
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 11 NOVEMBER 2015 COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

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

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Thirty seconds of silence was given for Remembrance Day, which marks the Anniversary of the signing of the Armistice that ended World War One.

APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillors Matthews, due to family commitments:

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

1179/15 That Council accept the apology and grant Councillor Matthews leave of absence from the meeting.

At the commencement of the ordinary meeting report numbers 1.1, 1.2, 1.3, 3.2, 1.6, 4.3 and 6.1 were dealt with first then the remaining via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

3.3 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts NSW and participated in consideration of this matter.

Councillor Vincent 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 the 1st Noraville Scout Group."

4.3 DA/1179/2014 - Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre)

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council delegate on the JRPP. Councillor Best left the chamber at 6.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.08 pm.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council delegate on the JRPP. Councillor Taylor left the chamber at 6.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.08 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the JRPP, but stated that he will be declaring an interest and taking no part in consideration of the matter at JRPP meetings, and participated in consideration of this matter.

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 TAYLOR and seconded by Councillor TROY:

1180/15 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 GREENWALD and seconded by Councillor WEBSTER:

1181/15 That Council receive the amended report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

1182/15 That Council receive the amended report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

- 1183/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 28 October 2015.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

- 1184/15 That Council consider the following matter in Confidential Session, pursuant to Section 10A (2)(g)(ii) of the Local Government Act 1993:

6.1 – Confidential update on the sale of land to Australia China Theme Park Pty Ltd

- 1185/15 That Council note its reason for considering Report No 6.1 - Confidential update on the sale of land to Australia China Theme Park Pty 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.
- 1186/15 That Council request the Chief Executive Officer to report on these matters in open session of Council.

1.6 Mayoral Minute - Wyong Grove

RESOLVED unanimously on the motion of Councillor EATON:

- 1187/15 That Council authorise the Acting CEO to acquire the School Site and the School Carriageway at fair market value.
- 1188/15 That Council authorise the Acting CEO to execute all necessary documentation relevant to the acquisition of the School Site and the School Carriageway.
- 1189/15 That Council resolve that the School Site be classified as “Operational” land for the purposes of the Local Government Act 1993, when that land is acquired by the Council.
- 1190/15 That the Council resolve to acquire the School Site and the and the School Carriageway by agreement or compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.
- 1191/15 That Council note that for the purposes of resolutions 1 – 4 above the following terms have the following meanings:

- a **“School Site” means all right title and interest in the part of the land known as Lot 1 DP 123075, with a street address of 1North Rd, Wyong, that is occupied buildings B , C , D and the COLA and identified and marked in yellow boundaries and hatching in Attachment 1 to this Mayoral Minute; and**
- b **“School Carriageway” means a Right of Carriageway, on terms set out in Part 1 of Schedule 4A to the Conveyancing Act 1919, benefitting the School Site and burdening that part of the land known as Lot 1 DP 123075 that is identified and marked with blue boundaries and hatching in Attachment 1 to this Mayoral Minute.**

FOR: CRS G BEST, D EATON, B GRAHAM, K GREENWALD, L TAYLOR, A TROY, D VINCENT AND L WEBSTER

AGAINST: NIL

2.1 CPA/265848 - Supply and Delivery of Road Sealing Aggregate

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

- 1192/15 **That Council accepts the tender from the company Hanson Construction Materials Pty Ltd nominated as Tenderer No. 1 in the attached Tender Evaluation Report for a period of three years for Contract CPA/262608 – Supply and Delivery of Road Sealing Aggregate. The estimated three year expenditure against this contract is \$588,225.00 (excl. GST) however actual expenditure may vary significantly with fluctuations in demand.**
- 1193/15 **That Council determines the Tender Evaluation Report in Attachment 1 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(s), which may be disclosed after Council has resolved to accept those tenders.**
- 1194/15 **That Council approve the contingency sum as detailed in the Tender Evaluation Reports in Attachment 1.**

3.1 Community Matching Fund and Community Benefit Grants

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

- 1195/15 **That Council receive the draft minutes of the Wyong Shire Council Grants Advisory Group held on 6 October 2015.**
- 1196/15 **That Council allocate \$146,235.00 from the 2015-16 Community Matching Fund program as follows:**

