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## WYONG SHIRE COUNCIL

### MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 26 February 2014 COMMENCING AT 5.00PM

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#### PRESENT

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

#### IN ATTENDANCE

General Manager, General Counsel/Acting Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, Manager Communications, Manager Corporate Governance, IT Operations Manager, Team Leader Governance & Councillor Services, IT Infrastructure Administrator and two administration staff.

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

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

#### APOLOGY

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

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

***122/14 That Council grant leave of absence from the meeting.***

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.5, 3.2, 4.2, 4.3, 4.5 and 4.4 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

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Councillor Best declared a non-pecuniary significant interest in the matter 7.2 - Wyong Coal Pty Limited (WCPL) - Voluntary Planning Agreement for the reason that Wyong Coal Pty Limited has supported Central Coast Group Training of which he is the General Manager. Councillor Best left the chamber at 7.48pm, took no part in discussion, did not vote and returned to the chamber at 8.18pm.

Councillor Vincent left the chamber at 5.01pm and returned to the chamber at 5.07pm during consideration of this item.

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

123/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

### 1.2 Proposed Inspections and Briefings

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

124/14 That Council receive the report on Proposed Inspections and Briefings.

### 1.3 Address By Invited Speakers

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

125/14 That Council receive the amended report on Invited Speakers.

126/14 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.

### PROCEDURAL MOTION

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

127/14 That Council allow meeting practice to be varied.

128/14 That Council defer item 4.5 - Consultation on Community Precinct Forum Framework, until 5.30pm to allow time for the speaker to arrive.

**PROCEDURAL MOTION**

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

**129/14 That Council allow meeting practice to be varied.**

**130/14 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:**

**131/14 That with the exception of report numbers 1.5, 3.2, 4.2, 4.3, 4.4, 4.5, 4.7, 4.8, 5.1, 5.6, 5.7, 5.8, 6.1 and 7.2 Council adopt the recommendations contained in the remaining reports.**

**1.4 Confirmation of Minutes of Previous Meeting**

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

**132/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 February 2014.**

**Business Arising**

There was no business arising.

**1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

**133/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10 A (2) (c) of the Local Government Act 1993:**

**7.1 – Plastic Water Meter Trial Period**

**7.2 – Wyong Coal Pty Limited (WCPL) – Voluntary Planning Agreement**

**134/14 That Council note its reason for considering Report No's 7.1 - Plastic Water Meter Trial Period and 7.2 - Wyong Coal Pty Limited (WCPL) – Voluntary Planning Agreement as they contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

**135/14 That Council request the General Manager to report on these matters in open session of Council.**

**2.1 RZ/2/2011 - Planning Proposal - 355 Rutleys Road Mannering Park**

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

- 136/14 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013 pursuant to section 55 of the Environmental Planning and Assessment Act (EP&A), 1979, to rezone lot 1 DP 603830 to allow an additional permitted use as a mini-storage facility.
- 137/14 That Council forward the planning proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination" pursuant to Section 55 of the EP&A Act.
- 138/14 That Council undertake community consultation in accordance with the requirements attached to the "Gateway Determination".
- 139/14 That Council request the DoPI to prepare a relevant Local Environmental Plan amendment, and that the Minister be requested to make the plan, subject to there being no significant objections that cannot be resolved by minor amendments to the planning proposal.

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

AGAINST: NIL

**3.1 CPA/234219 - Construction of Buttonderry Waste Management Facility Administration Building**

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

- 140/14 That Council accept SFS Projects Australia Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$802,009.00 (excl GST) for Contract CPA/234219 – Construction of New Administration Building at Buttonderry Waste Management Facility.
- 141/14 That Council determine the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 142/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

**3.2 CPA/236748 - Toukley Town Centre North - South Pedestrian Link Construction**

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

**143/14 That Council accept Tenite Pty Ltd in the attached Tender Evaluation Report, for the lump sum amount of \$343,826.56 (excl GST) for Contract CPA/236748 - Toukley Town Centre North - South Pedestrian Link - Construction.**

**144/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.**

**145/14 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

**4.1 Consideration of Submissions to the Public Exhibition of Proposed Fees and Charges for Warnervale Airport**

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

**146/14 That Council receive public submissions and staff recommendations listed herein concerning the public exhibition of proposed Fees and Charges for Warnervale Airport.**

**147/14 That Council adopt the proposed changes to the Fees and Charges for Warnervale Airport as detailed in attachment 2.**

**148/14 That Council implement the new charges from 1 March 2014.**

**4.2 Central Coast Climate Change Fund**

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

**149/14 That Council request (jointly with Gosford City Council) the NSW Office of Environment and Heritage to terminate the Central Coast Climate Change Fund.**

**150/14 That Council request (jointly with Gosford City Council) of the NSW Office of Environment and Heritage to allocate current unspent funds in the Central Coast Climate Change Fund to each Council according to the proportion of contributions made to each Council, to undertake specific non contestable projects appropriate to the objectives of the Energy and Utilities Administration Act 1987.**

#### **4.3 The Art House Construction**

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Councillor Vincent left the chamber at 5.38pm and returned to the chamber at 5.39pm during consideration of this item.

