
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 13 AUGUST 2014 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, L S Taylor, A Troy, and L D Webster.

IN ATTENDANCE

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

The Mayor, Councillor Eaton, declared the meeting open at 5.03 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.

Councillor Luke Nayna presented to Maxine Kenyon Director Community and Recreation Services two awards given to the Sports Committee for assistance provided by Council for the State Boys Cricket Carnival 2014 and the Girls Football Carnival 2013.

Councillor Best advised Council that the Local Federal Member, Karen McNamara officially opened the CCGT Skills Centre and provided photos.

APOLOGY

Council, at its meeting 25 June 2014;

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

665/14 That Council grant leave of absence to Councillor Vincent for the 23 July and 13 August 2014 meetings.'

At the commencement of the ordinary meeting report no's 1.1, 1.3, 3.2, 7.4, 7.6, 8.1, 1.5, 2.1, 4.2, 6.10, 6.4, 7.1, 7.3, and 9.1 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

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a patron of the Friends of Budgewoi a local community group in the area 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."

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by NSW Police which has supplied a report, but he works in another location in an unrelated area and participated in consideration of this matter.

Councillor Greenwald 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."

6.10 Proposed Councillors' Community Improvement Grants

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training that is seeking grant funding, left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.43pm.

Councillor Eaton declared a pecuniary interest in the matter for the reason that the proposed grant to China Australian Friendship Association for the Chinese cultural festival as my wife is involved and also the proposed grant to Central Coast Group Training as I am the appointed Council delegate and left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.43pm.

7.1 Federal Government Funding for the National Whale Trail

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Karen NcNamara and the motion calls for direct action from her 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."

7.4 DA 1034/2013 - Proposed Four Storey Boarding House comprising 94 Units (SEPP Affordable Housing) at Ourimbah

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that the consultant is known well to myself and he could not be seen to be objective, left the chamber at 6.23 pm and took no part in discussion, did not vote and returned to the chamber at 6.32 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he does not believe that in terms of Mr Craig Thomson, he can be objective. When he was Mayor in 2011/12, he reported Mr Thompson to ICAC, for what he believed was corrupt conduct and blackmail. In that context he does not see that he could be seen to be objective given Mr Thomson's involvement in this matter and took no part in discussions and did not vote.

Councillor Greenwald declared a non-pecuniary significant interest in the matter for the reason that perceived previous relationship with one of the consultants and took no part in discussion, did not vote .

Councillor Matthews declared a non-pecuniary significant interest in the matter for the reason that perceived previous relationship with one of the consultants and took no part in discussion, did not vote.

Councillor Nayna declared a non-pecuniary significant interest in the matter for the reason that the applicants an immediate family member and Vice President of both my Liberal Party branch and the Federal Electorate committee and took no part in discussion and did not vote.

Councillor Taylor declared a non-pecuniary significant interest in the matter for the reason that he is the Joint Regional Planning Panel delegate and took no part in discussion and did not vote.

Councillor Troy declared a non-pecuniary significant interest in the matter for the reason that he has family members who live in Ourimbah that have been lobbied on this item and took no part in discussion and did not vote.

Councillor Webster declared a non-pecuniary significant interest in the matter for the reason that the developers' son is a member of the Liberal Party and is currently Vice President of the Dobell Federal Electorate and took no part in discussion and did not vote.

8.1 Notice of Motion - Lake Haven Cinema and Shopping Centre footpath access audit

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by the member for Dobell, Karen McNamara 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 because it relates to a broader programme administered by the Federal Government."

9.1 Mayoral Minute - GM's Performance Plan

The General Manager declared a pecuniary interest in the matter for the reason that this item relates to his employment contract, left the chamber at 7.57 pm, took no part in discussion and returned to the chamber at 8.02 pm.

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

857/14 That Councillors now disclose any conflicts of interest in matters under

consideration by Council at this meeting.

1.2 Proposed Inspections and Briefings

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

858/14 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:

859/14 That Council receive the amended report on Invited Speakers.

860/14 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.

861/14 That Council include Mr George Myers to speak on item 7.6 - Further Response Naming Proposal – Anzac Centenary Beach.

PROCEDURAL MOTION

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

862/14 That Council consider item 8.1 - Notice of Motion Lake Haven Cinema and Shopping Centre footpath access audit to be considered after item 7.6 - Further Response Naming Proposal – Anzac Centenary Beach.

PROCEDURAL MOTION

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

863/14 That Council allow meeting practice to be varied.

864/14 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 TAYLOR

865/14 That with the exception of report numbers 1.5, 2.1, 3.2, 4.2, 6.10, 6.4, 7.1, 7.3, 7.4, 7.6, 8.1 and 9.1 Council adopt the recommendations contained in the remaining reports.

