
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 28 AUGUST 2013
COMMENCING AT 5:00 PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Land Management, General Counsel, Manager Communications and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm 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

1077/13 RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor TAYLOR:

That Council accept the apology and grant leave of absence 28 August 2013.

The Mayor advised the following presentations occurred at the Central Coast Business Excellence Awards:

- Employer of Choice Award – Presented to Central Coast Group Training.
- Excellence in Sustainability Award – Presented to Baltimore Aircoil Australia and as result Baltimore will now represent the Central Coast as automatic finalists in the State Chamber Awards.

At the commencement of the Ordinary Meeting report nos 1.1 and 3.1, 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

5.1 Submission Review of Organisation Structure

Michael Whittaker, General Manager declared a non-pecuniary significant interest in the matter for the reason that the Councillors question referred to the lifeguard tender and that he is part of the staff bid.

General Manager stated :

"I choose to stay in council chambers to answer the question"

RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:

1078/13 That Council receive the report on Disclosure of Interest and note advice of disclosure.

PROCEDURAL MOTION

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

1079/13 That Council allow meeting practice to be varied.

1080/13 That Council use the exception method to deal with the balance of the Agenda.

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

That with the exception of report numbers 2.1, 2.2, 3.1, 3.2, 5.1, 5.2, 5.5, 5.7 and 5.8, Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

1081/13 That Council receive the report on Proposed Inspections and Briefings.

1.3 Confirmation of Minutes of Previous Meeting

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

1082/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 14 August 2013.

Business Arising

There was no business arising.

1.4 Address By Invited Speakers

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

1083/13 That Council receive the amended report on Invited Speakers.

1084/13 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.

2.1 Mayoral Minute - Motor Sports Precinct

RESOLVED unanimously on the motion of Councillor EATON:

1085/13 That Council rescind the following Resolution(Part 4) in regard to report 3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project considered at the Ordinary Meeting of Council held on the 25th November 2009:

“4 That with the exception of fulfilling the above recommendations, no further staff resource be utilised in further investigating this project.”

1086/13 That Council provide support to the consortium currently investigating the establishment of a motor sports precinct on Darkinjung Aboriginal Land Council's land at Bushells Ridge.

1087/13 That Council liaise with the proponents of the motor Sport precinct to investigate opportunities to co-locate community facilities within the precinct.

1088/13 That Council provide a letter of support to assist the proponent to advance this initiative.

2.2 Mayoral Minute - Change of Mayoral Election Meeting Date

RESOLVED unanimously on the motion of Councillor EATON:

1089/13 That Council note the provisions of the Local Government Act in relation to the scheduling of a meeting to elect the Mayor.

1090/13 That Council vary its Code of Meeting Practice and schedule the 2013 Extraordinary Meeting for the Election of Mayor and Deputy Mayor to be held on 11 September 2013, commencing at 5:00 pm and schedule its Ordinary Meeting of 11 September 2013 to commence at 5:30 pm.

1091/13 That Council give appropriate public notice of the amended meeting schedule for September 2013.

1092/13 That Council amend its Code of Meeting Practice to schedule its Extraordinary Meeting at any time during the month of September each year that does not follow the Local Government Election.

- 1093/13 *That Council give formal public notice of its intention to amend its Code of Meeting Practice allowing 28 days for the making of public submissions.*
- 1094/13 *That Council adopt the amended WSC Code of Meeting Practice should no significant objection be received to the proposed amendment.*

3.1 RZ/1/2013 Rezone Land at 145 Johns Road Wadalba

Ms Lorelle Fitzpatrick, Principal representing Aconsult Development and Environmental Planning Consultants, addressed the meeting at 5.19 pm, answered questions and retired at 5.27 pm.

