
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 28 JANUARY 2015 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

Acting General Manager, Director Development and Building, Acting Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Corporate Governance, Communications Coordinator, Chief Financial Officer, IT Infrastructure Administrator and two administration staff.

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

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

APOLOGY

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

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

1/15 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report nos 1.1, 1.2, U1/15 and 7.1 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 3.1 - CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Services (RFS) and participated in consideration of this matter.

Councillor Troy 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 not a member of Mannering Park Brigade."

Item 4.1 - Appointment of Representative to The Entrance Town Centre Management Committee

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that her daughter works at The Entrance Visitors Centre. Councillor Webster left the chamber at 6.30pm, took no part in discussion, did not vote and returned to the chamber at 6.44pm.

Item 4.4 - Director Attendance - IPWEA / IFME International Conference - Rotorua - June 2015

Mr Greg McDonald declared a pecuniary significant conflict of interest in the matter for the reason that the report directly benefits him. This item was resolved by the exception method.

U1/15 Australia Day Honours

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that the motion refers to the OAM he received and participated in consideration of this matter, although vacated the chair.

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."

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

2/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

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

3/15 That Council receive the report on Proposed Inspections and Briefings.

PROCEDURAL MOTION

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

4/15 That Council allow meeting practice to be varied.

5/15 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:

6/15 That, with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 4.3, 4.5, 5.2, 5.3, 5.4, 7.1, 7.2 and 7.3, Council adopt the recommendations contained in the remaining reports.

PROCEDURAL MOTION

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

7/15 That Council suspend standing orders to consider an urgency motion.

Councillor Eaton vacated the chair at 5.09pm and Councillor Webster assumed the Chair for consideration of this item.

Councillor Best sought leave to introduce a motion of urgency concerning events which occurred over the Australia Day weekend.

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

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

8/15 That Council consider a Matter of Urgency concerning events which occurred over the Australia Day weekend.

**U1/15 Australia Day Honours
Councillor Greg Best**

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that the motion refers to the OAM he received and participated in consideration of this matter, although vacated the chair.

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."

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

9/15 That Council congratulate Mayor Eaton on his OAM recognition in this year's 2015 Australia Day honours for service to his community over the past 24 years.

10/15 That Council recognise and congratulate all other local award recipients, including our Australia Day Ambassador and Citizen of the Year Lieutenant Commander Steven Reynolds, through holding a suitable civic reception in their honour.

11/15 That Council thank all those involved in the highly successful shire wide 2015 Australia Day events enjoyed by thousands of local residents.

PROCEDURAL MOTION

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

12/15 That Council resume standing orders.

Councillor Eaton resumed the chair at 5.30pm.

1.3 Address By Invited Speakers

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

13/15 That Council receive the amended report on Invited Speakers.

14/15 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:

15/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 10 December 2014.

Business Arising

There was no business arising.

2.1 RZ/1/2014 - Planning Proposal - Additional Permitted Use - Service Station - 211 Wallarah Rd Kanwal - Outcome of Exhibition

Councillor Best left the meeting at 6.24pm and returned to the meeting at 6.27pm during consideration of this item.

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

16/15 That Council request the General Manager to exercise the Written Authorisation to Exercise Delegation for RZ/1/2014 and proceed with the steps for drafting and making of the amendment to Wyong Local Environmental Plan 2013.

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

AGAINST: NIL

3.1 CPA/222145 - Construction - Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Services (RFS) and participated in consideration of this matter.

Councillor Troy 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 not a member of Mannering Park Brigade."

Councillor Greenwald left the meeting at 6.30pm and returned to the meeting at 6.32pm and as a result took no part in voting.

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

17/15 That Council defer this matter for further information from staff for a redesign of works to fit available funding and/or commitment from the NSW Government Rural Fire Service to fully fund the works.

3.2 CPA/246157 - The Entrance Town Centre Tile Replacement Project - Stage 3b/c (Granite Paving)

Councillor Greenwald left the meeting at 6.30pm and returned to the meeting at 6.32pm during consideration of this item.

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

18/15 That Council accept the tender from Sam The Paving Man Pty Ltd, for the lump sum amount of \$392,845.00 (excl GST) for Contract CPA/246157 The Entrance Town Centre Tile Replacement Project - Stage 3b/c.

19/15 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, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

20/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

4.1 Appointment of Representative to The Entrance Town Centre Management Committee

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that her daughter works at The Entrance Visitors Centre. Councillor Webster left the chamber at 6.30pm, took no part in discussion, did not vote and returned to the chamber at 6.44pm.

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

21/15 That Council note the resignation of Councillor Lynne Webster as Council representative on The Entrance Town Centre Management Corporation Board.

22/15 That Council elect a Councillor representative, for the term of Council to The Entrance Town Centre Management Corporation Board.

