

---

---

# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 24 APRIL 2013 COMMENCING AT 5:00 PM

---

---

### PRESENT

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

### IN ATTENDANCE

General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Acting Director Land Management, Director Community and Recreation Services, Communications and Marketing Coordinator and two administration staff.

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

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

Councillor Webster presented \$250 in prizes to the ANZAC creative writing competition winners;

- 11-14 yr olds Ms Holly Schwebel from Kanwal
- 15-18 yr olds Mr Daniel Snell from Ourimbah

The Mayor presented cheques to the 11 community groups from round 2 of the Community Benefits Grants Program totalling \$39,817.

### APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews as she had family commitments and Councillor Taylor as he is on a family holiday.

***RESOLVED unanimously on the motion of Councillor Eaton and seconded by Councillor Webster:***

***477/13 That Council accept the apologies and grant leave of absence from this meeting.***

***478/13 That Council grant leave of absence for Councillor Taylor from the Ordinary Meeting scheduled on 8 May 2013.***

At the commencement of the ordinary meeting report numbers 1.1, 3.1, 6.1 1.4, 2.1, 2.2, 2.3, 3.2, 3.3, 6.2, 6.4, 6.6, 7.6, 7.7, 9.1, 9.2 and 10.1 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**

**Item 2.2 Mayoral Minute - Central Coast Mariners**

Councillor Graham declared a pecuniary interest in the matter for the reason that he is a member on the Board of Directors of the Mariners Football Club, left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.22 pm.

**Item 3.1 DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance**

Councillor Best declared a pecuniary interest in the matter for the reason that he is the Council representative on the Joint Regional Planning Panel (JRPP) and as this item was not referred to the JRPP participated in consideration of this matter.

**Item 3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition**

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

**Item 6.6 Eraring Power Station - Report on Incident**

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

**Item 9.2 Notice of Motion - Stop Coal Mining in the Valleys**

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training (CCGT) which has a scholarship programme with Wallarah 2 and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who host apprentices and trainees for Wallarah 2, left the chamber at 7.58 pm, took no part in discussion, did not vote and returned to the chamber at 8.31 pm.

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee at a local thermal power station and participated in consideration of this matter.

Councillor Vincent 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."*

#### **U2/13 Youth Employment Crisis**

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who is jointly tendering for the funds in question in this motion, left the chamber at 7.58 pm, took no part in discussion, did not vote and returned to the chamber at 8.31 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training (CCGT), proponent of the project and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council appointed delegate to CCGT."*

#### **Item 10.1 Mayoral Minute - General Manager's Performance Appraisal End of Year 2012-2013**

The General Manager declared a pecuniary interest in the matter for the reason that it involves his employment contract, left the chamber at 8.52 pm, took no part in discussion, did not vote and returned to the chamber at 8.55 pm.

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

***479/13 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 Greenwald:**

480/13 That Council allow meeting practice to be varied.

481/13 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**

482/13 That with the exception of report numbers 1.4, 2.1, 2.2, 2.3, 3.1,3.2, 3.3, 6.1, 6.2, 6.4, 6.6, 7.6, 7.7, 9.1, 9.2 and 10.1 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:**

483/13 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:**

484/13 That Council receive the amended report on Invited Speakers.

485/13 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

**1.4 Notice of Intention to Deal with Matter in Confidential Session**

---

Councillor Vincent left the meeting at 6.11 pm and returned to the meeting at 6.13 pm and as a result took no part in voting.

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

486/13 That Council consider the following matter in Confidential Session, pursuant to Section 10A 2(a) of the Local Government Act 1993:

10.1 Mayoral Minute – General Manager's Performance Appraisal End of Year 2012/13

487/13 That Council note its reasons for considering item 10.1 – Mayoral Minute – General Manager's Performance Appraisal End of Year 2012/13 as it contains information concerning particular individuals (other than Councillors).

488/13 That Council request the Mayor to report on this matter in open session of Council.

**1.5 Confirmation of Minutes of Previous Meeting**

---

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

**489/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 10 April 2013.**

**Business Arising**

There was no business arising.

