
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 27 MAY 2015
COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations (arrived 5.29pm), Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Communications Coordinator, HR Manager, Chief Financial Officer, IT and Operations Manager, IT Infrastructure Administrator and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.00pm 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.

Students from Wyong High School gave a presentation on their trip to Canberra for the Anzac Centenary after winning the Anzac Schools Research Project Competition.

APOLOGY

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

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

500/15 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report nos 1.1, 1.3, 6.1 and 2.1 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 2.1 – RZ/7/2009 - Outcomes of Consultation - Planning Proposal, Draft DCP 2013 Chapter 6.24 and Draft Voluntary Planning Agreement in Respect of Land at Chittaway Point

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is an acquaintance of the proponent.

Councillor Taylor 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 6.1 – Notice of Motion – Council’s Animal Care Facility

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the patron of the Animal Cares Facility.

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 I believe I can stay objective.”

Item 7.1 – Mayoral Minute - General Manager's End of Year Performance Review 2014/15

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that it relates to his employment contract and did not participate in the item.

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

501/15 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 BEST:

502/15 That Council allow meeting practice to be varied.

503/15 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 VINCENT:

504/15 That with the exception of report numbers 1.3, 2.1, 3.1, 3.2, 4.1, 5.6 and 6.1 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 VINCENT:

505/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

506/15 That Council receive the amended report on Invited Speakers.

507/15 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.

508/15 That Council consider item 6.1 - Notice of Motion - Council's Animal Care Facility as the next item.

1.4 Confirmation of Minutes of Previous Meeting

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

509/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 May 2015.

Business Arising

There was no business arising.

2.1 RZ/7/2009 - Outcomes of Consultation - Planning Proposal, Draft DCP 2013 Chapter 6.24 and Draft Voluntary Planning Agreement in Respect of Land at Chittaway Point

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is an acquaintance of the proponent.

Councillor Taylor 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 Matthews left the meeting at 5.50pm and returned to the meeting at 5.53pm during consideration of this item.

Councillor Vincent left the meeting at 5.52pm and returned to the meeting at 5.54pm during consideration of this item.

Councillor Best left the meeting at 6.20pm and returned to the meeting at 6.21pm during consideration of this item.

Mr Graham Hankin, local resident, addressed the meeting at 5.39pm, answered questions and retired at 5.53pm.

Mr Ian Adams, the applicant, answered questions at 5.53pm and retired at 5.57pm.

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

510/15 That Council resolve to proceed with the Planning Proposal to:

- a) **Rezone the subject sites from E3 Environmental Management to R2 Low Density Residential;**
- b) **Amend the minimum lot size maps; and**
- c) **Amend lot amalgamation provisions to require the amalgamation of land zoned E2 and E3 on the eastern portion of the site.**

511/15 That Council request that the Secretary of the Department of Planning and Environment to concur that the inconsistencies of the Planning Proposal) with Section 117 Ministerial Directions 2.1 Environmental Protection Zones and 4.3 Flood Prone Land, be considered to be of minor significance;

512/15 That Council request the General Manager to sign the Voluntary Planning Agreement (VPA) which requires the Proponent to to undertake the necessary actions to offset the impacts to native vegetation and habitat for the future development of the subject site;

513/15 That, upon receipt of the concurrence requested by resolution 2, Council request the General Manager to exercise the Delegation issued by the Department of Planning and Environment (dated 29 August 2013) for RZ/7/2009 (PP_2013_Wyong_010_00) to proceed with the steps for drafting and making the amendment to WLEP.

514/15 That Council advise all those who made a submission of the decision.

515/15 That Council adopt the amendment to Wyong DCP Chapter 6.24, Chittaway Point and place a notice in the local paper.

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

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

3.1 CPA/246957 - Periodic Aquatic Services

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

- 516/15 That Council accept the tender from Australian Environmental Services Pty Ltd, for a period of up to four (4) years including two, one (1) year extension options for Contract CPA/246957 – Periodic Aquatic Services. The estimated annual expenditure against this contract is \$218,475.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 517/15 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.
- 518/15 That Council delegate to the General Manager the power to approve the option(s) for a further term.

3.2 CPA/255527 - GPT Cleaning and Inspection Services

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

- 519/15 That Council accept the tender from Fenech Group Pty Ltd, for a period of three (3) years including three, one (1) year options for Contract CPA/255527 – GPT Cleaning and Inspection. The estimated annual expenditure against this contract is \$67,795 (incl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 520/15 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.
- 521/15 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.
- 522/15 That Council delegate to the General Manager the power to approve the option(s) for a further term.