23/15 That council formerly thank Councillor Webster for her many years of dedication to the ETC committee.

The Mayor advised that nominations for Council representative on The Entrance Town Centre Management Corporation Board had been received for Councillors Graham and Taylor. Councillors Graham and Taylor accepted their respective nominations.

The Mayor requested those Councillors supporting the nomination of Councillor Graham to raise their right hand. Councillors voting in support of Councillor Graham were Councillors Graham, Greenwald, Matthews and Vincent.

The Mayor requested those Councillors supporting the nomination of Councillor Taylor to raise their right hand. Councillors voting in support of Councillor Taylor were Councillors Best, Eaton, Nayna and Troy.

Councillor Taylor was declared as Council representative on The Entrance Town Centre Management Corporation Board on the casting vote of the Mayor.

4.2 Councillor Attendance - Floodplain Management Association Quarterly Meeting and Workshop

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

24/15 That Council authorise those interested Councillors to attend The Floodplain Management Association Quarterly Meeting and Workshop in accordance with the Council's Facilities and Expenses Policy for Councillors.

25/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

4.3 Councillor Attendance - Local Government NSW Seminar

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

26/15 That Council authorise those interested Councillors to attend the Local Government NSW (LGNSW) Seminar 'Amalgamations: To Merge or not to Merge?' in accordance with the Council's Facilities and Expenses Policy for Councillors.

27/15 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

4.4 Director Attendance - IPWEA / IFME International Conference - Rotorua - June 2015

Mr Greg McDonald declared a pecuniary significant conflict of interest in the matter for the reason that the report directly benefits him. This item was resolved by the exception method.

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

28/15 That Council recognise that Wyong Shire Council will benefit from Mr Greg McDonald attending the IPWEA / IFME International Conference in Rotorua in June 2015 through improvements to our engineering, asset management and project management practices.

29/15 That Council authorise Mr Greg McDonald to attend the IPWEA / IFME International Conference in Rotorua in June 2015.

30/15 That Council reimburse Mr Greg McDonald's travel and conference expenses in accordance with Council's policy for Employee Travelling Allowances and Expenses.

4.5 Commercial Fishing on Tuggerah Lakes

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

31/15 That Council receive the report on Commercial Fishing on Tuggerah Lakes.

32/15 That Council note the attached report on Lakes Management Operations.

33/15 That Council request the General Manager contact NSW Fisheries to provide the information previously offered in relation to the environmental impact study of commercial fishing on the sea grass in coastal lakes.

34/15 That Council request the General Manager contact NSW Fisheries to extend the existing commercial fishing closure at Canton Beach to 12 months of the year to enhance the recreational value of the area.

35/15 That Council convey to the State Government that it's preferred fishing option is to protect Tuggerah lakes fishery by limiting commercial fishing access to local fishermen that reside in Wyong Shire and that licenses are not to be transferable.

5.1 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 4 December 2014

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

36/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 4 December 2014.

5.2 General Works in Progress

Councillor Troy left the meeting at 7.04pm and returned to the meeting at 7.07pm and as a result took no part in voting.

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

37/15 That Council receive the report on General Works in Progress.

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

Councillor Troy left the meeting at 7.04pm and returned to the meeting at 7.07pm during consideration of this item.

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

38/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of November and December 2014.

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

Councillor Vincent left the meeting at 7.22pm and returned to the meeting at 7.23pm and as a result took no part in voting.

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

39/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.5 Works in Progress - Water Supply and Sewerage

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

40/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

5.6 Investment Report for December 2014

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

41/15 That Council receive the Investment Report for December 2014.

5.7 Disclosure of Interest Returns - 1 October to 31 December 2014

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

42/15 That Council receive the amended report on Disclosure of Interest Returns 1 October to 31 December 2014.

5.8 Outstanding Questions on Notice and Notices of Motion

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

43/15 That Council receive the amended report on Outstanding Questions on Notice and Notices of Motion.

7.1 Notice of Motion - Supporting Mascord Park

Catherine Harris, Resident, addressed the meeting at 5.31pm, answered questions and retired at 5.33pm.

Lindsay Hensby, Resident, addressed the meeting at 5.33pm, answered questions and retired at 5.39pm.

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

44/15 That Council note the importance of establishing a variety of integrated housing opportunities across the Shire, particularly to assist in accommodating our seniors.

45/15 That Council note that the proposal to re-identify a portion of the land adjoining Mascord Park for integrated housing commenced on 25 February 2011 via a resolution of the previous Council.

46/15 That Council note the strong community support for Council to reconsider this proposal.

47/15 That Council resolve to have the proposed rezoning of Lot 1 DP369486, 155 Louisiana Road Wadalba (part thereof Mascord Park) as part of Amendment 1 to the Wyong LEP 2013 withdrawn so that the park can be retained in its current RE1 Public Recreation zoning.