**2.1 Mayoral Minute - High Speed Train Study**

---

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

**490/13 That Council note the report issued into the feasibility of an east coast high speed train system.**

**491/13 That Council make a submission to the report that:**

**a Supports the Central Coast station location at Ourimbah for the reasons stated in the report and;**

**b Calls for the Newcastle to Sydney section to be the first stage as previously indicated and due to the significantly greater population benefitted by this section rather than the southern section.**

**492/13 That Council request the General Manager to direct staff to write to the Central Coast Regional Organisation of Councils (CCROC) and the Hunter Regional Organisation of Councils to make similar submissions as to the priority of the Newcastle to Sydney section and also request all Central Coast and Hunter State And Federal Members to make similar submissions.**

**2.2 Mayoral Minute - Central Coast Mariners**

---

Councillor Graham declared a pecuniary interest in the matter for the reason that he is a member on the Board of Directors of the Mariners Football Club, left the chamber at 6.19 pm, took no part in discussion, did not vote and returned to the chamber at 6.22 pm.

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

**493/13 That Council formally congratulate the outstanding success of the Central Coast Mariners Football Club in winning the 2013 Hyundai A-League Grand Final.**

**494/13 That Council authorise the General Manager to liaise with Westfield Tuggerah and Central Coast Football Association to host a community celebration at Westfield on a suitable weekend in May.**

**495/13 That Council recognise the success of the club and players and provide each player and coach an award for excellence in the form of a medallion for their outstanding achievements and their positive contribution to the Central Coast.**

- 496/13 *That Council request the General Manager to instruct staff to raise the Central Coast Mariners Football Club flag, for one month, commencing as soon as possible.*
- 497/13 *That Council work with partners to promote the success of the Club and this event in their honour.*

### **2.3 Mayoral Minute - Trade Investment and Tourism Marketing**

---

Councillor Troy left the meeting at 6:24 pm and returned to the meeting at 6:25 pm during consideration of this item.

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

- 498/13 *That Council authorise the Mayor to execute agreements generally in the forms annexed hereto as Attachments 1-4, where it is impractical to gain prior Council approval subject to reporting such agreements to Council as soon as possible.*
- 499/13 *That Council authorise, within budgets contained in the Council adopted four year delivery plan and annual plan for the preparation, printing, manufacturing and distribution of promotional and marketing material promoting Wyong Shire, its development sites and projects and its attractiveness for investment, trade and tourism. Such material may be written, electronic or on any appropriate media and maybe in various languages."*

### **3.1 DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance**

---

Councillor Best declared a pecuniary interest in the matter for the reason that he is the Council representative on the Joint Regional Planning Panel (JRPP) and as this item was not referred to the JRPP participated in consideration of this matter.

Ms Helen Potter - Secretary Body Corporate, representing Atlantis Apartments, addressed the meeting at 5.30 pm, answered questions and retired at 5.33 pm.

Councillor Troy left the meeting at 5:40 pm and returned to the meeting at 5:42 pm during consideration of this item.

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

- 500/13 *That Council receive the report on DA/426/2012 - Proposed mixed use development comprising a residential flat building containing 109 units, a public library with ancillary cafe and an art gallery at The Entrance.*

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

AGAINST: NIL

**3.2 DA/12/2013 - Alterations and Additions to Create a Secondary Dwelling and Workshop at Hamlyn Terrace**

---

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

- 501/13** That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 502/13** That Council levy Section 94 contributions at the secondary dwellings reduced rate of 35% Development Unit.
- 503/13** That Council advise those who made written submissions of the decision.

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

AGAINST: NIL

**3.3 Precinct 7A - Warnervale and Hamlyn Terrace Rezoning Results of Public Exhibition**

---

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

Councillor Greenwald left the meeting at 6:48 pm and returned to the meeting at 6:50 pm during consideration of this item.

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

- 504/13** That the Precinct 7A Planning Proposal be revised to reflect the amended Structure Plan (see Attachment 2) and changes outlined in this report.
- 505/13** That the Precinct 7A Planning Proposal which includes LEP (Amendment No 184) be referred to the Minister for Planning and Infrastructure in accordance with Section 59 of the Environmental Planning and Assessment Act, 1979 with a request to make the plan.
- 506/13** That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations, 2000, the amendment to the draft DCP 2005: Chapter No 98 – Warnervale South (See Attachment 7) be adopted and become effective upon the gazettal of the draft LEP (Amendment No 184).
- 507/13** That public notice of Council's decision to adopt DCP 2005: Chapter No 98 – Warnervale South be made within 28 days of this decision.

