
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 08 October 2014
COMMENCING AT 5.00PM

PRESENT

Councillors D J Eaton (Chairperson), R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, D P Vincent 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, Acting Manager Communications, Manager Corporate Governance, Manager IT Operations, Acting Marketing and Communications Manager and two 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.

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 Councillors Best and Troy as they are away on Council Business.

An apology for the inability to attend the Ordinary Meeting 22 October 2014 was received on behalf of Councillor Matthews as she will be attending Women in Local Government Leadership Summit 2014.

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

1096/14 That Council accept the apology on behalf of Councillors Best and Troy and grant leave of absence from the meeting.

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

1097/14 That Council accept the apology and grant leave of absence for Councillor Matthews at the Ordinary Meeting 22 October 2014 as she will be attending Women in Local Government Leadership Summit 2014.

All reports were dealt with in sequential order.

1.1 Disclosures of Interest

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

1098/14 That Council receive the report on Disclosure of Interest and note advice of disclosures.

Item 4.8 - Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that David Harris is the Soldiers Beach Surf Club President and the current Labor Candidate for Wyong.

Councillor Matthews stated:

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

Item 4.8 - Proposed Councillors' Community Improvement Grants

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that David Harris is the Surf Club President and the current Labor Candidate for Wyong.

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."

Item 4.8 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that David Harris is the Soldiers Beach Surf Club President and the current Labor Candidate for Wyong.

Councillor Vincent stated:

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

Item 3.4 - Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi

Mr Glendenning declared a non-pecuniary significant conflict of interest in the matter for the reason that prior to commencing at Council he provide advice to the now deceased Director of the proponent in relation to this planning proposal and did not participate in discussions.

PROCEDURAL MOTION

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

1099/14 That Council allow meeting practice to be varied.

1100/14 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 WEBSTER:

1101/14 That with the exception of report numbers,1.4, 2.1, 2.2, 3.1, 3.2, 3.3 ,4.2, 4.7,and 5.3 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

1103/14 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

1104/14 That Council receive the report on Invited Speakers.

1.1 Confirmation of Minutes of Previous Meeting

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

1105/14 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 September 2014.

BUSINESS ARISING

The Mayor raised a matter in relation to the Confidential session of the previous meeting of Council where confidential information discussed at that meeting has been distributed to external parties. The Mayor advised that as a result of that occurrence the procedure for distributing Confidential Reports would be amended.

Some Councillors expressed their concerns regarding the new procedure for the reason that it would not allow for adequate notice of business to be conducted and requested that a full briefing of Councillors be scheduled to discuss the matter before making a decision.

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:

1106/14 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2c) if the Local Government Act 1993:

7.1 – Art House Tender Negotiations

1107/14 That Council note its reason for considering Report No 6.1 – Art House Tender Negotiations information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

1108/14 That Council request the General Manager 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 Meet the Mayor Forums

RESOLVED on the motion of Councillor EATON:

1109/14 That Council trial a series of eight 'Meet the Mayor' forums to be held at key locations across the Shire.

The MOTION was CARRIED on the casting vote of the Mayor.

FOR: COUNCILLORS EATON, NAYNA, TAYLOR AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

2.2 Mayoral Minute - Central Coast Economic Breakfast - October 2014

RESOLVED unanimously on the motion of Councillor EATON:

1110/14 That Council authorise those interested Councillors to attend the Central Coast Economic Breakfast on 17 October 2014 at Mingara in accordance with the Council's Facilities and Expenses Policy for Councillors.

1111/14 That Council authorise the reimbursement of expenses for Councillors in accordance with the Council's Facilities and Expenses Policy for Councillors.

3.1 Incentives for Dual Occupancy Development

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

1112/14 That Council amend Development Control Plan 2013: Chapter 2.3 – Dual Occupancy Development to provide incentives for dual occupancy development by amending Chapter 2.3 in the following way:

- **Reducing the open space area requirements per dwelling from 60m² to 45m².**
- **Reducing the minimum lot size requirements for attached dual occupancy from 550m² to 450m² and a detached dual occupancy from 700 m² to 600m² where the proposal involves the demolition of an existing dwelling greater than 30 years old and is located on land zoned for residential purposes (R1,R2 &R3 zones).**

1113/14 That Council consider for a period of twelve months the requirement for kerb, gutter and foot paving for dual occupancy development not be applied to isolated sites unless a significant safety concern is evident.

