
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 23 April 2014 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

General Manager, General Counsel/Acting Director Development and Building, Director Infrastructure and Operations, Acting Director Property and Economic Development, Acting Director Community and Recreation Services, Marketing and Brand Coordinator, Manager Corporate Governance, Manager IT and Operations, IT Infrastructure Administrator, Acting Manager Communications, Manager Development and Rezoning, Financial Controller, Section Manager Care and Education, Project Manager CPM Team 2 and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

A request for leave of absence for the inability to attend the meeting was received on behalf of Councillor Taylor due to family commitments.

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

The General Manager advised that Councillor Vincent had indicated that he would be late in attending the meeting due to work commitments.

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

387/14 That Council accept the apologies and grant Councillors Taylor and Matthews leave of absence from the meeting.

All items were dealt with in the correct agenda sequence.

1.1 Disclosures of Interest

2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi

Councillor Webster declared a pecuniary conflict of interest in the matter for the reason that the said development is in her neighbourhood.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has family living nearby to the site in question.

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land that is affected by this proposal, left the chamber at 5.27pm, took no part in discussion, did not vote and returned to the chamber at 5.48pm.

U3/14 - Motion of Urgency – Green Army Program

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell and stated that:

"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 as Councillor."

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

388/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

389/14 That Council defer Item 2.2 - DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi, to be considered at the end of the meeting.

PROCEDURAL MOTION

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

390/14 That Council allow meeting practice to be varied.

391/14 That Council use the exception method to deal with the balance of the Agenda.

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

392/14 That with the exception of report numbers 1.5, 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 5.2, 5.4 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 GREENWALD and seconded by Councillor WEBSTER:

393/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

394/14 That Council receive the amended report on Invited Speakers.

395/14 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 GREENWALD and seconded by Councillor WEBSTER:

396/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 9 April 2014.

Business Arising

There was no business arising.

1.5 Mayoral Minute - Mariners Flag Flown at Wyong Civic Centre

Councillor Greenwald left the meeting at 5.10pm and returned to the meeting at 5.15pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

397/14 That Council recognise the continuing success of the Central Coast Mariners by flying their flag at Wyong Civic Centre from 24 April to 9 May 2014.

2.1 Planning Proposal for Short term Rental Accommodation

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

398/14 That Council initiate the Local Environmental Plan “Gateway” process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal to enable the use of dwellings for Short Term Rental Accommodation.

399/14 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979.

400/14 That Council undertake community consultation regarding the Planning Proposal subject to the determination of the Gateway Process.

401/14 That Council delegate authority to the General Manager to make minor amendments.

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

AGAINST: NIL

PROCEDURAL MOTION

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

402/14 That Council defer Item 2.2 - DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi to be considered at the 14 May 2014 Ordinary Council Meeting.

2.2 DA 905/2013 - Proposed Place of Public Worship at Tumbi Umbi

Councillor Webster declared a pecuniary conflict of interest in the matter for the reason that the said development is in her neighbourhood.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he has family living nearby to the site in question.

This item was deferred to be considered at the 14 May 2014 Ordinary Council Meeting.

2.3 Results of Public Exhibition for B6-Enterprise Corridor Zone, Planning Proposal, Pacific Highway, Wyong North

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family owns land that is affected by this proposal, left the chamber at 5.27pm, took no part in discussion, did not vote and returned to the chamber at 5.48pm.

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

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

- 403/14 That Council resolve to rezone the subject land (draft LEP).
- 404/14 That Council receive the report on the Planning Proposal – North Wyong B6 – Enterprise Corridor Rezoning - Results of Community Consultation (See Attachment 1).
- 405/14 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ-1-2011 issued by the Director-General and proceed with the steps for drafting and making the LEP for the rezoning.
- 406/14 That Council advise all those who made submissions of Council's decision.
- 407/14 That Council adopt Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and amend Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 as outlined in the report (See Attachment 2).
- 408/14 That Council note that Draft DCP 2013 – Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 will become effective upon the gazettal of the draft LEP.
- 409/14 That Council forward a copy of amended Wyong Development Control Plan 2013 to the Director General of Planning & Infrastructure within 28 days of the draft DCP coming into effect.
- 410/14 That Council give public notice of its decision to adopt DCP 2013 - Chapter 6.11 North Wyong - Enterprise Corridor and Industrial Precinct and Amendment to Wadalba, Woongarra and Hamlyn Terrace Development Contribution Plan, 2013 within 28 days of this decision.
- 411/14 That Council review within 2 years of the plan being made the effectiveness of additional local zoning provisions concerning office floor space and bulky goods retailing applying to the Wyong North B6- Enterprise Corridor Precinct.
- 412/14 That Council authorise the General Manager to make any minor amendments to the plan (if required).
- 413/14 That Council request Planning Infrastructure NSW, as a later amendment to this proposal, to increase the permitted floor space of bulky goods establishments up to 5,000m².