508/13 *That Council advise those who made submissions of the decision.*

509/13 *That Council delegate authority to the General Manager to undertake any amendments to the Planning Proposal and supporting documents.*

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

AGAINST: NIL

#### **MATTER ARISING**

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

510/13 *That Council write to the Minister for Transport and the Director General for Transport NSW advising them of Council's adopted plans for Precinct 7A and the need for the retention of the existing Warnervale Railway Station to service this extensive new residential community.*

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

AGAINST: NIL

#### **4.1 Acquisition of Land and Easements for Sewerage Infrastructure at Norah Head**

---

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

511/13 *That Council as Manager of Norah Head Recreation (R80256) Reserve Trust comprising Lots 7054 and 7055 DP 1071552, grant part of the Reserve Trust land for sewer rising main and an easement to drain sewage.*

512/13 *That Council acquire part of Lots 7054 and 7055 DP 1071552 being Norah Head Recreation (R80256) Reserve at Norah Head.*

513/13 *That Council acquire easements to drain sewage, generally 3m wide, over Lots 7054 and 7055 DP 1071552 (R80256) and Lot 639 DP 823764 at Norah Head.*

514/13 *That Council authorise the payment of compensation, if necessary, for the acquisition of the land and easements in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*

515/13 *That Council proceed to compulsorily acquire the land and easements in the event that negotiations with the property owners cannot be satisfactorily resolved.*

516/13 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Primary Industries for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*



517/13 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Primary Industries.

5.1 Evaluation and Selection of Tenders for Contract No CPA/209287 - Sewer Rising Main T19

---

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

518/13 That Council accept the tender from UEA Pty Ltd as Tenderer '2' in the attached Tender Evaluation Report for the lump sum amount of \$604,531 (excl GST) for Contract CPA/209287 – T19 Sewer Rising Main

519/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

520/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

6.1 Dog Poo Bag Dispensers for Local Beaches and Shared Pathways

---

Councillor Best left the meeting at 5:43 pm and returned to the meeting at 5:44 pm during consideration of this item.

Councillor Graham left the meeting at 5:44 pm and returned to the meeting at 05:46 pm during consideration of this item

Councillor Best left the meeting at 5:45 pm and return to the meeting at 5.46 pm during consideration of this item.

Mr Tony Rothwell, resident, addressed the meeting at 5.43 pm, answered questions and retired at 5.46 pm.

*It was MOVED by Councillor VINCENT and SECONDED by Councillor GREENWALD:*

- 1 That Council note this report identifying additional and existing sites for the possible installation of dog faeces collection bag dispensers in appropriate high usage locations within the Wyong Shire, including costs and benefits.
- 2 That Council promote through the Shirewide Newsletter, Council's web page, and other local media, responsible removal of dog faeces from public areas by dog owners.
- 3 That Council trial providing 25 dog faeces collection bags in the 15 existing dog off-leash exercise areas for a period of six months.
- 4 That staff report back to Council on the trial after the six month period.
- 5 That staff identify budgetary savings to fund this initiative through the quarterly review.

An AMENDMENT was MOVED by Councillor NAYNA and SECONDED by Councillor BEST:

- 1 That Council note this report identifying additional and existing sites for the possible installation of dog faeces collection bag dispensers in appropriate high usage locations within the Wyong Shire, including costs and benefits.
- 2 That Council adopt option three outlined in this report.
- 3 That Council promote through the Shirewide Newsletter, Council's web page, and other local media, responsible removal of dog faeces from public areas by dog owners.

The AMENDMENT was put to the vote and declared CARRIED.

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

- 521/13 That Council note this report identifying additional and existing sites for the possible installation of dog faeces collection bag dispensers in appropriate high usage locations within the Wyong Shire, including costs and benefits.
- 522/13 That Council adopt option three outlined in this report.
- 523/13 That Council promote through the Shirewide Newsletter, Council's web page, and other local media, responsible removal of dog faeces from public areas by dog owners.

## **6.2 Councillor Local Project Fund - 2012/2013 Round 2**

---

Councillor Greenwald left the meeting at 7.02 pm and returned at 7.03 pm during consideration of this item.

Councillor Greenwald left the chamber at 8.27 pm and did not return to the chamber.

RESOLVED unanimously by Councillor EATON and seconded by Councillor BEST;

- 524/13 That Council defer consideration of this item until the conclusion of the Open Session.

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

- 525/13 That Council allocate the following funds from the Councillor Local Project Fund – Round 2 2012/2013:

<b>Project</b>	<b>Amount</b>
<b>Upgrade carpark at Warnervale Sports Field and Community Building</b>	<b>\$15,000</b>
<b>Re-deck jetty at Hargraves St, North Entrance</b>	<b>\$10,000</b>
<b>Install bench and picnic table parallel to Lake shoreline, Marine Pde Rocky Point</b>	<b>\$2,500</b>