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast ARAFMI	Yakkalla, Invitation to Community	\$10,000.00 Project has merit, community benefit and good matching component. Recommend full funding
Community Care Services – Central Coast Ltd	Beryl's Place	\$75,000.00 Project has merit, broad community benefit and strong matching component. Recommend full funding, conditional on applicant's ability to achieve any Development Application or Construction Certificate requirements prior to funds being released
Tuggerah Lake R1003002 Reserve Trust (Pioneer Dairy)	Central Coast Wetlands - Pioneer Dairy Education and Recreation Facilities	\$43,735.00 Project has merit, community benefit and strong matching component. Recommend full funding
Ngaimpe Aboriginal Corporation	Community Footy Field Upgrade	\$17,500.00 Project has merit, community benefit and strong matching component. Council to contribute \$17,50.00 towards the project, not including seating and lighting components
Total		\$146,235.00

1197/15 That Council decline applications for the reasons indicated in the table below the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Assessment
Youthconnections.com.au	Tuggerawong Pathway	Project not recommended as currently proposed. Recommend applicant undertake relevant assessments and reapply when project viability and true costs have been determined
Ourimbah Rugby Club Inc	Razorbacks Club Facilities	Project not recommended as currently proposed. Recommend applicant reapply in a subsequent round when financial matching component to deliver entire project has been demonstrated

Berkley Vale Public School Parents and Citizens Association	Community Room	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
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1198/15 That Council defer applications for the reasons indicated in the table below:

Applicant	Project Name Summary	Committee Recommendation
The Entrance North Progress Association Inc	Walter & Edith Denniss Reserve Recreation Facilities & Completion of Footpath in Hutton Road	Project has merit. Recommend applicant liaise with WSC Manager Open Space and Recreation for recreation component of project. Recommended applicant submit a new application at a later stage in regards to the footpath component of the project, in conjunction with planned road works

1199/15 That Council allocate \$36,603.06 from the 2015-16 Community Benefit Grants program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Hellenic Community of Central Coast Inc	ArtVolt	\$2,660.00 Project has merit and meets community grants program objectives. Recommend full funding conditional on applicant liaising with Wyong Shire Council (WSC) Community Partnerships & Planning staff to ensure artworks are placed in approved and suitable locations
The Lakes Surf Life Saving Club Ltd	IRB Competition Motor	\$2,802.00 Project has merit and meets community grants program objectives. Recommend Council fund half, conditional on organisation being able to match that amount
Central Coast Hockey Inc	Container Equipment and	\$4,356.00 Project has merit and meets community grants program objectives. Recommend part fund \$4,356 for equipment only

The Fathers Table	The Fathers Table Outreach	\$4,730.00 Project has merit and is meeting an identified local need. Recommend part fund \$4,730.00 in-kind for rent and applicant to liaise with WSC Community Enterprise Officer to explore additional ongoing revenue streams
Central Coast Woodturners Cooperative Ltd	Audio Visual System	\$4,081.00 Project has merit and broader community benefit. Recommended full funding conditional on applicant making raw video footage available to Council to use on Wyong Alive TV
Rotary Club of Wyong Inc	Central International Women's Day Expo	\$4,400.00 Project concept has merit. Recommend part fund \$4,400.00 comprising flyer design and printing (\$1,400.00 in-kind), newspaper advertising (\$1000.00 in-kind), \$1000.00 for show bags and \$1000.00 for banners, conditional on WSC support being acknowledged
Central Coast Family Support Services Inc	Grandparents Raising Grandchildren Family Fun Day	\$2,460.00 Project has merit and meets an identified local need. Recommend full funding
Regional Youth Support Services Inc	Play Write Touring	\$2,602.00 Project has merit and meets community grants program objectives. Recommend part funding of \$2,602, requested amount less \$1,320 for staff. Conditional on applicant demonstrating how Wyong LGA young people will be engaged with and informed of the project prior to funds being released
Warnervale Junior Rugby League Club Inc	Canteen Warm Food Display	\$2,429.66 Project has merit and meets community grants program objectives
Wyongah Progress Association Incorporated	Refurbish Kitchen in Hall	\$2,164.00 Project has merit and meets community grants program objectives

Coastal Cappella	a Performance Costumes	\$1,500.00 Project has merit and meets community grants program objectives Part funded \$1,500 for dressmaking and labour costs
Wingers Softball Club	Equipment upgrade	\$2,418.40 Project has merit and meets community grants program objectives
Total		\$36,603.06

