
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 22 January 2014 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

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

The Mayor, Councillor Eaton, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Vincent read an acknowledgment of country statement.

APOLOGY

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

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

1/14 That Council accept the apology.

At the commencement of the ordinary meeting report nos 1.1, 2.2, 2.1, 2.3, 5.1, 3.1, 4.1, 5.2 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

2.1 DA/481/2013 – To Use 9 Existing Caravans and Annexes and 1 Mobile Home for Accommodation

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

2.2 DA/582/2013 – Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager’s Residence at Wyong

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald 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.”

2.3 DA/853/2013 – Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy)

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason of his involvement in the matter. Councillor Greenwald left the chamber at 6.30 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

5.1 Draft Voluntary Planning Agreement Variation – GP Superclinic - Woongarra

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that Dr Brad Cranney is his Doctor. Councillor Taylor left the chamber at 7.37 pm, took no part in discussion, did not vote and returned to the chamber at 7.50 pm.

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

2/14 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:

3/14 That Council allow meeting practice to be varied.

4/14 That Council use the exception method to deal with the balance of the Agenda.

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

5/14 That with the exception of report numbers 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 5.2 and 5.7 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

6/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

7/14 That Council receive the amended report on Invited Speakers.

8/14 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 VINCENT and seconded by Councillor GREENWALD:

9/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 December 2013.

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 VINCENT and seconded by Councillor GREENWALD:

10/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2d)(i) of the Local Government Act 1993:

8.1 - Self Insurance – Works Compensation – Workcover Bank Guarantee

11/14 That Council note its reason for considering Report No 8.1 – Self Insurance – Works Compensation – Workcover Bank Guarantee as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

12/14 That Council request the General Manager to report on this matter in open session of Council.

2.1 DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Taylor left the meeting at 6.20pm and returned to the meeting at 6.22pm during consideration of this item.

Mr David Tyrrell, from McKees Legal Solutions, representing a group of Residents, addressed the meeting at 6.04pm and spoke against the motion of Item 2.1 - DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation, answered questions and retired at 6.08pm.

Mr Matthew Wales, from Wales & Associates, representing the Applicant, addressed the meeting at 6.08pm and spoke in favour of the motion Item 2.1 - DA/481/2013 - To use 9 existing caravans and annexes and 1 mobile home for accommodation, answered questions and retired at 6.09pm.

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

13/14 That Council refuse the application for the reasons detailed in the schedule attached to this report.

14/14 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

MATTER ARISING

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

15/14 That Council seek to progress strategic planning discussions with the applicant around more suitable future usages for the site.

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

AGAINST: NIL

At this stage of the meeting, 6.23pm, the Mayor adjourned the meeting for a period of 5 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 6.29pm.

2.2 DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that the applicant supported his election campaign in September 2012 by allowing Councillor Graham to erect campaign signs on properties owned by the Applicant, the Applicant also loaned Councillor Graham wooden stakes that were used by Councillor Graham for promotional material with the stakes gratefully returned after the election. Councillor Graham left the chamber at 5.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.23 pm.

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an administrative employee of the NSW Police in another location in a totally unrelated area and participated in consideration of this matter.

Councillor Greenwald 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."

Mr David Tyrrell, from McKees Legal Solutions, representing a group of Residents, addressed the meeting at 5.07pm and spoke against the motion of Item 2.2 - DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong, answered questions and retired at 5.24pm.

Mr Matthew Wales, from Wales & Associates, representing the Applicant, addressed the meeting at 5.24pm and spoke in favour of the motion Item 2.2 - DA/582/2013 - Change of Use to a Boarding House Containing 59 Bedrooms and 1 Manager's Residence at Wyong, answered questions and retired at 5.35pm.

