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**WYONG SHIRE COUNCIL**

MINUTES OF THE  
**ORDINARY COUNCIL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 24 SEPTEMBER 2014  
COMMENCING AT 5.00PM

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**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 (Arrived 5.56pm), D P Vincent.

**IN ATTENDANCE**

Acting General Manager, Director Development and Building, Acting Director Property and Economic Development, General Counsel, Acting Section Manager Marketing, Tourism and Communications, IT Infrastructure Administrator, IT and Operations Manager and two administration staff.

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

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

**APOLOGY**

An apology for the inability to attend the meeting was received on behalf of Councillor Webster due to attendance at a conference.

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

***1035/14 That Council accept the apology and grant leave of absence from the meeting.***

All reports were dealt with in sequential order.

**1.1 Disclosures of Interest**

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**4.4 Sponsorship Program 2014-15 Applications**

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is on The Entrance Mardi Gras Committee and participated in consideration of this matter.

Councillor Taylor stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."*

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

**1036/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**PROCEDURAL MOTION**

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

**1037/14 That Council allow meeting practice to be varied.**

**1038/14 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:**

**1039/14 That with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 4.2, 4.4, 4.7, 5.2, 5.3, 5.5, 5.8, 7.1, and 8.1 Council adopt the recommendations contained in the remaining reports.**

**1.2 Proposed Inspections and Briefings**

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

**1040/14 That Council receive the report on Proposed Inspections and Briefings.**

**1.3 Address By Invited Speakers**

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

1041/14 That Council receive the amended report on Invited Speakers.

1042/14 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.

**1.4 Confirmation of Minutes of Previous Meeting**

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

1043/14 That Council confirm the minutes of the previous Extraordinary Meeting of Council and the Ordinary Meeting of Council held on Wednesday 10 September 2013.

**Business Arising**

There was no business arising.

**1.5 Notice of Intention to Deal with Matters in Confidential Session**

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

1044/14 That Council consider the following matter in Confidential Session, pursuant to Section 10 A (2)(c) and (2)(d)(i) of the Local Government Act 1993:

**8.1 Land Acquisition - Land Valuation and Due Diligence Report**

1045/14 That Council note its reason for considering Report No 8.1 - Land Acquisition - Land Valuation and Due Diligence Report 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 and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

1046/14 That Council request the General Manager to report on this matter in open session of Council.

**2.1 Proposed Transfer of Land at Berkeley Vale to Roads & Maritime Services**

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

**1047/14 That Council authorise the transfer of Lot 17 DP 255990, Lot 7 DP 259648, Lot 60 DP 818089 and part Lot 503 DP 627895 at the intersection of Enterprise Drive and Wyong Road, Berkeley Vale to Roads & Maritime Services for an amount not less than market value as determined by a licensed valuer.**

**1048/14 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the transfer of the land.**

**1049/14 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL

**3.1 CPA/241428 - Construction of Wyong Art House**

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Councillor Matthews left the meeting at 5.21pm and returned to the meeting at 5.22pm during consideration of this item.

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

**1050/14 That Council consider the tenders submitted and decline to accept any of the tenders; and**

**1051/14 That Council delegate the General Manager authority to commence negotiations with the tenderers and the results of the successful negotiations be reported to Council for their endorsement; and**

**1052/14 That Council resolve that its reason for declining to invite fresh tenders is that the tenders received provide appropriate market responses that will allow Council to enter a best value contract; and**

**1053/14 That Council determine to enter into negotiations with some or all of the tenderers, for the purpose of Clause 178 of the Local Government (General) Regulations 2005, that:**

**(a) There is potential benefit to pursue alternative proposals in some tenders; and**

**(b) To explore potential reductions in contract costs.**

**1054/14 That Council determine that this is a matter of urgency and be enacted immediately.**

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

AGAINST: COUNCILLORS VINCENT

**3.2 CPA/247310 - Alison Homestead - Rebuild**

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

- 1055/14 That Council accept the tender from Collaborative Construction Solutions, for the lump sum amount of \$995,130.18 (excl GST) for Contract CPA/247310 – Alison Homestead Rebuild – Construction.
- 1056/14 That Council determine the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.
- 1057/14 That Council approve the contingency sum at the rate that applies to Collaborative Construction Solutions as detailed in the Tender Evaluation Report in Attachment A.

**PROCEDURAL MOTION**

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

- 1058/14 That Council separate the recommendation in item 4.1 Rebranding Consultation to allow voting on recommendation 1 and 2, then 3 and 4 independently.