1.4 Confirmation of Minutes of Previous Meeting

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

866/14T That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 23 July 2014.

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 TAYLOR:

867/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2a) if the Local Government Act 1993:

9.1 - Mayoral Minute – GM’s Performance Plan

868/14 That Council note its reason for considering Report 9.1 - Mayoral Minute – GM’s Performance Plan is 2(a) personnel matters concerning particular individuals (other than Councillors).

869/14 That Council request the Mayor to report on this matter in open session of Council.

Note: Explanation - Section 10A of the Local Government Act 1993 states:

- “2(a) personnel matters concerning particular individuals (other than Councillors),
- 2(b) the personal hardship of any resident or ratepayer,
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- 2(d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
- 2(e) information that would, if disclosed, prejudice the maintenance of law,
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.”

2.1 Mayoral Minute - Motions to Local Government NSW Conference 2014

Councillor Troy left the meeting at 7.11pm and returned to the meeting at 7.12pm during consideration of this Item .

RESOLVED on the motion of Councillor EATON:

870/14 That Council endorse the following motions submitted to the 2014 Annual Local Government NSW Conference:

That LGNSW calls upon the Minister for Local Government to finalise the reviews of the Local Government Act and Local Government Boundaries by no later than 31 December 2015 to provide Councils certainty around their Integrated Planning and Reporting obligations and to allow Councillor Candidates a clear understanding of their Council area before the 2016 Local Government Elections.

That LGNSW calls upon the NSW Government to provide funding to councils to assist them in transforming and enhancing their Library Catalogues to cater for modern technology and electronic information.

That LGNSW calls upon the NSW Government to establish a Clean Waterways Fund for Local Government to assist them in both the prevention and removal of weeds, litter, debris and other pollutants from impacting on our Lakes, Rivers and Creeks.

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

AGAINST: COUNCILLOR GREENWALD

2.2 Mayoral Minute - Amend Ordinary Meeting Time to Accommodate 2014 Extraordinary Meeting for Election of Mayor

RESOLVED unanimously on the motion of Councillor EATON:

871/14 That Council note the provisions of the Local Government Act in relation to the scheduling of a meeting to elect the Mayor.

872/14 That Council schedule the 2014 Extraordinary Meeting for the Election of Mayor and Deputy Mayor to be held on 10 September 2014, commencing at 5:00 pm and schedule its Ordinary Meeting of Council for 10 September 2014 to commence at 5:30 pm.

873/14 That Council give appropriate public notice of the amended meeting schedule for September 2014.

3.1 Draft Policy for Determining Development Applications Subject to Significant Public Objection

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

874/14 That Council exhibit the draft Policy for Determining Development Applications Subject to Significant Public Objection for 28 days, and

875/14 That Council request the General Manager to report the details of the community feedback received during the public exhibition period.

3.2 DA/493/2012 - Staged Caravan Park (for manufactured homes) and ancillary facilities, subdivision for lease purposes and associated works at Halekulani

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is a patron of the Friends of Budgewoi a local community group in the area 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."

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by NSW Police which has supplied a report, but he works in another location in an unrelated area and participated in consideration of this matter.

Councillor Greenwald 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 6.09pm and returned to the meeting at 6.10pm during consideration of this Item .

Mr Sean Gordon, Darkinjung Local Aboriginal Land Council, addressed the meeting at 5.25pm answered questions and retired at 5.45pm.

Mrs Lynne McVaey, Resident, addressed the meeting at 5.46pm answered questions and retired at 5.52pm.

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

876/14 That Council refuse DA/493/2012 at 1101, and 1103 Macleay Drive, Halekulani for a Caravan Park subject to the reasons provided in Attachment 1.

877/14 That Council request the General Manager to advise those who made written submissions of its decision.

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

AGAINST: COUNCILLORS GRAHAM, MATTHEWS

At this stage of the meeting being 6.21pm, the Mayor adjourned the meeting for a period of 1 minutes to allow the public gallery to clear.

The Mayor resumed the meeting at 6.23pm.

4.1 Proposed Grant of Easement for Electricity Purposes to AusGrid at Lake Haven

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

878/14 That Council grant an easement for a kiosk style electricity substation 5.3m x 3.3m to Ausgrid over Lot 11 DP 881944 Chelmsford Rd, Lake Haven.