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

- 151/14 That Council receive and note the report.
- 152/14 That Council approve The Art House Revised Business Plan including a projected average annual operating net cost to Council of \$1.0M, budgeted for a ten year period.
- 153/14 That Council approve The Art House Revised Development Application Approved Build Cost estimate of \$12.7M.
- 154/14 That Council direct the General Manager to call for tenders for the construction of The Art House.
- 155/14 That Council direct the General Manager to establish an independent not-for-profit organisation specifically to operate The Art House in accordance with The Art House Business Plan 2014.

#### **4.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 6 February 2014**

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Councillor Greenwald left the chamber at 6.44pm and returned to the chamber at 6.46pm during consideration of this item.

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

- 156/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 6 February 2014.
- 157/14 That Council request the General Manager to provide a preliminary report on the options for dredging Ourimbah Creek mouth within the current dredging budget.

#### **4.5 Consultation on Community Precinct Forum Framework**

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Councillor Matthews left the chamber at 6.25pm and returned to the chamber at 6.27pm during consideration of this item.

Ms Bronwyn Barnes, representing the Watanobbi Warnervale Precinct Committee, addressed the meeting at 5.48pm, answered questions and retired at 6.01pm.

*It was MOVED by Councillor WEBSTER and seconded by Councillor EATON:*

- 1 *That Council commence Community Ward Forums in the first quarter of 2014.*
- 2 *That Council conduct an internal review, in mid-2015, into the effectiveness of the Ward Forum.*
- 3 *That Council permit existing precinct committees to continue to operate as they wish, recognising they will not be committees of Council and will be resourced only via CCIG, in common with other community groups.*
- 4 *That Council hold the first Ward B forum at Long Jetty/The Entrance and include a major presentation on the proposed break wall by the engineering consultants who authored the report.*
- 5 *That Council acknowledge that valuable communications role of Community Precinct Committees and their office bearers over many years, and thank these community members for their efforts.*

*An AMENDMENT was MOVED by Councillor GRAHAM and seconded by Councillor VINCENT:*

- 1 *That Council receive the report and recommendations, and commence Community Ward Forums in the first quarter of 2014.*
- 2 *That Council acknowledge that valuable communications role of Community Precinct Committees and their office bearers over many years, and thank these community members for their efforts.*
- 3 *That Council continue to support Community Precinct Committees in their current format and in consultation with existing Precinct Committees, initiate a specific effort over the next 12 months to increase the number of Precinct Committees to 15 and provide at least 4 seminars / practical training sessions to improve the leadership and activities of Precinct Committees.*
- 4 *That Council conduct an open and transparent review in 12 months of Community Precinct Committees and Community Ward Forums.*

***The AMENDMENT was put to the vote and declared LOST***

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

- 158/14 That Council commence Community Ward Forums in the first quarter of 2014.
- 159/14 That Council conduct an internal review, in mid-2015, into the effectiveness of the Ward Forum.
- 160/14 That Council permit existing precinct committees to continue to operate as they wish, recognising they will not be committees of Council and will be resourced only via CCIG, in common with other community groups.
- 161/14 That Council hold the first Ward B forum at Long Jetty/The Entrance and include a major presentation on the proposed break wall by the engineering consultants who authored the report.
- 162/14 That Council acknowledge that valuable communications role of Community Precinct Committees and their office bearers over many years, and thank these community members for their efforts.

4.6 Councillor Attendance - Police and Community Youth Club (PCYC) Sportsmans Dinner

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

- 163/14 That Council authorise those interested Councillors to attend the Police and Community Youth Club (PCYC) Sportsman's Dinner.
- 164/14 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy for Councillors.

4.7 Draft Minutes of the Employment and Economic Development Committee Meeting - 29 January 2014

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

- 165/14 That Council receive and note the draft minutes of the Employment and Economic Development Committee meeting held on 29 January 2014.



**4.8 2013-17 Strategic Plan Business Report (Q2)**

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

166/14 That Council receive the Q2 Business Report on progress against the 2013-17 Strategic Plan.

167/14 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

168/14 That Council approve the proposed budget amendments for 2013/14.

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

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Councillor Vincent left the chamber at 7.06pm and returned to the chamber at 7.08pm and as a result took no part in voting.

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

169/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

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

170/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

**5.3 Activities of the Development Assessment and Building Certification Compliance and Health Units**

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

171/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of January 2014.

**5.4 Investment report for January 2014**

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

172/14 That Council receive the Investment report for January 2014.

**5.5 Quarterly Update on EP&A and LGA Developer Contributions**

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

**173/14 That Council receive the report on Quarterly Update on EP&A and LGA Developer Contributions.**

**5.6 NBN Co Strategic Review Report**

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Councillor Vincent left the chamber at 7.06pm and returned to the chamber at 7.08pm during consideration of this item.