- 48/15** *That Council thank the local community for their submissions and representations that have assisted Council in its deliberation and consideration of this important matter.*
- 49/15** *That Council request the General Manager to review the park maintenance in consultation with the local community.*

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

AGAINST: COUNCILLOR TAYLOR

At this stage of the meeting, the Mayor adjourned the meeting for a period of 2 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 6.26pm.

7.2 Notice of Motion - Government Rating Outrage

Councillor Vincent left the meeting at 7.22pm and returned to the meeting at 7.23pm during consideration of this item.

Councillor Matthews left the meeting at 7.34pm and returned to the meeting at 7.36pm during consideration of this item.

Councillor Best left the meeting at 7.36pm and returned to the meeting at 7.37pm during consideration of this item.

Councillor Greenwald left the meeting at 7.38pm and returned to the meeting at 7.39pm during consideration of this item.

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

- 50/15** *That Council note with great concern the likely significant escalation of the 2015 rate burden on the local lower to mid-market property sector.*
- 51/15** *That Council note the significant escalation is as a consequence of the recent property market increases and unfair rerating formulas dictated to Council by the State Government Valuer General and Office of Local Government.*
- 52/15** *That Council call on the State Government to conduct a thorough review into the Valuer General's and Office of Local Government's outdated and discriminatory rating methods that will place undue hardship on many in our community.*
- 53/15** *That Council investigate a shire wide, online petition in partnership with the community, to give ratepayers a voice to call upon the State Government to reject this outrageous and out of touch taxing.*
- 54/15** *That Council include in its 2015 Strategic Planning Process a review of all options to assist in reducing the impact of the Government's looming rerating charges.*

**7.3 Notice of Motion - Local Procurement and Employment Preference Policies
- Major Projects**

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

- 55/15 That Council recognise the outstanding results around local procurement and employment opportunities recently achieved through the development of the new \$6.7 million dollar Lake Haven Cinemas resulting in over 100 construction jobs and 30 permanent positions.**
- 56/15 That Council seek to further encourage major projects to take a more proactive approach in providing local employment and economic opportunities via the delivery of various projects and ongoing operations.**
- 57/15 That Council direct the General Manager to formally request the Shire's three current largest developments (at Development Application stage) and future developments exceeding \$20million to submit Local Procurement and Employment Preference plans for their proposals so that Council may better understand the major project policies around economics and employment in the Shire.**
- 58/15 That Council refer the important issue of Local Procurement and Employment Preference to the Employment and Economic development Committee for review and recommendations to strengthen policy.**

QUESTIONS ON NOTICE

**Q1/15 Street Side Pick Ups
Councillor Ken Greenwald**

"Can the General Manager inform Council how they monitor items that have been left out on the footpaths past the time allowed for street side pickups of garbage. Such items are causing hazards and blocking free access of our footpaths?"

**Q2/15 Speed Limits on Speedboats and Jet skis in Wyong River
Councillor Lynette Webster**

"Would Council staff please liaise with Maritime Services to patrol the Wyong River, particularly the area near Golding Grove, to check the speed of speedboats and jet skis. The 4 knot limit is being abused and puts the safety of the many children enjoying the waterway in danger?"

**Q3/15 Illegal Camping Over Christmas in our Public Parks
Councillor Lynette Webster**

"Mr Mayor,

Councillor Best and I both raised the issue of the escalation of illegal camping in and around our public parks in the lead up to Christmas with our Ranger's management.

I note that there were clearly a large number of illegal campers flouting the law, setting up camp in our parks, leaving litter and damage behind.

Could you please have staff report how many fines were levied across the shire for illegal camping, particularly around The Entrance and Norah Head, during the Christmas holidays, thank you?"

**Q4/15 Council's Photo Competition 2015 Calendar
Councillor Adam Troy**

"Mr Mayor,

I am pleased to report that over the Christmas break I received numerous comments and congratulatory feedback on our inaugural photo completion calendar.

May I take this opportunity to ask you to pass on my and indeed council's thanks to staff who developed such an outstanding shire showcase?

Also, I'd like to acknowledge my colleague Cr Best for this progressive initiative?"

**Q5/15 Steel Band-Aid on Main Road Toukley
Councillor Greg Best**

"Mr Mayor,

I have received numerous representations on what many would think was somewhat of a minor matter. However, it has been keeping residents at Main Road Toukley awake at night for months and causing a significant traffic risk to vehicles motor cycles and particularly push bikes.

I am referring to a massive slab of steel that the RMS has placed on the road surface as a result of some road works.

Could you please enquire of the RMS how long this danger and annoyance need be in place?"

THE MEETING closed at 7.54pm.