

AMENDED ITEM

11 December 2013
To the Ordinary Council Meeting

Procedural Item
General Manager's Unit

1.4 Confirmation of Minutes of Previous Meeting

TRIM REFERENCE: F2013/00023 - D04452656

MANAGER: Sonia Witt, TL Governance and Councillor Services

AUTHOR: Fiona Kurtz; Councillor Services Officer

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on Wednesday 27 November 2013.

RECOMMENDATION

That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 27 November 2013.

ATTACHMENTS

- | | | |
|---|---|-----------|
| 1 | Minutes - Ordinary Meeting 27 November 2013 | D04569671 |
| 2 | Minutes - Confidential Session of the Ordinary Meeting 27 November 2013 (D04567047) | |

WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 27 November 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, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Acting Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, Manager Marketing and Communications and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.02 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.

Greg McDonald, Director Infrastructure and Operations acknowledged Mary-Ellen Wallace, Commercial Manager for receiving the New South Wales Local Government (NSWLG) Procurement Professional Award.

Scott Cox, Acting Director Development and Building advised that Adam Mularczyk, Team Leader Engineer Assessments announced that Wyong Shire Council had won the Local Government Category at the Road Safety Awards.

APOLOGY

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

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

1443/13 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 and 5.4 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

5.10 Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 7 November 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity. He left the chamber at 7.01 pm, took no part in discussion, did not vote and returned to the chamber at 7.04 pm.

5.13 DA 514/2013 - Alterations and Additions to Shopping Centre and Associated Car Parking at Tuggerah

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the Joint Regional Planning Panel 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 because Council is not the determining authority."

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that his place of employment is located at Westfield Tuggerah and participated in consideration of this matter.

Councillor Nayna 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 Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel and participated in consideration of this matter.

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."

Matter Of Urgency-Submissions to the NBN Co Report

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Karen McNamara MP, Member for Dobell and participated in consideration of this matter.

Councillor Nayna 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 WEBSTER and seconded by Councillor GREENWALD:

1444/13 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 BEST and seconded by Councillor NAYNA:

1445/13 That Council receive the report on Proposed Inspections and Briefings.

PROCEDURAL MOTION

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

1446/13 That Council allow meeting practice to be varied.

1447/13 That Council use the exception method to deal with the balance of the Agenda.

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

1448/13 That with the exception of report numbers 1.6, 4.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.10, 5.13, 6.6 and 8.1 Council adopt the recommendations contained in the remaining reports.

1.3 Address By Invited Speakers

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

1449/13 That Council receive the amended report on Invited Speakers.

1450/13 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.

1.4 Confirmation of Minutes of Previous Meeting

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

1451/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 13 November 2013.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1452/13 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c)(f) of the Local Government Act 1993:

9.1 Proposed Contract for Construction of Cinema Complex at Lake Haven

9.2 Q43/13 – Mayoral Chains

9.3 Q44/13 – Mayoral Chains

1453/13 That Council note its reason for considering Item 9.1 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

1454/13 That Council note its reason for considering Items 9.2 and 9.3 as they contain matters affecting the security of the Council, Councillors, Council staff or Council property.

1455/13 That Council request the General Manager to report on this matter in open session of Council.

1.6 Mayoral Minute - Qingpu Co-operation Agreement

RESOLVED unanimously on the motion of Councillor EATON:

1456/13 That Council endorse the proposed co-operation agreement and authorise the Mayor to execute the agreement (Annexure A attached to these minutes) on behalf of Council (subject to any minor amendments as agreed between the parties).

1457/13 That Council endorse the proposed draft Agenda (Annexure B attached to these minutes) for the delegation from Qingpu.

2.1 Central Coast Design Review Panel

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

1458/13 That Council seek the formal agreement of the Minister for Planning to discontinue the current formation of the Central Coast Design Review Panel established under SEPP 65.

3.1 Proposed Right of Carriageway over Council land Lot 4 DP 549925, 14 Reservoir Road, Ourimbah

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

- 1459/13 That Council grant a Right of Carriageway 94.5m x 6.5m over Council's land, Lot 4 DP 549925, 14 Reservoir Road, Ourimbah to the adjoining owners for compensation payable to Council based on market value.**
- 1460/13 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to related documents as required.**
- 1461/13 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of the easement for Right of Carriageway between Wyong Shire Council and the owners of the adjoining property.**

4.1 CPA/217072 - Norah Head Boat Ramp - Construction

The General Manager provided the following additional information regarding the scope of work for the contract;

- Inclusion of the demolition and reconstruction of the beach ramp in addition to the main ramp and seawall.
- A total project budget of \$2,313,226, which includes all expenditure to date.
- An application for a Local Government Waterfront Licence to be lodged with the Crown for the on-going authorisation of the boat ramp structures, which will be signed by the General Manager.

