to Significant Public Objections**

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

**1235/14 That Council adopt the Policy for Determining Development Applications Subject to Significant Public Objection and appropriate public notice be given.**

**1236/14 That Council note that the adopted policy will come into effect following appropriate notice being given.**

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

AGAINST: NIL

**3.2 Exhibition Submission - Your Future Central Coast: A Discussion Paper**

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Councillor Matthews left the meeting at 5.45pm and returned to the meeting at 5.47pm during consideration of this item .

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

**1237/14 That Council consider the draft submission prepared in response to the 'Your future: Central Coast' Discussion Paper.**

**1238/14 That Council request the General Manager to forward the submission to the NSW Planning and Environment (DP&E) subject to any amendments endorsed by Council.**

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

**3.3 Planning Proposal - WYONG LEP 2013 Flood Mapping - Outcome of Exhibition**

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Councillor Greenwald left the meeting at 5.51pm and returned to the meeting at 5.56pm during consideration of this item.

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

**1239/14 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ-4-2013 and proceed with the steps for drafting and making of the LEP.**

- 1240/14 That Council adopt draft Wyong DCP 2013 Chapter 3.3 – Floodplain Management and give appropriate public notice within 28 days that the draft DCP will come into effect on the date that the LEP amendment comes into effect.
- 1241/14 That Council delegate authority to the General Manager to undertake any minor amendments to the DCP prior to its adoption.
- 1242/14 That Council forward a copy of amended Wyong DCP 2013 to the Secretary of the NSW Department of Planning & Environment within 28 days of the draft DCP coming into effect.
- 1243/14 That Council advise those who made submissions of Council's decision.

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

AGAINST: NIL

4.1 Contract CPA/247920 - Construction of Gross Pollutant Traps at Liamena Avenue, San Remo; Scenic Drive, Buff Point and Sonoma Road, Budgewoi

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

- 1244/14 That Council accept the tender from the company nominated as Tenderer No '6', Kerroc Constructions Pty Ltd, in the attached Tender Evaluation Report, for the lump sum amount of \$495,652.00 (excl GST) for Contract CPA/247920 - Construction of Gross Pollution Trap's at Liamena Avenue, San Remo, Scenic Drive and Buff Point, Sonoma Road, Budgewoi.
- 1245/14 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/those tenders.
- 1246/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Skate Strategy

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

- 1247/14 That Council receive and note the draft Skate Strategy.
- 1248/14 That Council exhibit the draft Skate Strategy for 28 days.
- 1249/14 That Council adopt the draft Skate Strategy after exhibition conditional that no material challenges are made to the strategy during exhibition.

**5.2 Customer Satisfaction of Council's Local Road Network**

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

- 1250/14 That Council adopt a Pavement Condition Index (PCI) target of 7.1 and 7.2 for 2014/15 and 2015/16 respectively.
- 1251/14 That Council maintain current funding levels (plus allowance for annual inflation) for road renewal and resurfacing to permit these pavement condition targets to be achieved and maintained long term.
- 1252/14 That Council recognise that increased customer satisfaction of the road network, now that the pavement condition has improved, will now primarily be driven by improved kerb and gutter, footpaths and other road related facilities.
- 1253/14 That Council consider increased funding of kerb and gutter, footpath and other road related infrastructure as funds become available in the future.

**5.3 Planning Agreements Policy Review**

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

- 1254/14 That Council refer the draft Planning Agreements policy to the Employment and Economic Development Committee for consideration and recommendation back to Council.

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

AGAINST: NIL

**5.4 Proposed Councillors' Community Improvement Grants**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scout Group , left the chamber at 6.17 pm, took no part in discussion, did not vote and returned to the chamber at 6.18 pm.

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

- 1255/14 That Council allocate an amount of \$12,871.80 from the 2014-15 Councillors' Community Improvement Grants as follows:

1st Budgewoi Scout Group (\$3500)	Purchase 2 Gazebos to be used as cooking tents at fundraising events and on camping trips.	400.00
4 Hope Ministries (\$4000) (\$1100 already allocated)	Provide a free dinner to the disadvantaged every Wednesday.	300.00