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

16/14 That Council refuse the application for the reasons as set out on page 112 (Attachment 3) as listed below;

- *The proposal has not demonstrated permissibility under the provisions of SEPP (Affordable Housing) 2009. Insufficient information has been provided to demonstrate compliance.*
- *The applicant has not addressed the potential impact of the development on the heritage significance of the building. Insufficient information has been submitted to address Clause 5.10 of Wyong LEP 2013.*
- *The site is not suitable for the development proposed being identified as both high hazard floodway and high hazard flood storage during a 1% AEP design flood event and given that the proposal is an intensification of the land use without a safe evacuation route.*
- *Insufficient information has been submitted to address Wyong DCP 2013 Chapter 3.7 Heritage and Conservation and to demonstrate that the proposed development would not impact adversely on the heritage significance of the heritage item.*
- *Insufficient information has been provided to demonstrate that the proposal has provided adequate facilities (internal kitchen, bathroom, and laundry) for access by each lodger. Insufficient information has been provided in order to demonstrate that the communal living areas are adequate in respect of the maximum number of lodgers proposed and the general amenity and functionality including natural light and natural ventilation. Insufficient information has been provided in order to demonstrate the size, shape, openings and other qualities of the rooms proposed provide an adequate level of amenity for the occupants. Insufficient information related to waste storage and management on the site.*
- *The application does not address the social impact of the proposal, particularly given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.*
- *The application does not address Safer by Design (CPTED) principles, given the expected social mix of residents with the potential for a significant level of economic and social disadvantaged.*
- *Unauthorised works have been carried out on the site and the proposed includes the use of those works which cannot be supported on BCA health, safety and amenity grounds.*
- *The proposal is not in the public interest.*
- *The development is an unsuitable and unreasonable intensification of the use of the site which results in additional people and property being exposed to flooding impacts.*

17/14 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

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

Councillor Greenwald declared a non-pecuniary significant conflict of interest in the matter for the reason of his involvement in the matter. Councillor Greenwald left the chamber at 6.30 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Best left the meeting at 6.31pm and returned to the meeting at 6.32pm during consideration of this item.

Councillor Vincent left the meeting at 6.29pm and returned to the meeting at 6.31pm during consideration of this item.

Ms Cherie Torpy, resident, addressed the meeting at 6.30pm and spoke against the motion 2.3 - DA/853/2013 - Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy), answered questions and retired at 6.43pm.

Mr Adrian Kennedy, from Australian Skydiving, addressed the meeting at 6.43pm and spoke in favour of the motion 2.3 - DA/853/2013 - Proposed Skydiving at 1897 South Tacoma Road Tuggerah (Pioneer Dairy), answered questions and retired at 6.59pm.

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

18/14 That Council grant consent for a period of 3 months subject to the conditions set out below:

- 1 The development is to be undertaken in accordance with the approved development plans and specifications listed below except as modified by any conditions of consent and any amendments in red made to the approved plans:**

Title	Drawing No.	Revision	Date	Drawn By
Elevations and site plan	1 to 6	N/A	No date	Unknown
Statement of Environmental Effects	N/A	N/A	No date	Prepared by Australian Skydive Group

- 2 This consent is for a 3 month period only and accordingly must cease at the expiration of 3 months from the date the determination date. Any extension of the approved use beyond 3 months will require the prior submission and approval of an application under Section 96 of the Environmental Planning and Assessment Act, 1979. In considering any application for the extension of this consent, Council would have regard for the conditions of this consent and relevant matters under the Environmental Planning and Assessment Act, including any submissions received during the period.**

Vehicle Access and Parking – Compliance Requirements

- 3 The provision of a minimum number of 59 line marked carparking spaces for visitors to the site in accordance with Council's Development Control Plan 2005, Chapter 61 – Carparking.**

- 4 ***Within one (1) month of the determination date, the applicant is to submit to Council, a risk assessment and mitigation strategy for the use of the site as a drop zone for parachutists. The risk audit is to involve input from the following parties:***

- a ***Australian Parachute Federation***
- b ***Civil Aviation Safety Authority***
- c ***Ausgrid***
- d ***Transgrid***
- e ***Roads and Maritime Services***
- f ***Transport NSW***

Prior to Release of Construction Certificate:

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

No conditions

Prior to Commencement of Works:

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

No conditions

During Construction Works:

The following conditions must be satisfied during construction works.

No conditions

Prior to Release of Occupation Certificate:

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

No conditions

Ongoing Operation:

The following conditions must be satisfied during use / occupation of the development.