1114/14 That Council place the Draft Development Control Plan 2013: Chapter 2.3 – Dual Occupancy Development on public exhibition for a period of 28 days for public comment.

1115/14 That Council adopt subject to there being no significant objections, the draft Development Control Plan and appropriate public notice be given.

1116/14 That Council authorise the General Manager to make any minor amendments to the DCP (if required).

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

AGAINST: NIL

3.2 Review of Landscape Provisions for Development

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

- 1117/14 That Council repeal the Policy for Landscape.
- 1118/14 That Council amend Development Control Plan 2013 to incorporate landscaping requirements into the appropriate Chapters.
- 1119/14 That Council place on public exhibition for a period of 28 days the proposed amendment to Development Control Plan 2013.
- 1120/14 That Council endorse the amendments to Development Control Plan 2013 subject to there being no significant objections.
- 1121/14 That Council request the General Manager to consider adopting the contents of the existing Landscape Policy as a guideline for Council works only where applicable.

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

AGAINST: NIL

3.3 Proposed Amendments to Tree Policy

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

- 1122/14 That Council amend Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management in accordance with the draft attached to this report, including the following amendments:
- a R5 zones to be included in residential exemptions.
 - b The 12m exemption rule to apply to all other zones.
- 1123/14 That Council place draft Development Control Plan 2013: Chapter 3.6 – Tree and Vegetation Management on public exhibition for a period of 28 days for public comment.
- 1124/14 That Council adopt the draft Development Control Plan 2013 Chapter 3.6 – Tree and Vegetation Management subject to there being no significant objections received.
- 1125/14 That Council request the Mayor to forward a copy of the tree policy to Gosford City Council

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

AGAINST: NIL

3.4 Amendment to Planning Proposal in Respect of 414 Old Maitland Road (Old Farm), Mardi

Mr Glendenning declared a non-pecuniary significant conflict of interest in the matter for the reason that prior to commencing at Council he provide advice to the now deceased Director of the proponent in relation to this planning proposal and did not participate in discussions

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

- 1126/14 That Council prepare a planning proposal to amend Wyong Local Environmental plan, 2013 pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act, 1979, enable to a retail/tourism village consisting of a Gross Floor Area (GFA) of no more than 6500m² on Lot 1 DP 554423.
- 1127/14 That Council forward the Planning Proposal to the Department of Planning and Environment accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP&A Act 1979.
- 1128/14 That Council request the General Manager to apply to accept plan making delegations for the rezoning.
- 1129/14 That Council endorse the preparation of an amendment to Wyong Development Control Plan (DCP) 2013 to incorporate site specific controls for development of this nature on this site.
- 1130/14 That Council undertake community and government agency consultation in accordance with the requirements of the "Gateway Determination"
- 1131/14 That Council consider a further report on results of the community consultation.
- 1132/14 That Council notes the applicants agreement to this planning proposal not proceeding until a funding agreement is signed and adequate resources are available.

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

AGAINST: NIL

4.1 Procurement Policy Review

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

- 1133/14 That Council adopt the updated Policy for Procurement.

4.2 Placement of Plaque at Norah Head Nature Trail

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

1134/14 That Council note that its previous request to the Geographical Names Board (GNB) to rename Norah Head Nature Trail has been rejected as it does not align with GNB naming guidelines.

1135/14 That Council approve the placement of the following plaque on the Norah Head Nature Trail, to honour living residents Mr Ray Griffith and Mr Bill Alexander:

"Norah Head Nature Trail

This trail honours two local residents, Mr Ray Griffith and Mr Bill Alexander, for their influential involvement in the establishment of the Norah Head Nature Trail and their involvement in the Norah Head Coastcare Group for more than 20 years."