1200/15 That Council allocate \$7,295.50 from the 2015-16 Community Benefit Grants as follows, due to the public benefit that arises:

Applicant	Project Name and Summary	Committee Funding Recommended
Central Coast Domestic Violence Committee	Reclaim the Night Central Coast 2015	\$1,400.00 Project has merit and assists in raising awareness of a major local issue. Recommend full funding
Young Men's Christian Association of Sydney	Fully Accessible Change room at YMCA Toukley Aquatic Centre	\$3,125.50 Project has merit and meets community grants program objectives
Berkeley Vale Neighbourhood Centre Association Inc	First Aid Essentials for Parents and Carers	\$2,770.00 Project has merit and meets community grants program objectives. Recommend part fund \$2,770.00 (comprising \$2,450.00 cash for trainers, advertising and refreshments and \$320.00 in-kind room hire). Funding conditional on applicant detailing how attendees will be sourced prior to funds being released
Total		\$7,295.50

1201/15 That Council decline applications for the reasons indicated in the table below and the applicants be advised and where relevant, directed to alternate funding programs:

Applicant	Project Name and Summary	Committee Assessment
Peggy's promise: no fur kid will go without the basics	Peggy's Play or Stay Dog Cafe	Project not recommended as currently proposed
Long Jetty Hospital Auxiliary	Long Jetty Healthcare Centre Equipment	Project not recommended as application ineligible - Guideline 2.5 Capital Expenditure
The Toukley & District Senior Citizens Club Inc	Replace Indoor Bowls Room Carpet	Project not recommended as currently proposed
St Vincent De Paul Society NSW	Louise House Community Engagement Programs	Project not recommended. Applicant has capacity to self-fund
Country Women's Association of NSW – Toukley Branch	Heating/Cooling for Premises	Project not recommended as application ineligible - Guideline 2.6 Building and building maintenance costs. Recommend applicant apply via Councillors' Community Improvement Grants
Greater Toukley Vision Inc	Anti Bullying Workshops for the Youth	Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear
Wadalba Jungle Buddies Playgroup	Educational Bike Track, Cubby House, Picnic Tables, Outdoor Blackboards	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Wadalba Community School P&C Association	Wadalba Markets	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
St Vincent De Paul Society NSW	Vinnie's Wyong Food Hamper Packing Facility	Project not recommended as proposal will require a Development Application to proceed
HeartKids NSW Inc	Hearts Together for Wyong	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives

The Leukaemia Foundation Australia	ENRICH Program For Blood Cancers	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Catholic Care of Broken Bay	Creating Community Partnerships	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Lara Jean Association Inc	Movie Mayhem	Project not recommended as currently proposed. Insufficient information supplied to make an accurate assessment. Recommend applicant liaise with WSC Grants and Events Coordinator and reapply next round
Dymocks Children's Charities Limited	Wyong (LGA) - Public Schools Library Regeneration	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Toowoomba Bay Surf Life Saving Club	Surf Club Safety Programme	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Tuggerah Lakes Secondary College Berkeley Vale Campus Parents & Citizens' Association	Football Field Drainage	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Learning Links	Reading for Life at School	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
The University of Newcastle	UON Central Coast Oral Health Van	Project not recommended as currently proposed. Recommend applicant apply through WSC Sponsorship Program
Central Coast Community Women's Health Centre Ltd	Celebrating 40 Years Advancing Women's Health and Advocacy Representation Central Coast NSW	Project not recommended. Concept is targeted at a limited number of participants and broader community benefit is unclear
Camp Breakaway Inc	Camp Breakaway & NDIS Partnering for People with a Disability	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives
Young Men's Christian Association of Sydney	Swimability	Project not recommended as currently proposed. Recommend applicant seek more suitable funding alternatives

1202/15 That Council defer applications for the reasons indicated in the table below:

Applicant	Project Name Summary	Committee Recommendation
Central Coast Philharmonia Inc	Central Coast Spectacular	Organisation to work with WSC Cultural Planner to clarify community benefit and links with local community groups

3.2 Public Exhibition of Rustrum Planning Proposal

Mr Ian McNicol, Senior Planner representing ADW Johnson, addressed the meeting at 5.13 pm, answered questions and retired at 5.24 pm.