Advertising Sign Requirements

- 5 ***No advertising sign/s shall be erected on or in conjunction with the use and/or development without prior development consent unless the advertisement is an 'approved sign' under Development Control Plan 2005, Chapter 50 - Advertising Signs.***

Hours of Operation Requirements

- 6 *For the purposes of preserving the amenity of neighbouring occupants and residents, hours of operation for the skydive component are restricted to between:*

- *8.00am and 4.00pm Monday to Friday*
- *9.00am and 4.00pm Saturday*
- *10.00am and 3.00pm Sunday*

In addition, that the maximum number of flights per hour during the hours of operation is limited to one flight.

Noise Control Requirements

- 7 *The applicant shall prepare a detailed Fly Neighbourly Advice (FNA) Management Plan describing the type of aircraft to be used, the runways to be used, the flight schedules, the flight path, throttle and altitude settings and the influence of weather conditions on flight operations to ensure external noise levels associated with flight operations do not exceed the limit prescribed in these conditions nor impact on any particular residential area any more frequently than every 2 hours to ensure flight paths are varied sufficiently. The FNA shall be submitted to the Office of Airspace Regulation and Council for approval.*

- 8 *The applicant shall use and operate the premises in accordance with the approved FNA.*

- 9 *The maximum external noise level associated with flight operations shall not exceed 60 LA_{max}(slow) when measured at any residential premises in accordance with Australian Standard AS 2021-2000 Aircraft noise intrusion – Building siting and construction.*

- 10 *A suitably qualified acoustic engineer* shall be appointed within the first month of the date on which the FNA is approved to undertake the following tasks:*

- i. Measure and report the maximum external noise level associated with flight operations and demonstrate compliance with the noise limit prescribed in these conditions.*
- ii. Conduct noise measurements of all flights on the day of testing at the locations specified in these conditions without the knowledge of the applicant, manager or operator of the premises between 8am to 4pm Monday to Friday, Saturday 9.00am to 4.00pm and Sunday from 10:00am to 3:00pm.*
- iii. Noise measurements shall only be taken when weather conditions permit valid noise measurements to be taken in accordance with guidelines published by the NSW Environment Protection Authority.*
- iv. Observe and record wherever possible the flight path of each aircraft and assess compliance with that approved in the FNA.*
- v. Provide a full detailed report documenting the results and submit to Council within 21 days of the testing.*

- * A suitably qualified acoustic engineer shall have qualifications not less than that required for membership of the AAAC – Association of Australian Acoustical Consultants.*

- 11 ***The following locations shall be tested with a minimum of two valid noise measurements at each location:***
- a) ***No 3 The Knoll, Jilliby***
 - b) ***No. 10 Weaver Crescent, Watanobbi***
 - c) ***No 13-15 Hope St, Wyong***
 - d) ***No 20 Kensington Place, Mardi***
 - e) ***Riverview drive, Wyong***
 - f) ***Pinto Way, Wadalba***
- 12 ***If noise levels exceed the limit prescribed in these conditions, the applicant shall determine the cause of the exceedence and modify the FNA. The revised FNA shall be submitted to the Office of Airspace Regulation and Council for approval and further noise measurements shall be undertaken as prescribed in these conditions until it can be demonstrated that the noise limit specified in these conditions can be complied with.***
- 13 ***The applicant shall supply to Council and advertise on their website a telephone number for lodgement of complaints.***
- i) ***The telephone number shall be answered promptly by a responsible person (and not a recorded message) continuously in the approved hours of operation.***
 - ii) ***Each reasonably valid complaint shall be recorded and investigated by the applicant and the likely cause of the complaint and any action taken shall be documented.***
 - iii) ***Telephone complaint rolls and investigation reports shall be maintained by the applicant for a period of 5 years and supplied to Council upon request.***

Restrictions on Use Requirements

- 14 ***No persons shall reside in the shed or utilise the shed after hours.***

Waste Management – Compliance Requirements

- 15 ***All waste generated on the premises shall stored in a manner so that it does not pollute the environment.***
- 16 ***All waste generated on the premises shall be transported to a facility which is licensed to receive that material.***

ADDITIONAL CONDITION

Bond to Secure Noise Compliance

The payment to Council of a \$30,000 bond to be held by Council to be used for independent noise monitoring in the event that the development gives rise to ongoing noise complaints.

- 19/14 ***That Council advise those who made written submissions of its decision.***

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

At this stage of the meeting, 7.34pm, the Mayor adjourned the meeting for a period of 3 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 7.37pm.

