
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 25 MARCH 2015
COMMENCING AT 5.00PM

PRESENT

Councillors D J Eaton OAM (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

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

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.01pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGY

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

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

239/15 That Council accept the apology and grant leave of absence from the meeting.

Cr Troy presented an acknowledgement certificate to the Mayor from the 2014 Mingara Relay for Life. Wyong Shire Council raised \$10,318.66.

At the commencement of the Ordinary Meeting report nos 1.1 and 8.1 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 Disclosures of Interest

Item 8.1 – Notice of Motion - 2016 Whale Dreamer's Festival Possible Closure?

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a patron of the Whale Dreamers Festival and participated in consideration of this matter.

Councillor Best 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 this will not affect my position on the matter."

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

240/15 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 WEBSTER:

241/15 That Council allow meeting practice to be varied.

242/15 That Council use the exception method to deal with the balance of the Agenda.

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

243/15 That with the exception of report numbers 3.1, 5.1, 5.3, 6.3, 8.1 and 9.1 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

244/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

245/15 That Council receive the amended report on Invited Speakers.

246/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

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

247/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 11 March 2015.

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 NAYNA and seconded by Councillor TROY:

248/15 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(g) of the Local Government Act 1993:

9.1 - Central Coast Aero Club Ltd

249/15 That Council note its reason for considering Report No 9.1 - Central Coast Aero Club Ltd as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

250/15 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - NSW Business Chamber - Central Coast Economic Breakfast, 10 April 2015

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

251/15 That Council authorise Councillor attendance at the NSW Business Chamber Central Coast Economic Breakfast April 10, 2015 up to a cost of \$70.

2.1 DA/2/2015 - Proposed two storey Dwelling at Norah Head

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

252/15 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.

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

AGAINST: NIL

3.1 Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber)

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

253/15 That Council note the content of the Fire Safety Report from Fire and Rescue NSW - 200 - 214 Main Rd, Toukley (Beachcomber) (attached), in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

254/15 That Council will not exercise its powers in relation to matters 1 - 5 of the Fire Safety report dated 23 February 2015.

255/15 That Council recognise the important safety issues around this matter and that Council urges the responsible agency (Fire Rescue NSW) to expedite this issue as a matter of urgency.

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD AND VINCENT

4.1 CPA/182057 - Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head

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

256/15 That Council accept the tender from Gongues Constructions Pty Ltd, for the lump sum amount of \$1,000,000.00 (excl GST) for Contract CPA/182057 - Refurbish Existing SPS T8, Construct New SPS T8A & All Associated Works at Norah Head.

257/15 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, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

258/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.2 CPA/249913 - Upgrade of Sewage Pump Stations BB05 & BB06

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

- 259/15 That Council decline to accept any of the tenders received for Contract CPA/249913 – Upgrade of Sewage Pump Stations BB05 & BB06.
- 260/15 That Council decline to invite fresh tenders for the reasons that the tenders received provide appropriate market responses and no further commercial advantage could be expected by calling fresh tenders.
- 261/15 That Council determine to enter into negotiations with conforming tenders for the reason that the conforming tenders received provide a strong basis for negotiating a best value contract outcome.
- 262/15 That Council authorise the General Manager to conduct and conclude negotiations and, subject to a satisfactory outcome being reached, enter into a contract in relation to the subject matter of the tender and the results of the successful negotiation be reported to Council for its information.
- 263/15 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

5.1 Consideration of Floodplain Risk Management Plans for Adoption

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

- 264/15 That Council adopt the Tuggerah Lakes Floodplain Risk Management Plan.
- 265/15 That Council adopt the Tumby Creek Floodplain Risk Management Plan.
- 266/15 That Council defer adoption of the Porters Creek Floodplain Risk Management Plan pending further information on the effect of the rainfall intensity variation on properties. This draft plan be referred back to the Tuggerah Lakes Estuary Committee.
- 267/15 That Council reiterate its position that the 500mm freeboard allowance in Council's flood planning controls includes allowances for both sea level rise and climate change.

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

5.2 2015 National General Assembly of Local Government and Regional Capitals Australia Networking Breakfast

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

- 268/15 That Council note that motions are to be resolved by Council and submitted to the National General Assembly of Local Government prior to Friday 17 April 2015.**
- 269/15 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2015 National General Assembly of Local Government between 14 and 17 June 2015.**
- 270/15 That Council authorise interested Councillors and the General Manager or his delegate to attend the Regional Capitals Australia Networking Breakfast on 17 June 2015.**
- 271/15 That Council reimburse expenses incurred by Councillors and accompanying persons attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 272/15 That Council determine the voting delegate should the Mayor be unable to attend.**

5.3 Exhibition of Draft Warnervale District Contributions Plan

Councillor Greenwald left the meeting at 6.32pm and returned to the meeting at 6.34pm during consideration of this item.