<i>Install bench at beach access end Manly St, North Entrance</i>	<i>\$2,500</i>
<i>Install bench at beach access end Florida St, North Entrance</i>	<i>\$2,500</i>
<i>Install exercise equipment on shared pathway – Chittaway to The Entrance</i>	<i>\$15,000</i>
<i>Exercise equipment on shared pathway - North end of shire</i>	<i>\$10,000</i>
<i>Tree planting on the fence line bordering the housing estate and community car park at Cutler Drive Wyong to reduce graffiti</i>	<i>\$4,000</i>
<i>External signage and internal display improvements at Gwandalan library</i>	<i>\$1,000</i>
<i>Total</i>	<i>\$62,500</i>

- 526/13 That Council note that unspent funds lapse as at 30 June 2013.
- 527/13 That Council delegate to the Mayor and the General Manager the power to complete the list of projects under the Council Local Project Fund.
- 528/13 That the Mayor and General Manager consult with individual Councillors to ensure their support and compliance with the Council policy.

6.3 Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 4 April 2013

---

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

- 529/13 That Council receive the Minutes of the Estuary Management, Coastal and Floodplain Management Committee held on 4 April 2013.
- 530/13 That Council endorse the committee's recommendations.

6.4 Draft Minutes of the 20 March 2013 Audit and Risk Committee Meeting

---

Councillor Vincent left the meeting at 7:04 pm and returned to the meeting at 7:07 pm and as a result took no part in voting.

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

- 531/13 That the Council adopt the minutes of Wyong Shire Audit and Risk Committee meeting held on 20 March 2013.

6.5 Delegation of Authority to General Manager

---

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

- 532/13 That Council confirm the current delegations to the General Manager as listed in the attached document.
- 533/13 That Council authorise this confirmation of delegations to be effective from 24 April 2013.

**6.6 Eraring Power Station - Report on Incident**

---

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

Councillor Vincent left the meeting at 7:04 pm and returned to the meeting at 7:07 pm and as a result took no part in voting.

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

**534/13 That Council confirm the previous resolution:**

**"1 That Council receive the report on Eraring Power Station - Report on Incident."**

**7.1 Works in Progress - Water Supply and Sewerage**

---

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

**535/13 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

**7.2 Activities of the Development Assessment and Building Certification and Health Units**

---

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

**536/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units.**

**7.3 Investment Report for March 2013**

---

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

**537/13 That Council receive the Investment Report for March 2013.**

**7.4 Beachwatch Quality Assurance Program**

---

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

**538/13 That Council receive and note the report on Beachwatch Quality Assurance Program.**

**7.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

---

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

**539/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**7.6 Road Capital Works Program**

---

Councillor Vincent left the meeting at 7:04 pm and returned to the meeting at 7:07 pm during consideration of this item.

Councillor Nayna left the meeting at 7:09 pm and returned to the meeting at 7:11 pm during consideration of this item.

Councillor Troy left the meeting at 7:11 pm and returned to the meeting at 7:12 pm during consideration of this item.

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

**540/13 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.**

**7.7 General Works in Progress**

---

Councillor Graham left the meeting at 7:14 pm and returned to the meeting at 7:15 pm during consideration of this item.

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

**541/13 That Council receive the report on General Works in Progress.**

**7.8 Outstanding Questions on Notice and Notices of Motion**

---

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

**542/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**9.1 Notice of Motion - Urgent Employment Stimulus**

---

Councillor Vincent left the meeting at 7:51 pm and returned to the meeting at 7:52 pm during consideration of this item

Mr Colin Wallace addressed the meeting at 7.19 pm, answered questions and retired at 7.33 pm.

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

**543/13 That Council note with great concern the recent escalating national/local employment figures, particularly around the construction industry which underpins the Central Coast economy.**

**544/13 That Council recognise the need to be part of the national economic stimulus initiative by reviewing Council's development taxation structure/Section 94 Contributions.**

**545/13 That Council adopt a temporary stimulus plan which sets Developer Contributions (Section 94) at \$25,000 per block in the Contribution Plan 7A district for VPA's entered into before 30 December 2013, with construction of essential public infrastructure commenced to approved Council specification by 30 June 2014 with appropriate credit given for works in kind.**

**546/13 That Council authorise existing VPA's meeting the criteria above to be reduced to this level providing construction has not commenced.**

**547/13 That any VPA arising from this initiative be reported to Council.**

**548/13 That Council receive a report on this stimulus initiative as soon as practicable after 30 December 2013 and again after 30 June 2014.**

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

AGAINST: NIL

## **9.2 Notice of Motion - Stop Coal Mining in the Valleys**

---

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training (CCGT) which has a scholarship programme with Wallarah 2 and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Mr Darren Webber MP, the State Member for Wyong and participated in consideration of this matter.