**4.1 Rebranding Consultation**

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Councillor Troy arrived at the meeting at 5.56pm during consideration of this item.

Councillor Matthews left the meeting at 6.15pm and returned to the meeting at 6.17pm during consideration of this item.

Councillor Taylor left the meeting at 6.20pm and returned to the meeting at 6.22pm during consideration of this item.

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

- 1059/14 That Council receive and note this report on the community consultation.
- 1060/14 That Council adopt the draft Brand Strategy outlined in Attachment 1 including the vision and mission statements, values, cultural beliefs, personality and brand essences.

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

- 1061/14 That Council give delegation to the Mayor and General Manager to discuss possible name changes with the Minister for Local Government and Council's submission for Fit for the Future.
- 1062/14 That Council request a further report be provided on the outcomes of the discussions with the Minister for Local Government.

*A DIVISION was called by Councillor VINCENT*

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

#### **4.2 Councillor Strategic Planning Workshop 2015**

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Councillor Best left the meeting at 6.35pm and returned to the meeting at 6.36pm during consideration of this item.

*It was MOVED on the motion of Councillor GRAHAM and seconded by Councillor VINCENT:*

*That Council defer this item to look at possible venues on the Central Coast.*

*An AMENDMENT was MOVED by Councillor EATON and seconded by Councillor TAYLOR:*

- 1 *That Council note the contents of this report and provide direction to staff regarding a venue for the 2015 Council Strategic Planning Workshop.*
- 2 *That Council endorse the workshop dates as 13 to 15 February 2015.*
- 3 *That Council hold the workshop at the same venue as previous years.*

***The AMENDMENT was put to the vote and declared CARRIED.***

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

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

***The AMENDMENT became the MOTION.***

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

- 1063/14 That Council note the contents of this report and provide direction to staff regarding a venue for the 2015 Council Strategic Planning Workshop.***
- 1064/14 That Council endorse the workshop dates as 13 to 15 February 2015.***
- 1065/14 That Council hold the workshop at the same venue as previous years.***

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

AGAINST: COUNCILLORS, GREENWALD, MATTHEWS

#### **4.3 2015/16 Strategic Planning - Councillor Engagement**

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

- 1066/14 That Council endorse the Councillor Engagement Schedule for the 2015/16 Strategic Planning process***

**4.4 Sponsorship Program 2014-15 Applications**

Councillor Taylor left the meeting at 6.53pm and did not return for the duration of the meeting.

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he is on The Entrance Mardi Gras Committee and participated in consideration of this matter.

Councillor Taylor stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty.”*

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

**1067/14 That Council allocate \$62,000.00 from the Sponsorship Program 2014-15 as follows:**

<b>Positioning</b>	<b>Initiative</b>	<b>Funding Recommended</b>	<b>Total over 3 years</b>
<b>Tier 1 Multi-year</b>	<b>Central Coast Rugby Sevens - – an international rugby festival running a three day series of games looking to grow in size and prestige. Attracts teams from Fiji, Canada, United States, New Zealand, Japan, Brazil and Malaysia.</b>	<b>\$20,000 funding</b>	<b>\$60,000</b>
<b>Tier 2 Multi-year</b>	<b>GOATS Family Festival – an established community based youth event. Funding provided on a sliding scale to support transition to independent event management</b>	<b>\$10,000 funding</b>	<b>\$20,000</b>
<b>Tier 2 Multi-year</b>	<b>The Entrance Triathlon - a new major sporting event on the Central Coast as part of the Triathlon NSW Sprint Series. Two events to be held (January and April 2015)</b>	<b>\$15,000 funding</b>	<b>\$45,000</b>

<b>Tier 2 Single year</b>	<b>The Entrance Mardi Gras – to support re-establishment of The Entrance and District Mardi Gras Festival to be held over the first week of December 2014</b>	<b>\$5,000 in-kind support, subject to Council receiving the following by 9 October 2014:</b> - Appropriate - documentation to Council for road closures - Detailed budget - Appropriate aquatic licenses.	
<b>Tier 3 Multi-year</b>	<b>Kids' Day Out – an established event on Central Coast that supports a regional focus of support for needs of children and families in the region</b>	<b>\$5,000 funding</b>	<b>\$11,000</b>
<b>Tier 3 Single year</b>	<b>Success Women's Networking Events – a series of networking events in the Wyong Shire aimed at helping businesswomen on the Central Coast to succeed</b>	<b>\$4,000 funding</b>	<b>\$12,000</b>
<b>Tier 3 Single year</b>	<b>CASAR Virtual Park Launch - create a computer model and marketing launch for the CASAR circuit launch providing participants with a realistic experience of how the track will eventually drive</b>	<b>Deferred for further discussion</b>	
<b>Tier 3 Single year</b>	<b>Relay for Life – an established fundraising and fun run event held at Mingara Recreation Club attracting over 3000 participants</b>	<b>\$3,000 funding</b>	