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

- 1462/13 That Council decline to accept any of the tenders received for Contract CPA/217072 – Norah Head Boat Ramp - Construction.**
- 1463/13 That Council approve the invitation of fresh tenders for a new proposed Contract with a revised scope of work.**
- 1464/13 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.**

4.2 CPA/230051 - The Supply and Delivery of Ready Mix Concrete

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

- 1465/13 That Council accept the tender from the Boral Resources (Country) Pty Ltd company nominated as Tenderer '1' in the attached Tender Evaluation Report as the first ranked contractor, for Contract CPA/230051 – for the Supply and Delivery of Ready Mix Concrete.
- 1466/13 That Council accept the tender from the Hanson Construction Materials Pty Ltd company nominated as Tenderer '3' in the attached Tender Evaluation Report as the second ranked contractor, for Contract CPA/230051 – for the Supply and Delivery of Ready Mix Concrete.
- 1467/13 That Council accept the tender from the Ritemix Pty Ltd T/as Coastwide Readymix Concrete company nominated as Tenderer '2' in the attached Tender Evaluation Report as the third ranked contractor, for Contract CPA/230051 – for the Supply and Delivery of Ready Mix Concrete.
- 1468/13 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.
- 1469/13 That Council note the estimated per annum value of all contracts is \$460,000.00 however values may vary depending on fluctuations in demand.

4.3 CPA/230052 - The Supply and Delivery of Type S Filter Sand

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

- 1470/13 That Council accept the tender from the Boral Resources (Country) Pty Ltd company nominated as Tenderer '1' in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/230052 – for the Supply and Delivery of Type S Filter Sand. The estimated annual expenditure against this contract is \$202,580.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 1471/13 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.

4.4 CPA/230056 - The Supply and Delivery of Granular Base and Sub Base Materials for Surface Road Pavements

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

- 1472/13** That Council accept all tenders in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/230056 – for the Supply and Delivery of Granular Base and Sub Base Materials for Surfaced Road Pavements. The estimated annual expenditure against all contracts is approximately \$1,440,000.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 1473/13** That Council authorise the ranking order for purchase order allocation for comparable pavement materials in accordance with Attachment 2.
- 1474/13** That Council authorise the Director Infrastructure and Operations to select the supplier who offers the most economical and suitable materials, for non-comparable pavement materials, available as each situation demands.
- 1475/13** 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.

4.5 CPA/230057 - The Supply and Delivery of Road Sealing Aggregates

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

- 1476/13** That Council decline to accept any of the tenders received for contract CPA/230057 for the Supply and Delivery of Road Sealing Aggregates in accordance with sub-clause 178 (1) (b), of the Local Government (General) Regulation.
- 1477/13** That Council cancel the proposal for the contract in accordance with sub-clause 178(3)(a) of the Local Government (General) Regulation.
- 1478/13** 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.

4.6 CPA/232577 - The Supply and Delivery of Asphaltic Coldmix

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

- 1479/13** That Council accept the tender from the company nominated as Tenderer '1' *Fulton Hogan Industries Pty Ltd* in the attached Tender Evaluation Report, for a period of up to 3.5 years for Contract CPA/232577 – for the Supply and Delivery of Asphaltic Coldmix. The estimated annual expenditure against this contract is \$107,570.00 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 1480/13** 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.

**5.1 Conference Attendance - Australian Institute of Company Directors
Conference: Directorship 14 Igniting The Growth Agenda 2014**

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

- 1481/13** That Council authorise those interested Councillor/s to attend the Australian Institute of Company Directors Conference: Directorship 14 Igniting The Growth Agenda 2014.
- 1482/13** That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.