1136/14 That Council note that this proposal does not require the approval of the Geographical Names Board.

4.3 Renaming of George Fulcher Playground, Killarney Vale - Proposed Variation

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

1137/14 That Council endorse the name variation from George Fulcher Playground to Fulcher Reserve.

1138/14 That Council advise the Geographical Names Board (GNB) that it supports the proposed name.

4.4 Community Subsidy Program and Sport & Cultural Sponsorship Program Applications

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

1139/14 That Council allocate \$894.50 from the 2014-15 Community Subsidy Program as follows:

Applicant	Project Name and Summary	Committee Funding Recommended
Greek (Hellenic) Community of Central Coast NSW Inc	Venue Hire - Chittaway Community Hall	\$894.50

1140/14 That Council allocate \$4,725.00 from the 2014-15 Sport & Cultural Sponsorship Program as follows:

<i>Applicant</i>	<i>Event</i>	<i>Committee Funding Recommended</i>
<i>Natalee McJannet</i>	<i>Australian Country Women's Water Polo Tournament, Hawaii USA, representing Australia</i>	<i>\$1000.00</i>
<i>Shanie Singleton</i>	<i>Touch Football Australia's State of Origin Touch Championships, Caloundra QLD, representing NSW</i>	<i>\$500.00</i>
<i>Jessica Grimwood</i>	<i>2014 ISA World Surfing Games, Peru South America, representing Australia</i>	<i>\$1,000.00</i>
<i>Coastal a Cappella Chorus</i>	<i>National Sweet Adeline Championships, Hobart Tasmania, representing the Central Coast</i>	<i>\$1,250.00</i>
<i>Applicant</i>	<i>Event</i>	<i>Committee Funding Recommended</i>
<i>Doyalson Girls Air League Squadron</i>	<i>80th Anniversary Australian Air League National Marching Titles, Canberra ACT, representing the Central Coast</i>	<i>\$975.00</i>
TOTAL		\$4,725.00

1141/14 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant, directed to alternate funding programs:

<i>Applicant</i>	<i>Event</i>	<i>Committee Assessment</i>
<i>Kelly Martin for Val Lincoln</i>	<i>FINA World Masters Swimming Championships, Montreal Canada, representing the Central Coast</i>	<i>Application not received 30 days in advance</i>
<i>Sonya Mahony</i>	<i>School Sport Australian Rugby League Championships, Wollongong NSW, representing NSW</i>	<i>Application not received 30 days in advance</i>
<i>Ethan Byrnes</i>	<i>Football Federation Australia (FFA) 13 year old National Titles, Coffs Harbour NSW, representing NSW</i>	<i>Applicant not affiliated with a Central Coast organisation</i>
<i>Mundinarra Daley</i>	<i>Grow a Star Program - National Scouting Report (NSR), USA</i>	<i>Application is for a program, not a competition</i>
<i>Aiden Thomas</i>	<i>Loule Cup - International Trampoline Competition, Loule Portugal</i>	<i>Application not received 30 days in advance, applicant not affiliated with a Central Coast organisation</i>

4.5 Contract Variations and Finalisation for the period covering May 2014 to August 2014

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

- 1142/14 That Council receive the Contract Variations and Finalisation report for the period covering May to August 2014.**
- 1143/14 That Council note the additional expenditure above resolved estimates for the following contracts that have been approved under relevant delegated authorities of staff:**

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Relocation of Poles, The Ridgeway, Tumbi	CPA/235485	\$151,647.00	\$2,021.00
Demolition of Old Mardi Intake Tower	CPA/216733	\$318,298.51	\$8,298.51
Provision of Design Services for Wyong Shire Performing Art Centre	CPA/159128	\$1,494,546.00	\$305,725.46
Norah Head Boat Ramp Detail Design	CPA/204444	\$196,655.00	\$112,955.00
T06 Sewer Rising Main Partial Replacement Noraville	CPA/235534	\$1,186,192.22	\$104,642.22
Gross Pollution Trap Upgrades – Killarney Vale	CPA/244324	\$151,835.00	\$10,535.00
Provision of Security Services at Various Council Facilities – Part 1	CPA/196431	\$649,631.43	\$-47,537.57
Provision of Security Services at The Entrance Town Centre – Part 2	CPA/239591	\$165,614.50	\$48,000.00
Provision of Cleaning Services at Council various facilities	CPA/201208	\$991,816.21	\$265,416.21