879/14 That Council grant an easement for electricity & other purposes 2.0m wide to Ausgrid over Lot 11 DP 881944 Chelmsford Rd, Lake Haven

880/14 That Council grant a right of carriageway 4.0m wide and variable width to Ausgrid over Lot 11 DP 881944 and Lot 2 DP 1084245 Chelmsford Rd, Lake Haven

881/14 That Council sign the Ausgrid Deeds of Agreement for Easement which will allow access to the site for the purpose of constructing a substation kiosk and electricity supply to service the Centrelink development on the adjoining Council land.

882/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to all related documents as required.

883/14 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and AusGrid.

4.2 Proposed Sale of Part Lot 1 DP 800409 at Cowan Street, Watanobbi

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

- 884/14 That Council authorise the sale of part Lot 1 DP 800409 at Cowan Street, Watanobbi for an amount not less than market value as determined by independent valuation.
- 885/14 That Council endorse, as the owner of Lot 1 DP 800409, any Development Application by Tanstra Developments Pty Ltd proposing subdivision of the Council land and consolidation with the adjoining land.
- 886/14 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.
- 887/14 That Council authorise the Mayor and the General Manager to execute all documents.

5.1 CPA/242259 - Manufacture of Sewer Pump Station Aluminium Hatch Covers

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

- 888/14 That Council accept the tender from the company nominated as Tenderer '1', Excel Marine, in the attached Tender Evaluation Report, for a period of up to 3 years for Contract CPA/242259 – Manufacture of Sewer Pump Station Aluminium Hatch Covers. The estimated annual expenditure against this contract is \$117,000 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 889/14 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

6.1 Sport and Cultural Sponsorship Program Applications

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

- 890/14 That Council allocate \$1,500.00 from the 2014-15 Sport & Cultural Sponsorship Program as follows:

Applicant	Event	Committee Funding Recommended
Michael Patrick Heffernan	The Australian National Trampoline Sports Championships, held in Melbourne Victoria, representing NSW	\$500.00
Brad Woodward	Youth Rescue 2014 World Championships, held in Montpellier France, representing Australia	\$1,000.00

891/14 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	Event	Committee Assessment
Tom Brewer	The NSW National Boccia Championships, held in Narrabeen NSW, representing NSW	Application not received 30 days in advance
Justin Parker	The Hollywood Immersive Programme eight day course, held in USA, no representation	Application is for a course, not a competition

6.2 Planning Agreements Policy Review

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

892/14 That Council place the Reviewed Planning Agreements Policy on public exhibition for 28 days to allow public comment.

893/14 That Council receive a further report following the exhibition period.

6.3 Councillor Attendance - Women in Local Government NSW Leadership Summit

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

894/14 That Council authorise those interested Councillors to attend the Women in Local Government NSW Leadership Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.

895/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

6.4 Status of Women's Advisory Group - Revised Terms of Reference

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

896/14 That Council receive the report on Status of Women's Advisory Group – Revised Terms of Reference.

897/14 That Council approve the changes to the Terms of Reference for the Status of Women's Advisory Group attached to this report with the exception of a quorum being required of the standard protocol.

898/14 That Council appoint an additional Councillor to the Committee.

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

899/14 That Council appoint Councillor Taylor to the Status of Women's Advisory Group for the term of Council.

6.5 Payment of Public Liability Professional Indemnity Insurance Policy

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

900/14 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.

901/14 That Council approve the premium payment of \$522,113.63 ex GST.

902/14 That Council determine in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council.

6.6 Payment of Industrial Special Risk Insurance Policy

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

903/14 That Council approve the renewal of Wyong Shire Council's Property insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.

904/14 That Council approve the premium payment of \$515,216.47 ex GST.

905/14 That Council determine, in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council and Council is not currently eligible to become a member to the two alternate insurance pools, being WestPool and MetroPool.

6.7 Payment of Comprehensive Motor Vehicle Insurance Policy

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

906/14 That Council approve the renewal of Wyong Shire Council's Comprehensive Motor Vehicle insurance policy with Statewide Mutual for the period 30 June 2014 to 30 June 2015.

907/14 That Council approve the premium payment of \$151,924.20 ex GST.

908/14 That Council determine in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the commercial insurance market does not offer the level of cover required by Council at a competitive rate.

6.8 Balanced Scorecard Report

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

909/14 That Council note the recommendation from the Audit and Risk Committee in relation to the Balanced Scorecard Report.

910/14 That Council adopt the proposed changes to the Balanced Scorecard measures as detailed in the report.

6.9 Internal Audit Work Programme 1 July 2014 to 31 December 2016

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

911/14 That Council note the recommendation of the Audit and Risk Committee to consider the ratification of the report on Internal Audit Work Programme 1 July 2014 to 31 December 2016.