5.2 Plan to Address Rabbit Plague

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

- 1483/13** That Council receive the report addressing the current 2013 rabbit plague.
- 1484/13** That Council participate in the Lower Hunter and Central Coast Livestock Health and Protection Authority coordinated Rabbit Haemorrhagic Disease (RHD) virus release scheduled for March 2014.
- 1485/13** That Council provide support as outlined in Option 2 of this report for the co-ordinated RHD virus release in March 2014.

5.3 Reward for Reporting Vandalism Policy

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

- 1486/13** That Council adopt the Reward for Reporting Vandalism Policy per attachment 1 to apply from the date of this meeting.

5.4 Safety Issues - Intersection of Louisiana Road and Pacific Highway, Kanwal

Ms Lynda Viset, resident addressed the meeting at 5.14 pm and spoke against the motion of Item 5.4 – Safety Issues of Louisiana Road and Pacific Highway, answered questions and retired at 5.28 pm.

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

1487/13 That Council engage with Roads and Maritime Service (RMS) during the consultation period for proposed Black spot works at the intersection.

1488/13 That Council request RMS to continue to increase the safety and capacity of the State Road network through Wyong local government area and foster economic development through intersection improvements, construction of the Warnervale Watanobbi Link Road and the Wyong CBD Upgrade.

1489/13 That Council, on behalf of the local residents, advocate a traffic light controlled intersection similar to that on Minnesota Road.

1490/13 That Council request the RMS to review their intersection approach speed limits and advise the safest interim treatment of the intersection until a permanent agreeable solution can be decided upon.

5.5 2013-17 Strategic Plan - September Quarter Review (Q1)

Councillor Best left the meeting at 6.41 pm and returned to the meeting at 6.42 pm during consideration of this item.

Councillor Troy left the meeting at 6.39 pm and returned to the meeting at 6.40 pm during consideration of this item.

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

1491/13 That Council receive the first Quarterly Review Report on progress against the WSC 2013-17 Strategic Plan.

1492/13 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.

5.6 Council Owned Iconic Development Sites - Call for Expression of Interest

Councillor Vincent left the meeting at 7.01 pm and returned to the meeting at 7.04pm and as a result took no part in voting.

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

- 1493/13 That Council receive and note the report on the status of the Council owned Iconic Development Sites.
- 1494/13 That Council authorise the General Manager to call for expressions of interest from firms that have the ability to promote Council's Iconic Development Sites on both a national and international basis.
- 1495/13 That Council authorise the General Manager to engage an appropriately qualified firm to undertake this work.
- 1496/13 That Council resolve not to proceed with the selective tender process resulting from previous EOI process as detailed in Councils resolution from 27 September 2011 (Confidential item 9.6).
- 1497/13 That Council seek expressions of interest to partner Council in the development of Council owned iconic development sites.
- 1498/13 That Council request the General Manager to present a further report to Council at the completion of the expression of interest process in No.5 above.

5.7 Warnervale Town Centre Entry Road Deed

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

- 1499/13 That Council acknowledge its rights and obligations under the Warnervale Town Centre Entry Road Deed.
- 1500/13 That Council confirm its commitment to contribute the New South Wales Department of Trade and Investment, Regional Infrastructure and Services Grant Funding as required under the Deed.
- 1501/13 That Council contribute its funding amount, and pay all invoiced amounts in accordance with the terms and requirements of this Deed.

5.8 Draft Minutes of the Employment and Economic Development Committee Meeting - 6 November 2013

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

1502/13 That Council receive and note the draft minutes of the EEDC meeting held on 6 November 2013.

1503/13 That Council note the amendment to the wording in Item 3.1 Economic Feasibility and Viability Study of Wyong Education Precinct which now reads as follows: “an estimated shortfall of 7,600 university student places”.

1504/13 That Council note the report on Draft Affordable Housing Study - Review of Recommendations and the amendments to Attachment 1 which include the following:

1504/1 items nos. 5, 9, 13, 33, 34, 37, 38, 43, 53, 54, 55, 56 and 72 (amended)

1504/2 items nos 63, 64 & 65 (deleted).

A copy of the amended Attachment 1 - Draft AHS-Review of Recommendations EEDC Amendment 06Nov2013 is attached to these minutes.

1505/13 That Council authorise the Committee’s request to publish the Draft Affordable Housing Study on Council’s web page.