4.1 Q3 Business Report 2014-15

Councillor Troy left the meeting at 6.53pm and returned to the meeting at 6.54pm during consideration of this item.

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

- 523/15 That Council receive the Q3 Business Report on progress against the 2014-18 Strategic Plan.

524/15 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

525/15 That Council approve the proposed budget amendments for 2014-15 including reallocation of \$6.8 million of capital expenditure savings to accelerate the future payments for the Terrace Towers land acquisitions.

4.2 Debt Management - Interfund Borrowing

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

526/15 That Council approve:

- a The interfund loan of up to \$10m from General Fund to Water Fund based on terms contained in the attached documents
- b The General Manager writing to the Minister for Local Government requesting approval for the interfund loan of up to \$10m from Sewer Fund to Water fund based on terms contained in the attached documents
- c All interfund borrowings be set at the rate of 6.75%, consistent with that approved by the Minister for the 2014 interfund borrowing between Sewer Fund and Water Fund back dated to 1 July 2014.

4.3 Determination of Water Supply, Sewerage and Drainage Fees and Charges 2015 - 2016

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

527/15 That Council approve the water, sewerage and drainage Fees and Charges set out in Attachment 1.

528/15 That Council note the amount of revenue to be raised by way of Service Charges is estimated at \$50,009,731.

529/15 That Council classify all land for the purpose of levying Services Charges according to the following factors:

- a whether the land is residential or non residential;
- b where the land is residential, by the intensity of the use of the land; and
- c the nature and extent of the water or sewerage services connected to each individual allotment.

530/15 That Council determine the Service Charges shall be levied in accordance with the Water Management Act 2000.

5.1 Investment Report for April 2015

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

531/15 That Council receive the report on Investment Report for April 2015.

5.2 Quarterly Update on EP & A & LGA Developer Contributions

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

532/15 That Council receive the report on Quarterly Update on EP & A & LGA Developer Contributions.

5.3 Draft Minutes of the Employment and Economic Development Committee Meeting - 6 May 2015

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

533/15 That Council receive the report on Draft Minutes of the Employment and Economic Development Committee Meeting - 6 May 2015.

5.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 7 May 2015

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

534/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 May 2015.

5.5 Works in Progress - Water Supply and Sewerage

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

535/15 That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

Councillor Nayna left the meeting at 6.57pm and did not return.

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

536/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of April 2015 and related to job creation.

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

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

537/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

5.8 Outstanding Questions on Notice and Notices of Motion

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

538/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

6.1 Notice of Motion - Council's Animal Care Facility

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is the patron of the Animal Care Facility.

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 I believe I can stay objective."

Ms Marilyn Jurlina, local resident, addressed the meeting at 5.10pm, answered questions and retired at 5.26pm.

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

539/15 That Council recognise the outstanding work over the past few years by staff and more recently by the current animal care contractor and that this management team has delivered an outcome of near zero euthanising of stray and abandoned pets.

- 540/15 *That Council recognise that the current Charmhaven Animal Care Facility is approaching end of its asset life.*
- 541/15 *That Council take a more strategic and regional approach through opening dialogue with Gosford City Council and the current animal care contractors both at Charmhaven and Erina, with the view to establishing a regional, Central Coast animal care facility that will service the future needs of the Coast as a whole.*
- 542/15 *That Council consider any such centrally located regional facility in tandem with innovative satellite offices in the region's north and far south to assist residents in outer areas to access these important services.*
- 543/15 *That Council request the General Manager to provide a report back to Council.*

Confidential item 7.1 was resolved via the exception method during open session. The Mayor reported on this item as follows:

7.1 Mayoral Minute - General Manager's End of Year Performance Review 2014/15

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that it relates to his employment contract and did not participate in the item.

- 544/15 *That Council receive and endorse the General Manager's performance review for the end of year 2014/15 assessment.*
- 545/15 *That Council approve the application of the SOORT increase (1.88%) to the General Managers TRP effective from the anniversary date, as per clause 8.5 of the General Manager's contract.*
- 546/15 *That Council determine the General Manager's objectives for 2015/16 at a Councillor briefing on 22 July 2015.*

QUESTIONS ON NOTICE

**Q21/15 Lightbulb Moment
Councillor Greg Best**

"Mr Mayor,

Apologies for feeling the need to raise such a 'significant' issue here in the chamber, however prior to Easter I made representation on behalf of Mrs Purchase of Kanwal. This lovely lady, who is quite senior, is seeking to have a street light bulb changed. She lives near Council's Community House and Child Care centre at Kanwal and without this light, particularly with the winter days now upon us; it is proving a danger to her travelling to the shops. Could someone please look into this matter?"

THE MEETING closed at 7.05pm.