3.1 Proposed Acquisition of Land for Road Widening - Part Lot 1 DP 217979 at Peach Orchard Road, Fountaindale

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

20/14 That Council defer consideration of this item.

4.1 Contract CPA/236706 - Supply of Precast Concrete Culvert Units for the Wyong Town Trunk Drainage Project

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

21/14 That Council accept the tender from Better Concrete Products Pty Ltd, for the estimated Schedule of Rates total amount of \$1,013,094 (excl GST) for Contract CPA/236706 – Supply of Precast Concrete Culverts for Wyong Town Trunk Drainage Project.

22/14 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.

23/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Draft Voluntary Planning Agreement Variation - GP Superclinic - Woongarah

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that Dr Brad Cranney is his Doctor. Councillor Taylor left the chamber at 7.37 pm, took no part in discussion, did not vote and returned to the chamber at 7.50 pm.

Dr Brad Cranney, Local GP, addressed the meeting at 7.37pm, answered questions and retired at 7.41pm.

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

24/14 That Council delegate to the General Manager the authority to endorse the draft variation to the Voluntary Planning Agreement dated 24 September 2010 in regard to DA1396/2009.

25/14 That Council direct the General Manager to prepare a policy to allow refunds of Section 94 contributions or contributions made under planning agreements for Council's consideration.

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

AGAINST: NIL

5.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 5 December 2013

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

26/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 December 2013.

5.3 Grants Advisory Group Meeting Held on 15 October 2013

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

27/14 That Council receive the minutes of the Wyong Shire Grants Advisory Group held on 15 October 2013.

28/14 That Council allocate \$625.00 from the 2013-14 Community Subsidy Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Independent Power Boat Club Inc.	Hire of Osbourne Park Toukley for amateur power boat race days	\$625.00

29/14 That Council decline applications for the reasons indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Assessment
Sydney North Schools Sports Association	To host the NSWPSA Boys Cricket State Carnival	Application ineligible

30/14 That Council allocate \$1,000.00 from the 2013-14 Sport and Cultural Sponsorship Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Noah Moon	Top Grom Skateboarding World Championship Series in USA	\$1,000.00

31/14 That Council allocate \$4,712.00 from the 2013-14 Community Benefit Grants Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended excl. GST
Fusion Central Coast Inc.	Media and Communications Skills Workshops for Arts Groups and Practitioners	\$4,712.00

32/14 That Council decline the following Community Benefit Grant applications in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Recommendation
Homeless No More	Storage container for homelessness charity to store donations	Project not recommended
Toowoomb Bay Surf Life Saving Club Inc.	Purchase of radio safety helmets to use in club inflatable rescue boats	Project not recommended
Ourimbah Public School Parents and Citizens Association	Production of a sesquicentenary celebration book on the history of Ourimbah Public School	Project not recommended

33/14 That Council allocate \$38,071.00 from the 2013-14 Community Matching Fund as follows:

Applicant	Project Name and Summary	Committee Funding Recommended excl. GST
Concern Australia Hand Brake Turn	Providing job search training alongside practical experience in various aspects of the automobile industry	Deferred pending further investigation.
Manno Men's Shed	Preparation and construction of a Men's Shed at Mannering Park	\$21,586.00
Northern Lakes Disability Tourism Precinct	Lakes Beach - Disability beach access way	\$16,485.00
Total		\$38,071.00

34/14 That Council decline the following Community Matching Fund applications in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Recommendation
YMCA	Lakehaven Recreation Centre - electronic curtain. Installation of an electronically operated vertical divider between courts	Not recommended

Applicant	Project Name and Summary	Committee Recommendation
Long Jetty Senior Citizen's Club	Replacement of roof covering the old section of the main building	Not recommended

5.4 Conference Attendance - 2014 Australian Local Government Women's Association NSW Conference, Broken Hill

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

35/14 That Council authorise those interested Councillor/s to attend the Australian Local Government Women's Association Annual Conference 2014.

36/14 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.

5.5 Draft Minutes Audit and Risk Committee Meeting - 18 December 2013.

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

37/14 That Council receive the minutes of the Meeting of the Audit and Risk Committee meeting held on 18 December 2013.

38/14 That Council endorse the Committee's appointment of Mr Jason Masters, currently acting as Chairperson, as the Chairperson for the Audit and Risk Committee.