1068/14 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant and directed to alternate funding programs:

<b>Positioning</b>	<b>Amount</b>	<b>Initiative</b>	<b>Assessment</b>
<b>Tier 1 Multi-year</b>	<b>\$150,000</b>	<b>Mariners A-League Pre-season and National Youth League Matches</b>	<b>Basic eligibility: Minimum 50% contribution not met.</b>
<b>Tier 1 Multi-year</b>	<b>\$60,000</b>	<b>Vital Equipment Replacement Program</b>	<b>Basic eligibility: Funding requested for purchase of operations vehicle; ineligible expense. Suitable for grants.</b>
<b>Tier 1 Single year</b>	<b>\$72,000</b>	<b>Lightscape The Entrance</b>	<b>Basic eligibility: 50% contribution not met. No option for establishment of self-sustaining event.</b>



<b>Tier 2 Multi-year</b>	<b>\$30,000</b>	<b>Long Jetty Artisan Market</b>	<b>Basic eligibility: No legal identity, 50% contribution not met, funding requested for salaries and wages.</b>
<b>Tier 2 Single year</b>	<b>\$13,940</b>	<b>Water Activities Centre Long Jetty</b>	<b>Basic eligibility: General public cannot access facilities, 50%, contribution not met, funding requested for fencing.</b>
<b>Tier 2 Single year</b>	<b>\$10,000</b>	<b>Armstrong Tag Archery</b>	<b>Basic eligibility: funding for ineligible expenses, 50% contribution not met, tangible community benefits not shown.</b>
<b>Tier 3 Single year</b>	<b>\$5,000</b>	<b>Community Outreach Program</b>	<b>Basic eligibility: Did not specify date for event. Information unclear, does not contribute minimum 50%.</b>
<b>Tier 3 Single year</b>	<b>\$2,750</b>	<b>Special Needs Christmas Party</b>	<b>Basic eligibility: pending grant application. Require higher weighting. Appropriate for grants.</b>
<b>Tier 3 Single year</b>	<b>\$1,500</b>	<b>19<sup>th</sup> Annual Business Awards</b>	<b>Basic eligibility: sponsorship to cover ineligible expenses, already established initiative that is financially viable. Encourage support through Greater Toukley Vision.</b>

**4.5 Councillor Attendance - Australian WiFi Summit**

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

- 1069/14 That Council authorise those interested Councillors to attend the Australian WiFi Summit in accordance with the Council's Facilities and Expenses Policy for Councillors.**
- 1070/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**4.6 Councillor Attendance - The Newcastle China Business Forum**

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

**1071/14 That Council authorise those interested Councillors to attend the Newcastle China Business Forum in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**1072/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.**

**4.7 Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing Structure for Waste Services**

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Councillor Greenwald left the meeting at 6.59pm and returned to the meeting at 7.00pm during consideration of this item.

Councillor Vincent left the meeting at 6.59pm and returned to the meeting at 7.01pm during consideration of this item.

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

**1073/14 That Council receive the report on Carbon Tax Repeal Bill (2013) and the Re-alignment of the Pricing Structure for Waste Services.**

**1074/14 That Council note that no public submissions were received during the exhibition period.**

**1075/14 That Council make the following amended annual Domestic Waste Management Charges for 2014-15, pursuant to Section 496 of the Local Government Act 1993:**

<b>Description</b>	<b>Charge Amount</b>
<b>Domestic Waste Management Charge</b>	<b>\$485.00</b>
<b>Domestic Waste Management Charge West of M1 Motorway</b>	<b>\$409.00</b>
<b>Domestic Waste Management Charge – 240 litre Waste Upgrade</b>	<b>\$146.17</b>
<b>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</b>	<b>\$442.29</b>
<b>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</b>	<b>\$298.00</b>

- 1076/14 That Council make the following amended Waste Management Charges for 2014-15, pursuant to Section 501 of the Local Government Act 1993:

Description	Charge (incl 10% GST)
Waste Management Charge – 140 litre Waste Bin Service	\$374.00
Waste Management Charge - 240 litre Waste Bin Service	\$490.29
Waste Management Charge - 660 litre Waste Bin Service	\$1996.29
Waste Management Charge - 1.1 cubic metre Waste Bin Service	\$2,792.14
Waste Management Charge - 1.5 cubic metre Waste Bin Service	\$3,759.29

- 1077/14 The Council implement the amended charges in recommendation 3 and 4 above from 1 July 2014.
- 1078/14 That Council implement the new fees and charges at the Buttonderry Waste Management Facility from 1 October as outlined in Attachment 1.