1506/13 That Council endorse the meeting dates for the dates and times proposed for the Employment and Economic Development Committee Meetings in 2014 as follows:

| Date | Time |
|-------------|-------------------|
| 29 Jan 2014 | 4.00 pm – 6.00 pm |
| 5 Mar 2014 | 4.00 pm – 6.00 pm |
| 7 May 2014 | 4.00 pm – 6.00 pm |
| 2 July 2014 | 4.00 pm – 6.00 pm |
| 3 Sept 2014 | 4.00 pm – 6.00 pm |
| 5 Nov 2014 | 4.00 pm – 6.00 pm |

1507/13 That Council note that a detailed strategy for the disposal, development or retention of the sites reclassified under DLEP 2012. will be prepared and submitted to the next meeting of the Employment and Economic Development Committee on 29 January 2014.

1508/13 That Council note advice from the Committee that all Councillors will be issued with an invitation to attend the next meeting of the Employment and Economic Development Committee on 29 January 2014 when a report on the Strategy for Disposal or Development will be listed for discussion.

5.9 Draft Minutes Audit and Risk Committee Extraordinary Meeting - 1 November 2013.

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

- 1509/13 That Council receive the minutes of the Extraordinary Meeting of the Audit and Risk Committee meeting held on 1 November 2013.
- 1510/13 That Council note that the Committee supports Council having made the following resolutions in respect of the draft General Purpose, Special Purpose, Special Schedules and Water Supply Authority Accounts:
- 1510/1 Adoption the draft Wyong Shire Council financial statements for 2012/13.
- 1510/2 Referral of the draft Wyong Shire Council financial statements for 2012/13 to external auditor.
- 1510/3 Authorisation of the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2012/13 financial reports as required by legislation.
- 1510/4 Fixture of 13 November 2013 as the date for the presentation of the audited 2012/13 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.
- 1511/13 That Council endorse the Committee's request that the CFO and the External Auditor review note 17(iv) of the Water Supply Authority Financial Reports.
- 1512/13 That Council endorse the Committee's decision to thank Council's Financial Team and the external auditors for their work this year.
- 1513/13 That Council note that the Committee's observation that it is pleased to see Council return to financial sustainability and thank the General Manager and his staff for their excellent work in this area.

5.10 Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 7 November 2013

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity. He left the chamber at 7.01 pm, took no part in discussion, did not vote and returned to the chamber at 7.04 pm.

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

- 1514/13 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 7 November 2013.
- 1515/13 That Council endorse the Committee's support of Delta's investigation for mutually beneficial options to contribute to manage the lake system.

5.11 Enterprise Risk Management Strategy

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

1516/13 That Council endorse the Enterprise Risk Management Framework comprising the Enterprise Risk Management Strategy and the Risk Policy.

1517/13 That Council note the continuing risk management activities within Wyong Shire Council.

5.12 NSW Local Infrastructure Renewal Scheme (LIRS Round 3. Proposal to submit projects to incur borrowing to be subsidised under the LIRS.

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

1518/13 That Council approve the submission of Work Package 1 of the sewage pumping station renewal program for approval to incur borrowings to be subsidised under LIRS Round 3.

5.13 DA 514/2013 - Alterations and Additions to Shopping Centre and Associated Car Parking at Tuggerah

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council delegate on the Joint Regional Planning Panel 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 because Council is not the determining authority."

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that his place of employment is located at Westfield Tuggerah and participated in consideration of this matter.

Councillor Nayna 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 Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council representative on the Joint Regional Planning Panel and participated in consideration of this matter.

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."

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

1519/13 That Council receive the report on DA 514/2013 – Proposed Alterations and additions to shopping centre and associated car parking at Tuggerah.

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

AGAINST: NIL

6.1 Works in Progress - Water Supply and Sewerage

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

1520/13 That Council receive the report on Works in Progress - Water Supply and Sewerage.

6.2 Quarterly Update on EP&A Developer Contributions

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

1521/13 That Council receive the report on Quarterly Update on EP&A Developer Contributions.

6.3 Investment Report for October 2013

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

1522/13 That Council receive the Investment Report for October 2013.

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

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

1523/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for October 2013.

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

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

1524/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

6.6 Councillor Report - International Cities and Town Centres Conference 2013

Councillor Matthews left the meeting at 7.30 pm and did not return and as a result took no part in voting.

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

1525/13 That Council receive the report on Councillor Report - International Cities and Town Centres Conference 2013.