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

1203/15 That Council request the Acting Chief Executive Officer to exercise the Written Authorisation to Exercise Delegation for RZ/6/2014, being the rezoning and amendment of controls affecting Lots 2, 3, & 4, DP 406181, Lot 2, DP 213097, Lot 5, DP 514932, and Lot 91, DP 565884 (216 – 224 Main Road and 21 Rowland Terrace, Toukley), and proceed with the steps for drafting and making of Amendment No. 16 to the Wyong Local Environmental Plan 2013.

1204/15 That Council request the Acting Chief Executive Officer to exercise Council's previous Delegation to the General Manager to execute all documentation in relation to the finalisation of the draft Voluntary Planning Agreement endorsed by the landowner on 12 August, 2015, prior to the finalisation of the rezoning.

1205/15 That Council adopt the Draft Rustrum Key Site Masterplan.

1206/15 That Council adopt the Draft Development Control Plan (DCP) 2013 Chapter 6.26: Toukley – Rustrum Key Site and give appropriate public notice that the draft DCP as amended will come into effect on the date nominated in that notice.

1207/15 That Council forward a copy of the amended Wyong DCP 2013 to the Secretary of the Department of Planning and Environment within 28 days of the DCP becoming effective.

1208/15 That Council advise all those who made submissions of Council's decision.

FOR: CRS GB BEST, DE EATON, B G GRAHAM, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS KG GREENWALD AND DV VINCENT

PROCEDURAL MOTION

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

1209/15 That Council allow meeting practice to be varied.

1210/15 That Council use the exception method to deal with the balance of the Agenda.

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

1211/15 That with the exception of report numbers 1.6, 4.3 and 6.1 Council adopt the recommendations contained in the remaining reports.

3.3 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouts NSW and participated in consideration of this matter.

Councillor Vincent 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 the 1st Noraville Scout Group."

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

1212/15 That Council allocate an amount of \$8,310 from the 2015-16 Councillors' Community Improvement Grants as follows:

1st Noraville Scout Group (\$2000)	To supply Polo Shirts and Bucket Hats to all Scouts.	1,300
Australian Seabird Rescue Central Coast (\$1600)	To help fund the cost of a rescue workshop and to assist in the 10 Year Birthday Celebrations.	1,510
Central Coast Sports Federation Inc. (\$2000)	The Central Coast Sports Federation (CCSF) Awards	400
Lions Club of Gwandalan Inc. (\$2500)	To assist with costs in hosting a Carols evening.	550
Mannering Park Amateur Sailing Club (\$660)	To pay for a Yachting Australia Senior Instructor to run an Assistant Instructor Course for students.	200
Norah Head Ratepayers and Coast Care Association Inc. (\$1000) (\$600 already allocated)	Administration Costs.	250
Save Sight Institute (\$4000)	Costs association with hosting a Family Fun Day.	100
The Entrance Long Jetty RSL Sub Branch (\$3000) - Emergency Approved by GM	To stage a unique commemorative remembrance day twilight service at The Entrance.	3,000

<p><i>Wyong Dog Training Club Inc. (\$3699) (\$1000 already allocated)</i></p>	<p><i>To purchase a laptop computer to run and manage the club on a daily basis.</i></p>	<p><i>1,000</i></p>
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3.4 Facilities and Expenses Policy for Councillors - Annual Review

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

- 1213/15** *That the Council adopt, for the purposes of public exhibition, the amended "Policy on Facilities and Expenses for Councillors" that is attached to this report.*
- 1214/15** *That the Council give public notice, for the purpose of s. 253(1) of the Local Government Act 1993, of the amended "Policy on Facilities and Expenses for Councillors" that is attached to this report for not less than 28 days.*
- 1215/15** *That, in the event that no submissions are received in response to the public notice provided pursuant to resolution 2 above, the Council adopt, pursuant to s. 253(2) of the Local Government Act 1993, the amended "Policy on Facilities and Expenses for Councillors" attached to this report.*
- 1216/15** *That, in the event that submissions are received in response to the public notice provided pursuant to resolution 2 above, the Council receive a further report on those submissions for consideration.*
- 1217/15** *That the Council note that the amended "Policy on Facilities and Expenses for Councillors" attached to this report complies with the "Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW" issued by the Director-General for the purposes of s. 23A of the Local Government Act 1993.*

3.5 Councillor Attendance - Business Leaders Breakfast

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

- 1218/15** *That Council authorise the attendance of interested Councillors at the 2015 New South Wales Business Chamber (NSWBC) Business Leaders Breakfast in accordance with the Council's Facilities and Expenses Policy for Councillors.*
- 1219/15** *That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.*

3.6 Annual Report 2014-15

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

- 1220/15** *That Council adopt the Annual Report 2014-15 (including enclosures).*

1221/15 That Council authorise the Acting Chief Executive Officer to make final minor changes to the plan to ensure correctness and clarity.