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

**174/14 That Council receive the report on NBN Co Strategic Review Report.**

**5.7 Response to Notice of Motion - Bike Blitz on Cycle Way Menace**

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

**175/14 That Council receive the report on Response to Notice of Motion - Bike Blitz on Cycle Way Menace.**

**5.8 Report on the Northern Wyong Shire October Bush Fires**

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

**176/14 That Council receive the Report on the Northern Wyong Shire October Bush Fires.**

**5.9 Confirmation of Minutes - Councillor Strategic Planning Workshop (7-9 February 2014)**

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

**177/14 That Council receive and note the minutes of the Confirmation of Minutes - Councillor Strategic Planning Workshop (7-9 February 2014).**

**178/14 That Council receive and note the updated outcomes report from the February 2013 Councillor Strategic Planning Workshop.**

**5.10 Draft Planning Circular - Advice on Coastal Hazards**

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

**179/14 That Council receive the report on the NSW Government draft Planning Circular Coastal hazard notations on Section 149 planning certificates.**

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

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

**180/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**PROCEDURAL MOTION**

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

**181/14 That Council invite Mr Bob Wilson, the President of Toukley RSL Sub Branch, to come forward and make an address on item 6.1 - Notice of Motion - Naming of Beach at Norah Head to Commemorate 2015 ANZAC Centenary.**

**6.1 Notice of Motion - Naming of Beach at Norah Head to Commemorate 2015 ANZAC Centenary**

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Councillor Matthews left the chamber at 7.33pm and returned to the chamber at 7.36pm during consideration of this item

Mr Bob Wilson, President of Toukley RSL Sub Branch, addressed the meeting at 7.23pm, answered questions and retired at 7.28pm.

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

**182/14 That Council recognise the upcoming 2015 ANZAC Centenary, its significance to the whole of our community and acknowledge the extraordinary contribution that this commemoration reflects.**

**183/14 That Council identify a lasting, fitting and dignified contribution to mark this event, through supporting in principle the formal request by the Toukley RSL Sub Branch to name a suitable small beach/cove in the Norah Head area 'ANZAC Centenary Cove', in honour of all those that have served.**

**184/14 That Council seek the input of all key stake holder groups and the wider community in the lead up process to a formal application to the Geographic Names Board.**

**185/14** *That Council recognise the need for this matter to be expedited and subject to community consultation, seek assistance from our local State and Federal Members to achieve the Naming by April 2015.*

**186/14** *That Council formally thank the Toukley RSL Sub Branch for its vision in recommending this lasting tribute that will provide a fitting place to pay respects for generations to come.*

#### **CONFIDENTIAL SESSION**

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

**187/14** *That Council move into Confidential Session.*

At this stage of the meeting being 7.48pm 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 8.18pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

#### **7.1 Plastic Water Meter Trial Period**

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**188/14** *That Council resolve not to proceed with the purchase of plastic water meters as offered by global Valve Technology as part of Contract CPA/225036 – Supply and Delivery of Domestic Water Meters.*

**189/14** *That Council advise Global Valve Technology that meters will not be purchased under the existing contract.*

## **7.2 Wyong Coal Pty Limited (WCPL) - Voluntary Planning Agreement**

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Councillor Best declared a non-pecuniary significant interest in the matter 7.2 - Wyong Coal Pty Limited (WCPL) - Voluntary Planning Agreement for the reason that Wyong Coal Pty Limited has supported Central Coast Group Training of which he is the General Manager. Councillor Best left the chamber at 7.48pm, took no part in discussion, did not vote and returned to the chamber at 8.18pm.

- 190/14** *That Council note that it has previously resolved to oppose the application for a coal mine as proposed by Wyong Coal Pty Ltd, with a submission lodged on 20 June 2013.*
- 191/14** *That Council re-endorse its previous unanimous resolutions to oppose coal mining in our water catchment areas and fully support Council's submission lodged on 20 June 2013.*
- 192/14** *That Council note that it is not the consent authority for the proposed coal mine as referred to in recommendation 1 above.*
- 193/14** *That Council note that Wyong Coal Pty Ltd has approached Council offering a Voluntary Planning Agreement associated with its proposed coal mine.*
- 194/14** *That Council endorse the draft Voluntary Planning Agreement attached to this report for the purposes of public exhibition.*
- 195/14** *That Council exhibit the draft Voluntary Planning Agreement for 28 days.*
- 196/14** *That Council receive a further report at the conclusion of the public exhibition period summarising the submissions received.*
- 197/14** *That Council authorise the Mayor to write to Gosford City Council requesting their support in objecting to the proposed mine in the Wyong Gosford water catchment and that Gosford City Council list this matter as an urgent item at the next CCROC meeting.*

## **QUESTIONS ON NOTICE**

**Q57/14** **Soldiers Beach Surf Club**  
Councillor Greg Best

*"Mr Mayor,*

*I had the pleasure of recently touring the Soldier's Beach surf club and noted that it is in a harsh environment and that there are some maintenance issues.*

*I would like to understand what is in place to manage this important community asset; and of particular interest, I would like to be appraised of what Council, in partnership with the surf club, is intending to do with the "scorched earth" that appears to be grass in the front area?*

*I'd appreciate feedback on this matter at your earliest convenience?"*

**THE MEETING** closed at 8.20pm.