39/14 That Council endorse the Committee's adoption of the following dates for Audit and Risk Committee meetings 2014 as follows:

Date	Time	Type
19 March 2014	9:30 am – 12.30 pm	Ordinary Meeting
18 June 2014	9:30 am – 12.30 pm	Ordinary Meeting
3 September 2014	9:30 am – 12.30 pm	Extraordinary Meeting (Financial Reports)
17 September 2014	9:30 am – 12.30 pm	Ordinary Meeting
17 December 2014	9:30 am – 12.30 pm	Ordinary Meeting

40/14 That Council note the Committee's observation regarding the current status of high level risks in Wyong Shire Council as at November 2013.

41/14 That Council note the Committee's intention to conduct an in-depth discussion on the risk register at the 18 June 2014 meeting of the Audit & Risk Committee.

- 42/14 That Council endorse the Committee Chairman's request to the General Manager for the distribution of Audit & Risk Committee Business Papers to the External Members of the Committee be included in the trial of electronic distribution process scheduled to commence in 2014.

5.6 The Wyong Education & Business Precinct Masterplan

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

- 43/14 That Council endorse the revised Project Plan as attached to this report.
- 44/14 That Council investigate the Section 94 Contributions for Warnervale Town Centre (WTC) and also the Wadalba, Woongarra and Hamlyn Terrace (WWAHT) S94 Contributions Plan to consider the possible change in location of the Knowledge Centre and regional plans.

5.7 Temporary Economic Stimulus Plan Voluntary Planning Agreements - Ecclesia Housing Ltd

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

- 45/14 That Council delegate to the General Manager the authority to endorse the exhibited draft Voluntary Planning Agreement between Council and Ecclesia Housing Ltd in respect of DA/374/2013 & DA/375/2013.

6.1 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

- 46/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.2 General Works in Progress

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

- 47/14 That Council receive the report on General Works in Progress.

6.3 Road Capital Works Program

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

- 48/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

6.4 Activities of the Development Assessment and Building Certification and Health Units

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

49/14 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for the months of November and December 2013.

6.5 Disclosure of Interest Returns - 1 October to 31 December 2013

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

50/14 That Council receive the report on Disclosure of Interest Returns 1 October to 31 December 2013.

6.6 Investment Report for December 2013

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

51/14 That Council receive the Investment Report for December 2013.

6.7 Works in Progress - Water Supply and Sewerage

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

52/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.8 Outstanding Questions on Notice and Notices of Motion

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

53/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

Confidential item 8.1 was resolved via the exception method during open session. The General Manager reported on this item as follows:

8.1 Self Insurance - Workers Compensation - Workcover Bank Guarantee

54/14 *That Council accept the offer of bank guarantee for an amount of \$5,043,000 for an indefinite term based on the bank guarantee bi-annual amortisation table, from Australia and New Zealand Banking Group Limited.*

55/14 *That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Australia and New Zealand Banking Group Limited.*

56/14 *That Council authorise the Common Seal to be affixed to the executed Facility Agreement between the Wyong Shire Council and Australia and New Zealand Banking Group Limited.*

QUESTIONS ON NOTICE

Q51/14 Sparks Road
Councillor Luke Nayna

Can Council please investigate the use of Sparks Road, Hamlyn Terrace as a used car sales yard and report to Council any breaches of traffic regulations?

Q52/14 Public Access to Pioneer Dairy
Councillor Ken Greenwald

Can the General Manager enquire as to what activities other than special events are the public able to partake at the Pioneer Dairy Tuggerah and what hours/days it is open to the public of Wyong Shire?

Q53/14 Minnesota Road Raceway
Councillor Greg Best

Mr Mayor, Unfortunately once again I need to raise on behalf of the good folk of Minnesota Road, the issues of irresponsible motoring that have been exacerbated by Councils \$5M construction. Could you please refer these issues to our traffic committee, rangers and local police for their urgent action?

Q54/14 Community Feedback on Council's Performance over Christmas
Councillor Greg Best

Mr General Manager, Could you please pass on my and indeed Councils sincere appreciated for the staff that delivered council services over the Christmas break. Despite reduced levels during the Christmas period, I have received encouraging feedback around our service delivery. Could you please pass on our appreciation to the relevant staff?

THE MEETING closed at 8.11pm.