1222/15 That Council upload a copy of the Annual Report 2014-15 (including enclosures) on Council's website.

1223/15 That Council advise the Minister for Local Government of Council's URL link to access the report.

4.1 Road Capital Works Program

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

1224/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

4.2 Minutes of Wyong Water Management Committee

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

1225/15 That Council receive the report on Minutes of Wyong Water Management Committee.

4.3 DA/1179/2014 - Staged development under Section 83B of the Environmental Planning & Assessment Act, 1979 - Hardware and building supplies development including associated site works (Masters Homemaker Improvement Centre)

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council delegate on the JRPP. Councillor Best left the chamber at 6.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.08 pm.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a Council delegate on the JRPP. Councillor Taylor left the chamber at 6.05 pm, took no part in discussion, did not vote and returned to the chamber at 6.08 pm.

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the JRPP, but stated that he will be declaring an interest and taking no part in consideration of the matter at JRPP meetings, and participated in consideration of this matter.

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 TROY and seconded by Councillor WEBSTER:

1226/15 That Council receive the report on DA/1179/2014 for a Concept Plan and Stage 1 retail premises at 60 Wyong Road Tuggerah.

4.4 Outstanding Questions on Notice and Notices of Motion

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

1227/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

1.7 Mayoral Minute - Confidential Matters

Councillor Doug Eaton

F2014/01772

Councillor Taylor left the meeting at 6:05 pm and returned to the meeting at 6:08 pm during consideration of this item.

Councillor Best left the meeting at 6:05 pm and returned to the meeting at 6:08 pm during consideration of this item.

RESOLVED unanimously on the MOTION of Councillor EATON:

1228/15 That Council note with regret the continuing breaches of the Local Government Act by way of illegal disclosures of confidential information.

1229/15 That Council receive an urgent report on the matters that should be correctly published as confidential under the Local Government Act 1993.

1230/15 That Council request the report contain guidance on minimising confidentiality to hide transparency in local government matters.

1231/15 That Council receive an urgent report to the next council meeting on ways to ensure confidentiality of confidential reports.

CONFIDENTIAL SESSION

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

1232/15 That Council move into Confidential Session.

At this stage of the meeting being 6.54 pm 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 7.38 pm and the Acting Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting of council as follows:

6.1 Confidential update on the sale of land to Australia China Theme Park Pty Ltd

1233/15 That the Council resolve to reject the offer contained in the letter to Council from Australia China Theme Park Pty Ltd dated 31 October 2015.

1234/15 That the Council resolve that this report, and the letter to Council from Australia China Theme Park Pty Ltd dated 31 October 2015, remain confidential because:

(a) the report and letter includes information of a confidential nature which would, if disclosed, prejudice the commercial position of the person who supplied it (ss. 10A(1) and 10A(2)(d)(i) of the Local Government Act 1993) and

(b) the report includes advice that would be privileged from production in legal proceedings on the ground of legal professional privilege (ss. 10A(1) & 10A(2)(g) of the Local Government Act 1993)

1235/15 That the Council authorise the Acting Chief Executive Officer to negotiate an alternate contract for the sale of the land that is the subject of the current contract between the Council and Australia China Theme Park Pty Ltd, such alternate contract to include:

(a) A clearly defined and enforceable completion date; and

(b) Appropriate commercial returns to Council and appropriate remedies for Council for any additional risks to Council.

QUESTIONS ON NOTICE

Councillor Vincent left the meeting at 7:06 pm and returned to the meeting at 7:40 pm, during consideration of this item.

Q50/15 Switchboard Delays
Councillor Doug Vincent
C2012/12758

“ Local residents have advised there have recently been substantial delays of up to 20 to 30 minutes when trying to access the Council through the main switchboard.

Could staff please advise if there has been a change in switchboard operations or procedures?”

THE MEETING closed at 7.42 pm.