- 1144/14 That Council approve the additional expenditures requested and increase the resolved contract values accordingly.**

4.6 Renaming of Tuggerah Beach to Pelican, Magenta and North Entrance Beach - Proposed Amendment

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

1145/14 That Council endorse the Geographical Naming Boards (GNB) proposed amendment for the extent of the beach boundaries of proposed North Entrance, Magenta and Pelican Beaches to coincide with suburb boundaries.

4.7 2013/14 Annual Financial Statements

The General Manager advised that Item 5.5 contained additional information in relation to the Annual Financial Statements.

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

1146/14 That Council adopt the draft Wyong Shire Council financial statements for 2013/14 as presented.

1147/14 That Council refer the draft Wyong Shire Council financial statements for 2013/14 (as presented) to external audit.

1148/14 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2013/14 financial statements as required by legislation.

1149/14 That Council fix 22 October 2014 as the date for the presentation of the audited 2013/14 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.

4.8 Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that David Harris is the Soldiers Beach Surf Club President and the current Labor Candidate for Wyong.

Councillor Matthews 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 David Harris is the Surf Club President and the current Labor Candidate for Wyong.

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 Vincent declared a non-pecuniary insignificant interest in the matter for the reason that David Harris is the Soldiers Beach Surf Club President and the current Labor Candidate for Wyong.

Councillor Vincent stated:

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

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

1150/14 That Council allocate an amount of \$11,620.00 from the 2014-15 Councillors' Community Improvement Grants as follows:

4 Hope Ministries (\$4000)	Provide a free dinner to the disadvantaged every Wednesday.	1100
Community Education and Training Centre Inc. (\$4000) (\$2400 already allocated)	Networking Function at Mingara to promote information sharing and relationships among non-profit and community organisations in Wyong Shire.	1600
Greek (Hellenic) Community of Central Coast NSW Inc. (\$2880)	Printing and Posting of the monthly Bulletin.	1050
Soldiers Beach SLSC (\$4000)	Operation costs in hosting a charity fundraiser event.	3420
The Entrance District Cricket Club (\$4000)	Purchase pitch covers.	1100
Tuggerah Lakes View Club (\$750)	Printing and Stationary Supplies.	750
Tuggerah United Football Club (\$4000)	Improve Shade and Shelter at the Fields.	2600

5.1 Annual Disclosure of Interest Returns 2013-14

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

1151/14 That Council receive the report on Annual Disclosure of Interest Returns 2013-14.

5.2 Road Capital Works Program

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

1152/14 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

5.3 Draft Minutes of the Employment and Economic Development Committee Meeting - 3 September 2014

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

1153/14 That Council receive the Draft Minutes of the Employment and Economic Development Committee Meeting - 3 September 2014.

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

AGAINST: COUNCILLOR VINCENT

5.4 Outstanding Questions on Notice and Notices of Motion

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

1154/14 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

5.5 Supplementary Report for Item 4.7 2013/14 Annual Financial Statements

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

1155/14 That Council receive the Supplementary Report for Item 4.7 2013/14 Annual Financial Statements .

General Manager reported on the following Confidential item that was adopted by the exception method during open session ;

7.1 Art House Tender Negotiations

- 1156/14** *That Council accept the negotiated offer from the company nominated as Tenderer No 1 in the attached Evaluation Report..*
- 1157/14** *That Council determines the 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.*
- 1158/14** *That Council endorses the Budget allocation to deal with Contingency & other project costs.*
- 1159/14** *That Council delegates to the General Manager the power to finalise the Contract with the recommended company..*
- 1160/14** *That Council determine that this is a matter of urgency and be enacted immediately.*

THE MEETING closed at 6.21 pm.