6.7 Gazettal - 2013 NSW Redistribution of Electoral Districts

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

1526/13 That Council receive the report on Gazettal - 2013 NSW Redistribution of Electoral Districts.

6.8 Outstanding Questions on Notice and Notices of Motion

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

1527/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Notice of Motion - Phase Out Commercial Fishing on Tuggerah Lakes

Councillor Matthews left the meeting at 7.30 pm and did not return and as a result took no part in voting.

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

1528/13 That Council request the General Manager to resubmit this item at the Ordinary Meeting 11 December 2013

Confidential item 9.1, was resolved via the exception method during open session.
The General Manager reported on this items as follows

9.1 Proposed Contract for Construction, Fitout and Leasing of Cinema Complex at Lake Haven.

- 1529/13 *That Council enter in to an Agreement for Lease with Metro Cinemas (Lake Haven) Pty Ltd generally in accordance with draft Agreement for Lease that is attached to this report.*
- 1530/13 *That Council authorise the General Manager to make amendments to the draft Agreement for Lease so as protect Council's interests and address drafting issues.*
- 1531/13 *That Council resolve, for the purposes of s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for the design, construction and fit out of a cinema complex on the subject site due to extenuating circumstances.*
- 1532/13 *That Council note that the skate park facility currently located on the site of the proposed cinema complex will be relocated to another site in the locality.*
- 1533/13 *That Council note the Final Investment Proposal (financial analysis) attached to this report.*
- 1534/13 *That Council allocate funding for the construction of the cinema complex in the 2014/15 year.*

LEAVE TO INTRODUCE A MATTER OF URGENCY

Councillor Vincent sought leave to introduce a motion of urgency concerning the Federal Government's NBN Review which ends on 2 December 2013.

RESOLVED on the motion of Councillor Vincent and seconded by Councillor Greenwald:

- 1535/13 *That Council consider a Matter of Urgency regarding concerning the Federal Communications Minister's request for submissions to the NBN Co report.*

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

U6/13 Matter of Urgency-Submissions to the NBN Co Report
Councillor Doug Vincent

Councillor Matthews left the meeting at 7.30 pm and did not return and as a result took no part in voting.

Councillor Best left the meeting at 7.43 pm and did not return to the meeting and as a result took no part in voting.

It was MOVED by Councillor VINCENT and seconded by Councillor GREENWALD:

- 1 *That Council acknowledge the Federal Government's NBN Review which ends on 2 December 2013.*
- 2 *That Council acknowledge the request from the Wyong Regional Chamber of Commerce, at the recent meeting held on 19 November 2013, requesting Council to help obtain a suitable NBN Network in the Wyong Shire to stimulate business activity and local jobs.*
- 3 *That Council acknowledge the motion passed by Gosford City Council, at its meeting held on 19 November 2013, to utilise the Central Coast of NSW as a pilot region for the complete roll out of fibre to the premise.*
- 4 *That Council request the General Manager to make an urgent submission to the Federal Government NBN review calling for the Central Coast of NSW to be a pilot region for the complete roll out of fibre to the premise.*

An AMENDMENT was MOVED by Councillor NAYNA and SECONDED by Councillor EATON:

- 1 *That Council acknowledge the Federal Government's NBN Review which ends on 2 December 2013.*
- 2 *That Council acknowledge the request from the Wyong Regional Chamber of Commerce, at the recent meeting held on 19 November 2013, requesting Council to help obtain a suitable NBN Network in the Wyong Shire to stimulate business activity and local jobs.*
- 3 *That Council acknowledges the urgent need for fast, affordable broadband services to all households and businesses throughout the Central Coast.*
- 4 *That Council request the General Manager to report on the current review undertaken by NBN Co.*

The AMENDMENT was put to the VOTE and declared CARRIED.

The AMENDMENT became the MOTION.

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

1536/13 *That Council acknowledge the Federal Government's NBN Review which ends on 2 December 2013.*

1537/13 *That Council acknowledge the request from the Wyong Regional Chamber of Commerce, at the recent meeting held on 19 November 2013, requesting Council to help obtain a suitable NBN Network in the Wyong Shire to stimulate business activity and local jobs.*

1538/13 *That Council acknowledges the urgent need for fast, affordable broadband services to all households and businesses throughout the Central Coast.*

1539/13 *That Council request the General Manager to report on the current review undertaken by NBN Co.*

THE MEETING closed at 8.00 pm.