414/14 That Council adopt the draft DCP Chapter 6.11 with an amendment to 2.6 (b) Landscaping requirements, such that the 5m landscape buffer to the Highway/ Virginia Roads is deleted.

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

AGAINST: NIL

Councillor Eaton resumed the chair.

2.4 Central Coast Design Review Panel

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

415/14 That Council note the advice of the Minister for Planning & Infrastructure to defer any action on the Central Coast Design Review Panel until the Department of Planning and Infrastructure (DOPI) completes its review of SEPP 65 and the Residential Flat Design Code, including the operation of Design Review Panel.

416/14 That Council request the General Manager make submissions to DOPI during DOPI's abovementioned review that is consistent with the following resolution of 27 November 2013:

"1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65".

3.1 Dedication of land as Drainage Reserve and Subdivision and Sale of Residue from Lots 161, 162 and 163 DP 206146 Catalina Rd San Remo

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

417/14 That Council authorise the dedication by way of transfer to be retained for use as drainage reserve, Lot 1 Deposited Plan 1188012, being plan of acquisition from Lots 161, 162 and 163 DP 206146.

418/14 That Council authorise the subdivision and sale, for not less than market value, of the residue land from Lot 161, 162 and 163 DP 206146 after the reservation of the land to be retained as drainage reserve.

419/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfers associated with the drainage reservation and the sale of the residue land the Plans of Subdivision and to any other necessary documentation associated with the subdivision and the sale of land.

420/14 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer of the drainage reserve and the residue land and the plans of subdivision.

3.2 Proposed Closure of Part of Road and Proposed Sale of Lot 4 DP 615308, Berkeley Road, Fountaindale

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

- 421/14 That Council apply to the Minister, NSW Trade & Investment, to close the public road being part of Berkeley Road, Fountaindale.**
- 422/14 That Council authorise the sale of the closed road to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.**
- 423/14 That Council authorise the sale of Lot 4 DP 615308 at 130 Berkeley Road, Fountaindale to the owner of the adjoining property for market value as assessed by a qualified valuer and subject to its being consolidated with the adjoining land.**
- 424/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the Sale and Transfer of the land.**
- 425/14 That Council authorise the Mayor and the General Manager to execute all documents relating to the transfer documents.**

4.1 Childcare Tender Evaluation Report

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

- 426/14 That Council accept the tender from G J and B L Male trading as Lighthouse Early Learning Centre, for the lump sum amount of \$12,000.00 (excl GST) for Sale of Business for Tom Stone Care and Education.**
- 427/14 That Council accept the tender from G J and B L Male trading as Lighthouse Early Learning Centre, for the lump sum amount of \$15,000.00 (excl GST) for Sale of Business for Spotted Gum Care and Education.**
- 428/14 That Council enter into the lease of Tom Stone Care and Education Centre, with G J and B L Male trading as Lighthouse Early Learning Centre for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.**
- 429/14 That Council enter into the lease of Spotted Gum Care and Education Centre, with G J and B L Male trading as Lighthouse Early Learning Centre for a term of ten (10) years at an annual rental of \$72,000.00 (excl GST) subject to annual CPI movements and market review every five years, with further options for up to three by five year extensions.**
- 430/14 That Council delegates to the General Manager the authority to approve the option(s) for a further lease term of up to 15 years (three by five year extensions).**

431/14 That Council determines 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 tenderers, which may be disclosed after Council has resolved to accept that those tenders.

A DIVISION was called by Councillor GRAHAM:

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD

5.1 Draft Minutes of the Audit & Risk Committee Meeting - 19 March 2014

Councillor Troy left the meeting at 6.08pm and returned to the meeting at 6.09pm during consideration of this item.

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

432/14 That Council receive and note the minutes of the Audit and Risk Committee meeting held on 19 March 2014.

433/14 That Council reschedule the 3 September 2014 extraordinary Audit and Risk Committee meeting to the 1 October 2014, for consideration of the financial reports.