#### 5.1 Investment Report for August 2014

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

- 1079/14 That Council receive the Investment Report for August 2014.

#### 5.2 Metro Cinemas Tree Application

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

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

- 1080/14 That Council note the Metro Cinemas Tree Application report.
- 1081/14 That Council grant permission for removal of the tree and notes metro cinemas correspondence on the tree's dangerous condition.

**5.3 'Fit for the Future' State Government Response to the Independent Local Government Review Panel Final Report**

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

**1082/14 That Council note and receive the report on 'Fit for the Future' State Government Response to the Independent Local Government Review Panel Final Report.**

*A DIVISION was called by Councillor VINCENT*

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

**5.4 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 4 September 2014**

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

**1083/14 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 4 September 2014.**

**5.5 Asbestos Amnesty Program - Update**

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

**1084/14 That Council receive the update report on the status of the Asbestos Amnesty Program - Update.**

**5.6 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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

**1085/14 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.**

**5.7 Works in Progress - Water Supply and Sewerage**

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

**1086/14 That Council receive the report on Works in Progress - Water Supply and Sewerage.**

**5.8 Activities of the Development Assessment and Building Certification Compliance and Health Units**

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Councillor Troy left the meeting at 7.25pm and returned to the meeting at 7.27pm during consideration of this item.

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

**1087/14 That Council receive the report on Activities of the Development Assessment and Building Certification Compliance and Health Units for the month of August 2014.**

**5.9 Outstanding Questions on Notice and Notices of Motion**

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

**1088/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

**7.1 Notice of Motion - Innovative Disabled Beach Access Facility at Lakes Beach**

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Mr David Galea, representing the Northern Lakes Disability Tourism Precinct Committee, addressed the meeting at 7.29pm, answered questions and retired at 7.45pm.

Councillor Matthews left the meeting at 7.30pm and returned to the meeting at 7.31pm during consideration of this item.

Councillor Greenwald left the meeting at 7.52pm and returned to the meeting at 7.54pm during consideration of this item.

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

**1089/14 That Council recognise the tremendous efforts of the volunteers of the Lakes Beach United Dune Care and Coast Care in volunteering to build the beach access facility at Lakes Beach.**

**1090/14 That Council note that this group has indicated it would like the access ramp to be handed over to Council to maintain as a Council asset.**

**1091/14 That Council request the General Manager to provide a report to Council on this matter.**

**7.2 Notice of Motion - Review of Code of Meeting Practice**

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

**1092/14 That Council review its Code of Meeting Practice to provide persons who wish to address Council on any agenda item, the opportunity to have the matter brought forward to the commencement of the meeting, thereby avoiding residents having to wait, often for 3 or 4 hours, to address their Council.**

**QUESTIONS ON NOTICE**

**Q76/14 Erosion at The Entrance Beach  
Councillor Luke Nayna  
F2004/07718**

*"My question is to the Acting General Manager,*

*I note recent erosion at The Entrance Beach and the subsequent decision by Surf Life Saving Central Coast to keep the beach closed due to safety reasons.*

*With the busy summer period approaching can Council please investigate and report back on cost options available to restore sand to The Entrance Beach including re profiling and trucking in sand?"*

**Q77/14 Council Building Security  
Councillor Adam Troy  
F2004/07718**

*"Could the General Manager investigate the current adequacies of security in the Council building for meeting and everyday business and report back to Council on his findings?"*

**CONFIDENTIAL SESSION**

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

**1093/14 That Council move into Confidential Session.**

At this stage of the meeting being 8.06pm 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**

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

***1094/14 That Council move back into Open Session.***

Council resumed in open session at 8.15pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**8.1 Land Acquisition - Land Valuation and Due Diligence Report**

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***1095/14 That Council receive the report on Land Acquisition - Land Valuation and Due Diligence Report.***

**THE MEETING** closed at 8.16pm.