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

- 1095/13 *That Council incorporate Planning Proposal RZ/1/2013 with the broader East Wadalba Precinct rezoning (RZ/2/2013) to ensure an improved strategic outcome for urban development in the Wadalba area which will occur at no cost to Council.*

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

AGAINST: NIL

3.2 RZ/2/2013 - Commence preparation of Planning Proposal for East Wadalba Urban Land Release

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

- 1096/13 *That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979.*
- 1097/13 *That Council forward the Planning Proposal (generally based on the information in Enclosure 1) to the Department of Planning and Infrastructure (DP&I) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.*
- 1098/13 *That Council require, subject to the "Gateway Determination," the applicant/landowner consortium enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in further progressing the proposal.*
- 1099/13 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement for the rezoning.*
- 1100/13 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*

- 1101/13 That Council authorise the General Manager (or delegate) to sign any infrastructure and servicing agreement to support the rezoning. This agreement shall:
- a. Address the cost, timing, staging and responsibilities for funding and provision of infrastructure to service the development.
 - b. Ensure that Council is not responsible for the cost of any public infrastructure required to support the development such as hard infrastructure (including, roads water and sewer and drainage) and soft infrastructure (which includes open space, community facilities and environmental corridors).
- 1102/13 That Council reach an “in principle” agreement on Item 6 be reached between the Applicant (on behalf of the Wadalba Landowners Lobby Group), Council and State Government prior to the public exhibition of the Planning Proposal.
- 1103/13 That Council advise the applicant that the Planning Proposal will not proceed beyond public exhibition until agreement is reached on the provision of Council and State Government infrastructure to service new development (This agreement shall be based on the “principle of no cost to government”).
- 1104/13 That Council prepare appropriate Development Control Plan provisions be prepared to support the development of Precincts 2A, 2B and 3B – East Wadalba.

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

AGAINST: NIL

4.1 Contract No. CPA/223684 - Construction of Sewer Rising Main B14, Bateau Bay

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

- 1105/13 That Council accept the tender from Bothar Boring & Tunnelling Operations Pty Ltd for the lump sum amount of \$338,260 (excl GST) for Contract No CPA/223684 – Construction of Sewer Rising Main B14, Bateau Bay.
- 1106/13 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.
- 1107/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

5.1 Submission Review of Organisation Structure

Michael Whittaker, General Manager declared a non-pecuniary significant interest in the matter for the reason that the Councillors question referred to the lifeguard tender and that he is part of the staff bid.

General Manager stated :

"I choose to stay in council chambers to answer the question"

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

- 1108/13 That Council adopt the proposed organisation structure as presented in (Attachment 4) as the Wyong Shire Council Organisation Structure.
- 1109/13 That Council designate the vacant Service Unit Manager positions as Senior Designated Officers.
- 1110/13 That Council note the FTE for 2013/14 is 1035 , for 2014/15 is 1020 , for 2015/16 is 1010 and for 2016/17 is 1000 and will be reflected as such in the 4 year delivery plan.
- 1111/13 That Council delegate power to the General Manager to undertake continuous improvement to the WSC Organisation structure to enhance customer service, staff satisfaction and financial savings.

A DIVISION was called by Councillor VINCENT

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

5.2 2012-16 Strategic Plan - June Quarter Review (Q4)

Councillor Best left the meeting at 06:34 pm and returned to the meeting at 06:35 pm during consideration of this item.

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

- 1112/13 That Council receive the Q4 Business Report 2012-13 on progress against the WSC 2012-16 Strategic Plan.
- 1113/13 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

5.3 Gwandalan Sewage Treatment Plant Buffer Zone

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

- 1114/13 That Council set sewage treatment plant buffer zones at the 1 odour unit contour.
- 1115/13 That Council remove the existing odour constraints on land at Gwandalan outside of the 1 odour unit contour.
- 1116/13 That Council investigate for rezoning, the portion of the Gwandalan sewage treatment plant site outside of the 1 odour unit contour and, if feasible, the site be subdivided and the excised portion rezoned and sold.
- 1117/13 That Council consider the upcoming review of development servicing plans

for the Gwandalan sewer catchment include an allowance for future capital costs associated with a covered inlet works and geotube dewatering facility as an odour risk mitigation measure.