912/14 That Council adopt the Internal Audit Work Programme 1 July 2014 to 31 December 2016.

6.10 Proposed Councillors' Community Improvement Grants

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training that is seeking grant funding, left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.43pm.

Councillor Eaton declared a pecuniary interest in the matter for the reason that the proposed grant to China Australian Friendship Association for the Chinese cultural festival as my wife is involved and also the proposed grant to Central Coast Group Training as I am the appointed Council delegate and left the chamber at 7.42 pm, took no part in discussion, did not vote and returned to the chamber at 7.43pm.

Councillor Eaton vacated the chair and Councillor Webster assumed the chair for consideration of this item.

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

913/14 That Council allocate an amount of \$20,530.00 from the 2014-15 Councillors' Community Improvement Grants as follows:

Central Coast Group Training (\$4000)	2014 Apprentice and Trainee Awards	3,200
Central Coast Kids in Need Inc (\$1840)	The Adam MOLCH Hillier Memorial Surf Classic	1,840
Central Coast Woodturners Co op Limited (\$2640) (\$1900 already allocated)	Application of Non slip epoxy coating to make floor surface an acceptable safe standard.	740

<i>China Australia Friendship Association Inc. (\$4000)</i>	<i>2014 Central Coast Chinese Cultural Festival at The Entrance</i>	<i>3,200</i>
<i>Community Education and Training Centre Inc. (\$4000)</i>	<i>Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.</i>	<i>2,400</i>
<i>Global Care/Foodcare Charmhaven (\$2184) (\$200 already allocated)</i>	<i>Purchase of a laptop and refrigerator.</i>	<i>550</i>
<i>The Entrance District Cricket Club (\$4000)</i>	<i>Purchase each junior team a gazebo to be able to have shade for the children during the summer months.</i>	<i>3,500</i>
<i>The Lakes Singers (\$300) (\$200 already allocated)</i>	<i>Insurance and administration costs.</i>	<i>100</i>
<i>Toukley and District Senior Citizens Club Inc. (\$3877)</i>	<i>Purchase and installation of CCTV cameras.</i>	<i>2,200</i>
<i>Tuggerah Lakes Memorial Pistol Club Inc. (\$4000)</i>	<i>Improve wheelchair access</i>	<i>1,300</i>
<i>Wyong District Museum and Historical Society (\$4000) (\$1600 already allocated)</i>	<i>Purchase new trees, garden supplies and a stainless steel tag for each tree detailing the Pioneer family it is dedicated to.</i>	<i>900</i>
<i>YMCA Lake Haven on behalf of Autism Projects Central Coast (\$4000) (\$800 already allocated)</i>	<i>Special Needs Christmas Party</i>	<i>600</i>

Councillor Eaton resumed the chair.

7.1 Federal Government Funding for the National Whale Trail

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by Karen McNamara and the motion calls for direct action from her 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 BEST and seconded by Councillor TROY:

914/14 That Council receive the report on Federal Government Funding for the National Whale Trail.

915/14 That Council, through our Local Federal Member Karen McNamara, to thank the Government for this initiative and seek the members assistance with Councils Application.

7.2 Status of Employee Defined Benefits Superannuation Liability

RESOLVED unanimously on the motion of Councillor NAYNA and seconded by Councillor TAYLOR

916/14 That Council receive the report on the Status Employee Defined Benefits Superannuation Liability.

7.3 Compliments Report - 1 October 2013 to 30 June 2014

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

917/14 That Council receive the Compliments Report - 1 October 2013 to 30 June 2014.

7.4 DA 1034/2013 - Proposed Four Storey Boarding House comprising 94 Units (SEPP Affordable Housing) at Ourimbah

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that the consultant is known well to myself and he could not be seen to be objective, left the chamber at 6.23 pm and took no part in discussion, did not vote and returned to the chamber at 6.32 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he does not believe that in terms of Mr Craig Thomson, he can be objective. When he was Mayor in 2011/12, he reported Mr Thompson to ICAC, for what he believed was corrupt conduct and blackmail. In that context he does not see that he could be seen to be objective given Mr Thomson's involvement in this matter and took no part in discussions and did not vote.

Councillor Greenwald declared a non-pecuniary significant interest in the matter for the reason that perceived previous relationship with one of the consultants and took no part in discussion and did not vote .

Councillor Matthews declared a non-pecuniary significant interest in the matter for the reason that perceived previous relationship with one of the consultants and took no part in discussion and did not vote.

Councillor Nayna declared a non-pecuniary significant interest in the matter for the reason that the applicants an immediate family member and Vice President of both my Liberal Party branch and the Federal Electorate committee and took no part in discussion and did not vote.