Councillor Nayna 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."*

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who host apprentices and trainees for Wallarah 2, left the chamber at 7.58 pm, took no part in discussion, did not vote and returned to the chamber at 8.31 pm.

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee at a local thermal power station and participated in consideration of this matter.

Councillor Vincent 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."*

*It was MOVED by Councillor GRAHAM and SECONDED by Councillor VINCENT:*

- 1 That Council reaffirm its previous position to oppose coal mining in the Central Coast's water catchment.*
- 2 That Council write to the Premier requesting the NSW State Parliament legislate to reject any future applications to mine coal in the Central Coast's water catchment.*
- 3 That Council direct the General Manager to write to the NSW Minister for Planning and the State Members expressing the Council's concerns regarding the lack of legislation to reject any future applications to mine coal in the Central Coast's water catchment and seek their support to change this situation.*
- 4 That Council request the General Manager write to the Prime Minister, calling on her support in opposing applications for coal mining in the central coast's water catchment and to expedite and support the passage of the private members bill (from the member for Dobell) presently before the Australian parliament.*
- 5 That Council commend the Australian Coal Alliance for their ongoing efforts in protecting the Central Coast's water catchment.*

*An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor TROY:*

*That Council defer this matter for further information on:*

- 1 State Parliament's ability to refuse the Wallarah 2 application.*
- 2 The details of the Member for Dobell, Mr Craig Thomson's private members bill and the likelihood of it lapsing with the proroguing of Parliament.*
- 3 Details of the new EIS for the Wallarah 2 proposal.*

***The AMENDMENT was put to the vote and declared CARRIED.***

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

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

**549/13 That Council defer this matter for further information on:**

- a State Parliament's ability to refuse the Wallarah 2 application.**
- b The details of the Member for Dobell, Mr Craig Thomson's private members bill and the likelihood of it lapsing with the proroguing of Parliament.**
- c Details of the new EIS for the Wallarah 2 proposal.**

FOR: COUNCILLORS EATON, NAYNA, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

#### **LEAVE TO INTRODUCE A MOTION OF URGENCY**

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

**550/13 That Council consider a Motion of Urgency on the Youth Employment Crisis as the Federal Government has re-opened funding applications for skills centres for the third time and applications close on the 15 May 2013.**

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

#### **U2/13 Youth Employment Crisis**

---

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training who is jointly tendering for the funds in question in this motion, left the chamber at 7.58 pm, took no part in discussion, did not vote and returned to the chamber at 8.31 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate to Central Coast Group Training (CCGT), proponent of the project and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council appointed delegate to CCGT."*

Councillor Greenwald left the chamber at 8.27 pm and did not return to the chamber and as a result took no part in voting.



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

- 551/13 That Council note with grave concern the ongoing Youth Unemployment Crisis within the Wyong Shire Local Government Area.
- 552/13 That Council note the 2010 Election Commitment from the Federal Government to fund \$2.7 million toward CCGT's/WSC joint Youth Skills and Business Development Centre.
- 553/13 That Council note with concern the government's decision to call for fresh tenders without requiring any auspicing by Wyong Shire Council.
- 554/13 That Council request The Prime Minister, The Hon Julia Gillard MP to immediately intervene and ensure the original 2010 election commitment for a joint CCGT/Wyong Shire Council is honoured.
- 555/13 That Council confirm its previous resolution to submit a combined tender for a joint CCGT/council project at Bounty Close Tuggerah.

#### **PROCEDURAL MOTION**

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

- 556/13 That Council meeting time be extended by 15 minutes, if required.

#### **CONFIDENTIAL SESSION**

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

- 557/13 That Council move into confidential session.

At this stage of the meeting being 8.47 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

**OPEN SESSION**

Council resumed in open session at 8.50 pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**10.1 Mayoral Minute - General Manager's Performance Appraisal End of Year 2012-2013**

---

**558/13** *That Council approve the General Manager's end of year performance appraisal content for 2012/13 as attached.*

**559/13** *That Council approve the agreed 3.4% remuneration increase as at 17 May 2013 (parity with rate capping increase and inclusive of SOORT increase) as per Clause 8.3 of the General Manager's contract and variation to schedule A of the General Manager's contract as attached.*

**560/13** *That Council approve the Mayor to offer to the General Manager a five year contract from May 2015 to May 2020 using the standard Department of Local Government contract.*

**561/13** *That Council approve attendance at the AICD conference in 2014 as part of personal development.*

**562/13** *That Council determine the General Manager's objectives for 2013/2014 at a Councillor briefing in June.*

**THE MEETING** closed at 8.51 pm.