- 1118/13 *That Council remove any odour constraints on land outside of the 1 odour unit contours identified in odour studies to be undertaken at Mannering Park and Charmhaven sewage treatment plants.*

5.4 Payment of Industrial Special Risk Insurance Policy

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

- 1119/13 *That Council approve the renewal of Wyong Shire Council's Property insurance policy with Statewide Mutual for the period 30 June 2013 to 30 June 2014.*
- 1120/13 *That Council approve the premium payment of \$489,743.76 ex GST.*
- 1121/13 *That Council determines, in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council and Council is not currently eligible to become a member to the two alternate insurance pools, being WestPool and MetroPool.*

5.5 Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 1 August 2013

Councillor Matthews left the meeting at 06:47 pm and returned to the meeting at 06:48 pm during consideration of this item.

Councillor Greenwald left the meeting at 06:49 pm and returned to the meeting at 06:51 pm during consideration of this item.

Councillor Greenwald left the meeting at 06:56 pm and returned to the meeting at 07:00 pm as a result took no part in voting.

Councillor Nayna left the meeting at 06:57 pm returned and to the meeting at 06:58 pm during consideration of this item.

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

- 1122/13 *That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 1 August 2013.*

5.6 Delegate for Soldiers Point Headland Working Party

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

1123/13 That Council appoint a delegate to the Soldiers Point Headland Working Party.

5.7 2013/14 Strategic Plan Fees and Charges Amendments

Councillor Webster left the meeting at 07:00 pm and returned to the meeting at 07:01 pm during consideration of this item.

Councillor Greenwald left the meeting at 06:56 pm and returned to the meeting at 07:00 pm during consideration of this item.

Councillor Best left the meeting at 07:01 pm and returned to the meeting at 07:02 pm during consideration of this item

Councillor Taylor left the meeting at 07:01 pm and returned to the meeting at 07:02 pm during consideration of this item.

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

1124/13 That Council adopt the proposed changes to the Fees and Charges for 2013/14 as described in Attachment 1 as publicly exhibited.

5.8 Queensland Airport Tour Delegation

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

1125/13 That Council receive and note the delegates' report on the Airports Study Delegation to South-East Queensland during the period 7 August 2013 – 9 August 2013 prepared by the Director of Land Management (added as Attachment 5).

1126/13 That Council request the General Manager to prepare a Project Plan for the airport development.

1127/13 That Council note that the Project Plan, including the operational budget, will be submitted to Council for endorsement prior to the appointment of consultants.

1128/13 That Council endorse a delegation of interested Councillors and the General Manager to attend the Regional Aviation Association in Coolumberrah Queensland in October 2013 in accordance with Council's Policy for Facilities and Expenses for Councillors.

A DIVISION was called by Councillor VINCENT

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

6.1 Works in Progress - Water Supply and Sewerage

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

1129/13 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

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

1130/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for July 2013.

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

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

1131/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.4 Investment Report for July 2013

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

1132/13 That Council receive the Investment Report for July 2013.

6.5 Outstanding Questions on Notice and Notices of Motion

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

1133/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

QUESTIONS ON NOTICE

Q34/13 Proposed Wallarah Type 3 Airport Runway

Councillor Doug Vincent

F2010/00500

“Could Staff please advise if the area located near the existing Warnervale Airport, Sparks Road and Bruce Crescent (to the east of the M1 Pacific Motorway) has been ruled out as a potential site for the proposed Wallarah Type 3 Airport runway.”

Q35/13 Pedestrian Crossing- Wilfred Barrett Drive, Noraville

Councillor Doug Vincent

F2012/01319

“Could staff please provide advice on how a safer pedestrian crossing can be provided across Wilfred Barrett Dr between Noraville and Norah Head. I understand this road is part of the Central Coast Highway which is administered by the Roads and Maritime Services who should also be consulted on this issue.”

THE MEETING closed at 7.28pm.