Councillor Taylor declared a non-pecuniary significant interest in the matter for the reason that he is the Joint Regional Planning Panel delegate and took no part in discussion and did not vote.

Councillor Troy declared a non-pecuniary significant interest in the matter for the reason that he has family members who live in Ourimbah that have been lobbied on this item and took no part in discussion and did not vote.

Councillor Webster declared a non-pecuniary significant interest in the matter for the reason that the developers' son is a member of the Liberal Party and is currently Vice President of the Dobell Federal Electorate and took no part in discussion and did not vote.

Mr Greg McGill , resident addressed the meeting at 6.24pm answered questions and retired at 6.29pm.

PROCEDURAL MOTION IN RELATION TO ITEM 2.1

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

918/14 That Council delegate to the General Manager the functions of considering and determining development DA 1034/2013 - Proposed Four Storey Boarding House comprising 94 Units (SEPP Affordable Housing) at Ourimbah.

919/14 That Council note that:

- a Councillors Best, Eaton, Greenwald, Nayna, Matthews, Troy, Taylor and Webster have each declared a significant non-pecuniary conflict of interest in respect to development application DA/1034/2013.**
- b cl. 4.19 of Council's adopted Code of Conduct permits Councillors Best, Eaton, Greenwald, Nayna, Matthews, Troy, Taylor and Webster to participate in a decision to delegate Council's decision making role in respect to development application DA/1034/2013 to the General Manager.**

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

AGAINST: NIL

7.5 Road Capital Works Program

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

920/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

7.6 Further Response Naming Proposal – Anzac Centenary Beach

Councillor Greenwald left the meeting at 6.31 pm and returned to the meeting at 6.32 pm during consideration of this item.

Councillor Nayna left the meeting at 6.32 pm and returned to the meeting at 6.33 pm during consideration of this item.

Mr George Myers, resident, addressed the meeting at 6.32 pm, answered questions and retired at 6.34pm.

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

921/14 That Council receive the report on Further Response Naming Proposal – Anzac Centenary Beach.

922/14 That Council in respect of further representation of the Toukley Sub Branch request the GNB to name/rename the park in question Anzac Centennial Park and the Cove directly below Gallipoli Cove.

923/14 That Council deal with this item as a matter of urgency as the RSL sub branch seeks to have the naming coincide with Centenary Celebrations 2015.

924/14 That Council authorise Toukley RSL Sub Branch to place a memorial in the park in consultation with Council.

7.7 Outstanding Questions on Notice and Notices of Motion

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

925/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

8.1 Notice of Motion - Lake Haven Cinema and Shopping Centre footpath access audit

Councillor Nayna declared a non-pecuniary insignificant interest in the matter for the reason that he is employed by the member for Dobell, Karen McNamara 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 because it relates to a broader programme administered by the Federal Government.”

Mr Milton Alchin, resident addressed the meeting at 6.50pm answered questions and retired at 6.54pm.

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

926/14 That Council note the further expansion of Lake Haven Precinct .

927/14 That Council request the General Manager to review the adequacy of footpaths and disabled access services throughout the precinct and its pedestrian catchment.

- 928/14 ***That Council recognise the current significant budgetary allocation of \$489,000 in 2014/15 to the footpaths and disabled access facilities throughout the Shire.***
- 929/14 ***That Council request the General Manager to report the findings of the precinct audit to Council.***
- 930/14 ***That Council approach local job service providers to nominate work for the dole participants to assist with projects arising from the audit.***

QUESTIONS ON NOTICE

Q75/14 Community Consultation with Councillors Councillor Ken Greenwald

"I have been contacted by a concerned ratepayer who asks how can a ratepayer talk directly with a group of Councillors without having to be constrained by an official agenda such as the Ward Forum.

Can the General Manager inform Council with the close down of the Community Precinct Committees what venue, if any exists, for the resident/ratepayer to talk in open session with Councillors on their local/subject issues they are concerned with without resorting to having to phone Councillors personally one by one or meet in a normal manner?"

CONFIDENTIAL SESSION

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

931/14 That Council move into Confidential Session.

At this stage of the meeting being 7.57 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 as the items listed come within the following provisions:-

OPEN SESSION

Council resumed in open session at 8.01 pm and the Mayor reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

9.1 Mayoral Minute - GM's Performance Plan

The General Manager declared a pecuniary interest in the matter for the reason that this item relates to his employment contract, left the chamber at 7.57 pm, took no part in discussion and returned to the chamber at 8.02 pm.

932/14 *That Council approve the General Manager's performance appraisal content and development plan for 2014/15.*

THE MEETING closed at 8.02pm.