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

- 273/15 That Council adopt the exhibited Draft Warnervale District Contributions Plan, with the amendments outlined in this report.**
- 274/15 That Council note that amendments to WLEP 2013, Chapter 6.5 Warnervale South of WDCP 2013 and a revised Stormwater Management Strategy for Precinct 7A will be required to reflect the changes to the adopted Warnervale District Section 94 Contributions Plan.**
- 275/15 That Council request a future report be prepared, which discusses a planning proposal suggesting appropriate zones and development controls, for land that will no longer be required for public purposes under the Warnervale District Section 94 Contributions Plan.**
- 276/15 That Council request a review of the Stormwater Management Strategy for Precinct 7A be initiated, to inform the determination of appropriate future zonings of the land which will no longer be required under the Warnervale District Section 94 Contributions Plan.**

5.4 Election 2016

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

277/15 That Council confirm that the 2016 Local Government Election for Wyong Shire will be administered by the General Manager and conducted, under contract, by the Australian Election Company.

6.1 Investment Report for February 2015

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

278/15 That Council receive the report on Investment Report for February 2015.

6.2 Draft Minutes of the Employment and Economic Development Committee Meeting – 4 March 2015

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

279/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting – 4 March 2015.

6.3 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee – 5 March 2015

Councillor Taylor left the meeting at 6.38pm and returned to the meeting at 6.39pm during consideration of this item.

Councillor Troy left the meeting at 6.40pm and returned to the meeting at 6.42pm during consideration of this item.

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

280/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 5 March 2015.

6.4 Works in Progress - Water Supply and Sewerage

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

281/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

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

282/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of February 2015.

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

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

283/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.7 Outstanding Questions on Notice and Notices of Motion

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

284/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Notice of Motion - 2016 Whale Dreamer's Festival Possible Closure?

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a patron of the Whale Dreamers Festival and participated in consideration of this matter.

Councillor Best 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 this will not affect my position on the matter."

Ms Colette Barron, representing the Whale Dreamer's Festival, addressed the meeting at 5.08pm, answered questions and retired at 5.26pm.

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

285/15 That Council note with concern that 2015 will be the last year of the Whale Dreamer's Festival being managed by the current steering committee and that this may result in the highly successful Whale Dreamer's Festival being forced to close.

286/15 That Council thank and congratulate the current Steering Committee for its outstanding commitment and dedication to this highly successful event which promotes whale conservation while exposing the insidious impacts of whaling.

287/15 *That Council recognise this event has now become the Coasts' premier environmental event that demonstrates Councils' and indeed the wider communities commitment to our local marine environment.*

288/15 *That Council request the General Manager to provide a progress report on the coordination of the 2015 event & what Council assistance is currently being provided, further what Council in partnership with the community & local environmental groups can do to ensure the continuation of this highly successful community and environmental event along with other community events.*

CONFIDENTIAL SESSION

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

289/15 *That Council move into Confidential Session.*

At this stage of the meeting being 6.47pm 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 as the items listed come within the following provisions:-

OPEN SESSION

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

294/15 *That Council move back into Open Session.*

Council resumed in open session at 7.01pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

9.1 Central Coast Aero Club Ltd

RECOMMENDATION

290/15 *Subject to resolution 3, that Council authorise the General Manager to make appropriate minor amendments to the proposed Termination Deed and the proposed Licence Deed referred to in the report.*

291/15 *That Council authorise the affixing of the Common Seal of the Council to the following documents, such authority to lapse at midnight on 31 March 2015:*

- (a) *the proposed Termination Deed between Council and the Central Coast Aero Club; and*

(b) *the proposed Licence Deed between Council and the Central Coast Aero Club Ltd.*

292/15 *That Council authorise the General Manager to terminate the Deed of Licence between Council and the Central Coast Aero Club Ltd if the Central Coast Aero Club Ltd fails or neglects to execute the proposed Termination Deed and the proposed Licence Deed by midnight on 31 March 2015.*

293/15 *That Council resolve that these resolutions are to be acted upon as a matter of urgency.*

QUESTIONS ON NOTICE

Q14/15 Water Quality Issues in Wadalba
Councillor Luke Nayna

“My Question is to the General Manager. Could the General Manager please report to Council any known water quality issues in the Wadalba locality?”

Q15/15 Illegal Camping Signage
Councillor Lynette Webster

“Would staff please advise Council when “Camping is Illegal” signs will be erected at sites where illegal camping is rife, particularly at Karagi Point at North Entrance and Jenny Dixon Beach at Norah Head?”

Q16/15 Appreciation
Councillor Greg Best

“My question is to the General Manager and is on behalf of a local resident of North Entrance, Mrs Burnes, who recently sent me a lovely thank you card for my assistance around a planning matter. In her correspondence, she also particularly thanked Mr Andrew Littlefield from our Planning Unit for his efforts; she could not speak highly enough of his assistance.

Mr General Manager, could you, on my behalf and indeed on Mrs Burnes’, pass on our sincere appreciation to Mr Littlefield for his efforts. Thank you?”

THE MEETING closed at 7.03pm.