434/14 That Council adopt the following list of Agenda Items and indicative discussion timeframes for future meetings of the Audit and Risk Committee:

	Title of Report	Responsible Officer	Indicative Timeframes
1	Disclosure of Interest	Procedural Item	2 mins
2	Confirmation of Previous Minutes	Procedural Item	5 mins
3	Status Report on Outstanding Actions	Chairman	5 mins
4	Corporate Risk Management (incorporating Risk Register Report & Major Projects)	Project Manager	10 mins
5	Financial Overview	General Manager	15 mins
6	Information Management Status Report	Chief Information Officer	10 mins
7	Special Investigations	Appointed Investigators	10 mins
8	Report from Internal Ombudsman	Senior Internal Ombudsman	10 mins

	<i>Title of Report</i>	<i>Responsible Officer</i>	<i>Indicative Timeframes</i>
9	Compliance Reviews	General Counsel	5 mins
10	Legal Matters/Issues Report	General Counsel	10 mins
11	Internal Audit <ul style="list-style-type: none"> • Monitoring the Quality and Performance of Internal Audit: Balanced Scorecard • Chief Internal Audit Reports Issued 	Chief Internal Auditor	15 mins
12	Status Report on Outstanding Internal Audit agreed actions	Chief Internal Auditor	5 mins
13	External Audit Report	External Auditor	5 mins
14	Other Matters	Chairman	5 mins

5.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 3 April 2014

Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm as a result took no part in voting.

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

435/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 3 April 2014.

5.3 Councillor Attendance - Central Coast Tourism Autumn Networking Evening

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

436/14 That Council note the approval granted by the Mayor for Councillors to attend the Central Coast Tourism Autumn Networking Evening in accordance with the Council's Facilities and Expenses Policy for Councillors.

437/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

5.4 Development Servicing Plan Update - Water Supply and Sewerage

Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm as a result took no part in voting.

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

- 438/14 That Council adopt the draft Development Servicing Plans in principle.
- 439/14 That Council approve the draft Development Servicing Plans be placed on public exhibition for 30 working days in accordance with IPART requirements.
- 440/14 That Council adopt the draft Development Servicing Plan and register with IPART should no significant objections be received as a result of the public exhibition.
- 441/14 That Council note the revised water supply and sewerage contributions be effective as of 1 July 2014.

5.5 Naming of ANZAC Centenary Cove - Results of Exhibition

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

- 442/14 That Council note the exhibition of the proposal to name a small beach at located adjacent to Cliff Street Reserve, Norah Head, ANZAC Centenary Cove with two submissions being received.
- 443/14 That Council endorse the proposal to name the beach located adjacent to Cliff Street Reserve, Norah Head as indicated on the attached plan.
- 444/14 That Council refer the proposal to name ANZAC Centenary Cove Norah Head to the Geographical Names Board for determination.
- 445/14 That Council note the concerns raised in relation to any other activities on the site and consult with local residents on any further proposals in relation to the naming of the Cove.

6.1 Works in Progress - Water Supply and Sewerage

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

- 446/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.2 General Works in Progress

Councillor Greenwald left the meeting at 6.12pm and returned to the meeting at 6.17pm during consideration of this item.

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

447/14 That Council receive the report on General Works in Progress.

LATE APOLOGY

Councillor Greenwald advised an apology for the inability to attend the meeting was received on behalf of Councillor Vincent due to work commitments.

LEAVE TO INTRODUCE A MATTER OF URGENCY

Councillor Webster sought leave to introduce a Matter of Urgency regarding the Green Army Programme Applications

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

448/14 That Council consider a Matter of Urgency regarding the Green Army Programme Applications.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

U3/14 Matter of Urgency - Green Army Programme Applications

Councillor Nayna declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is employed by the Federal Member for Dobell and stated that:

"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 as Councillor."

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

449/14 That Council note the Federal Government has invited applications for the Green Army Programme and that submissions for applications close on 9 May 2014.

450/14 That Council prepare a submission for projects that will deliver practical environmental improvements.

6.3 Investment Report for March 2014

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

451/14 That Council receive the Investment Report for March 2014.

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

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

452/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of March 2014.

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

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

453/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.6 Outstanding Questions on Notice and Notices of Motion

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

454/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

QUESTIONS ON NOTICE

**Q63/14 Anti-Social Behaviour in the Wyong CBD
Councillor Ken Greenwald
C2013/05532**

“Mr Mayor, Can the General Manager inform whether there has been any marked increase in juvenile related anti-social incidents in the Wyong CBD area; and in the CBD in general if there are any trends relating to this?”

THE MEETING closed at 6.23pm.