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<b>Camp Breakaway Inc. (\$3909)</b>	<b>To purchase a Promethean Mobile Interactive Whiteboard System.</b>	<b>2,100.00</b>
<b>Central Coast CC Australian Italian Friendship Society Inc. (\$2000)</b>	<b>Social Gatherings and luncheons.</b>	<b>450.00</b>
<b>Central Coast Domestic Violence Committee Inc. (\$1500)</b>	<b>To raise awareness of domestic and family violence, provide support and resources during 16 Days of Activism.</b>	<b>450.00</b>
<b>Child and Family Services Wyong Shire Inc. (\$3360)</b>	<b>Provide a high quality Childhood Education and Care Program/Crèche.</b>	<b>300.00</b>
<b>Community Environment Network (\$4000) (\$100 already allocated)</b>	<b>Workshop on Habitat for Wildlife to residents in the Wyong Shire.</b>	<b>200.00</b>
<b>Good Grief Limited (\$371.80)</b>	<b>Purchase books designed to assist children experiencing grief and loss through death/divorce/separation of a parent or significant other.</b>	<b>371.80</b>
<b>Gwandalan Outside of School Hours Care Inc.</b>	<b>Purchase blinds, plants for garden and to purchase an iPad.</b>	<b>100.00</b>
<b>Hospital Art Australia Inc. (\$4000)</b>	<b>Provide Hospital Art to additional facilities in the Wyong Shire and to update website.</b>	<b>2,700.00</b>
<b>North Entrance Surf Life Saving Club (\$3600)</b>	<b>To purchase and place sandstone blocks along hedges of lawns to prevent vehicle access and provide seating for members.</b>	<b>400.00</b>
<b>Northern Power Cricket Club (\$3336)</b>	<b>Purchase of First Aid Kits</b>	<b>400.00</b>
<b>The Entrance District Cricket Club (\$4000) (\$1100 already allocated)</b>	<b>Purchase Pitch Covers.</b>	<b>1,200.00</b>
<b>The Entrance Junior Cricket Club (\$4000) (\$3500 already allocated)</b>	<b>Purchase each team a gazebo to be able to have shade for the children during the summer months.</b>	<b>300.00</b>
<b>Toukley and District Art Society (\$2000)</b>	<b>To engage professional tutors to teach at our workshops to the general public to increase the appreciation of art.</b>	<b>1,200.00</b>
<b>Toukley and District Senior Citizens Club Inc. (\$3877) (\$2200 already allocated)</b>	<b>Purchase and installation of CCTV Cameras</b>	<b>300.00</b>
<b>Toukley Sailing Club Inc. (\$4000)</b>	<b>Replacement of the roof on the premises.</b>	<b>600.00</b>
<b>Tuggerah Lakes Memorial Pistol Club Inc. (\$4000) (\$1300 already allocated)</b>	<b>Improve wheelchair access</b>	<b>200.00</b>

<i>Tuggerah United Football Club (\$4000) (\$2600 already allocated)</i>	<i>Improve shade and shelter at the fields.</i>	<i>200.00</i>
<i>Yarramalong School Community Centre Inc.(\$3701.47)</i>	<i>Sculptures at the Old School' event - provides sculptors a space to exhibit work and promote local art and home-grown produce.</i>	<i>700.00</i>

**5.5 Local Supplier Market Place Trial**

Councillor Vincent left the meeting at 6.18pm and returned to the meeting at 6.19pm during consideration of this item.

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

***1256/14 That Council defer consideration of this report pending a briefing to the Employment and Economic Development Committee (EEDC).***

**5.6 Naming Proposal – Gallipoli Cove and Anzac Centenary Park - Response from Geographical Names Board**

Councillor Nayna declared a non-pecuniary significant conflict of interest in the matter for the reason that he was involved in the process of the application for the centenary of Anzac grants and this motion refers to the location of such project being permissible. Councillor Nayna left the chamber at 6.33pm, took no part in discussion, did not vote and returned to the chamber at 6.36pm.

Councillor Matthews left the meeting at 6.34pm and returned to the meeting at 6.36pm during consideration of this item.

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

***1257/14 That Council note the determination received from the Geographical Names Board.***



**5.7 Draft Warnervale District Contributions Plan 2014**

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Councillor Nayna left the meeting at 6.33pm and returned to the meeting at 6.36pm during consideration of this item.

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

**1258/14 That Council receive and note the draft Warnervale Contributions Plan 2014.**

**1259/14 That Council place the Draft Warnervale District Contributions Plan 2014 on public exhibition for public comment.**

**1260/14 That Council request a report be provided to the Employment and Economic Development Committee (EEDC) to consider the outcomes of the Exhibition.**

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

AGAINST: NIL

**6.1 Lake Haven Cinema and Shopping Centre footpath Access Audit**

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

**1261/14 That Council receive the report on Lake Haven Cinema and Shopping Centre footpath Access Audit.**

**6.2 Draft Minutes of the Extraordinary Audit & Risk Committee Meeting - 1 October 2014**

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

**1262/14 That Council receive the report on Draft Minutes of the Extraordinary Audit & Risk Committee Meeting - 1 October 2014.**

**6.3 Road Capital Works Program**

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

**1263/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

#### **6.4 Fit for the Future**

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Councillor Taylor left the meeting at 6.42pm and returned to the meeting at 6.44pm during consideration of this item.

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

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

- 1264/14 That Council receive the report on Fit for the Future.**
- 1265/14 That Council agree in principle to commissioning a cost benefit analysis on a merger between Gosford and Wyong Councils, noting State Government funding for 50 % of the cost , and 25% from each Council.**
- 1266/14 That Council agree to appoint a facilitator in conjunction with Gosford and the General Manager be authorised to appoint the facilitator.**
- 1267/14 That Council request the General Manager to report back on the outcomes of recommendations 2 and 3.**

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

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

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

- 1268/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**QUESTIONS ON NOTICE**

**Q80/14 Real Estate Agent Selling Land Portfolios  
Councillor Lisa Matthews**

*“Can the General Manager please explain the process of how Council has selected the Real Estate Agent selling the land portfolios sales that have been approved by Council?”*

**Q81/14 Effects of the Planning Proposal for Jilliby 2 on Buttonderry Waste Facility  
Councillor Adam Troy**

*“Could the General Manager please advise when the report into the effects of the Planning Proposal for Jilliby 2 on the Buttonderry Waste Facility will be tabled to Council?  
Why is this report taking so long?”*

**Q82/14 Cost of aborted Rebrand Wyong Campaign  
Councillor Robert Graham**

*“I direct my question to the General Manager. What has been the cost to Ratepayers of the now aborted Rebrand Wyong Campaign?”*

**THE MEETING** closed at 7.15 pm.