
WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 OCTOBER 2012
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, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services General Counsel, Manager Development Assessment, Manager Place Management, Manager Environment and Natural Resources, Manager Corporate Governance, Communications and Marketing Coordinator and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00 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.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 7.2, 1.5, 2.1 and 1.6, 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 Disclosure of Interest

2.1 DA/406/2012 – Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong

Councillor Eaton declared a pecuniary interest in the matter for the reason that his superfund trustee is the owner of the land, left the chamber at 6.14 pm, took no part in discussion, did not vote and returned to the chamber at 6.17 pm.

4.1 Committee Structure

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he was previously the chairperson of a precinct committee and his wife is still on the committee 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 because the matter is only procedural.”

7.4 Notice of Motion – Wyong Skills Centre

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training, the partners in the application with Council, left the chamber at 7.14 pm, took no part in discussion, did not vote and returned to the chamber at 8.00 pm.

7.4 Notice of Motion – Wyong Skills Centre

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he was the former chair of Central Coast Group Training 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 I ceased being chair some 6 months ago so any conflict is remote and minor.”

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

208/12 That Council receive the report on Disclosure of Interest and note advice of disclosures.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

209/12 That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

210/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 August 2012.

211/12 That Council defer confirmation of the minutes of the Extraordinary meeting held on the 3 October 2012 to allow for inclusion of the verbal Mayoral report provided by the Councillor Graham.

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

AGAINST: NIL

BUSINESS ARISING

There was no business arising.

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

212/12 That Council allow meeting practice to be varied.

213/12 That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

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

214/12 That Council adopt the recommendations contained in the remaining reports, with the exception of report numbers 2.1, 3.1, 3.2, 3.3, 4.2, 4.4, 4.5, 5.2, 5.3 and Notices of Motion.

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

AGAINST: NIL

PROCEDURAL MOTION

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

215/12 That Council vary meeting practice to allow consideration of item 7.2 as there is a speaker present for this item.

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

AGAINST: NIL

1.4 Address By Invited Speakers

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

216/12 That Council receive the amended report on Invited Speakers.

217/12 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.

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

AGAINST: NIL

1.5 Mayoral Minute - Pink Ribbon Day

Councillor Vincent left the chamber at 6.13 pm and returned to the chamber at 6.14 pm and as a result took no part in voting.

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

218/12 That Council support the Cancer Council NSW Pink Ribbon Day by pledging \$1,000 to the Pink Ribbon Day.

219/12 That Pink Ribbons be supplied with these funds (or part thereof) to all Councillors, Directors and interested staff members to wear on Pink Ribbon Day 22 October 2012.

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

AGAINST: NIL

1.6 Mayoral Minute - Amendment to Council's Code of Meeting Practice

Councillor Greenwald left the chamber at 6.22 pm and returned to the chamber at 6.26 pm and as a result took no part in voting.

RESOLVED on the motion of Councillor EATON:

220/12 That Council amend the Code of Meeting Practice to allow voting on the voice on non planning matters and any consequential amendments to the Code of Meeting Practice be taken into account.

221/12 That Council forms the view that this amendment is not a material change to the Code of Meeting Practice.

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

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

2.1 DA/406/2012 - Two (2) Lot Torrens Title Subdivision of Approved Dual Occupancy at Wyong

Councillor Eaton declared a pecuniary interest in the matter for the reason that his superfund trustee is the owner of the land, left the chamber at 6.14 pm, took no part in discussion, did not vote and returned to the chamber at 6.17 pm.

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

222/12 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.

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

AGAINST: NIL

3.1 CPA/186620 - Construction of a Solar Tower at Scaddens Ridge

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

223/12 That Council defer consideration of this item until the Ordinary Meeting to be held on 24 October 2012.

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

AGAINST: NIL

3.2 CPA/191877 - Construction of Warnervale Town Centre Sewer Trunk Main

Councillor Greenwald left the chamber at 6.22 pm and returned to the chamber at 6.26 pm during consideration of this item.

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

224/12 That Council accepts the tender from TCM Civil Pty Ltd in the attached Tender Evaluation Report for the estimated total value of \$2,063,582.00 (excl GST) for Contract CPA/191877 – Construction of Warnervale Town Centre Sewer Trunk Main.

225/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains information of a confidential nature.

226/12 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

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

AGAINST: NIL

3.3 CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn Terrace and Associated Water Supply Works

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

227/12 That Council declines to accept any of the tenders received for Contract CPA/217073 – Relocation of 11kV and LV Mains, Minnesota Road and Associated Water Supply Works.

228/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains information of a confidential nature.

229/12 That Council declines to invite fresh tenders for the reasons detailed in the attached Tender Evaluation Report.

230/12 *That Council authorise the General Manager to enter into negotiations with the companies nominated as Tenderer 3 and Tenderer 4, for the reasons detailed in the attached Tender Evaluation Report, with a view to entering into a contract in relation to the subject matter of the tender.*

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

AGAINST: NIL

4.1 Committee Structure

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he was previously the chairperson of a precinct committee and his wife is still on the committee 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 because the matter is only procedural."

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

231/12 *That Council receive the report on Committee Structure.*

232/12 *That Council endorse an increased governance focus and working effectiveness through a wider use of Council Committees.*

233/12 *That Council adopt a consistent and transparent methodology for the purpose and establishment of committees.*

234/12 *That Council standardise Committee charters/terms of reference particularly in respect of management and governance obligations.*

235/12 *That Council confirm all Committees of Council are to operate in accordance with Council's Code of Meeting Practice and other Groups in accordance with the Code of Meeting Practice unless varied by the General Manager.*

236/12 *That Council adopt the Committee Structure as outlined in the table titled "Proposed Committee Structure" and modified by item 4.2 – Appointment to Committees.*

237/12 *That Council adopt the standardised Terms of Reference for Strategic Committees and Advisory Groups.*

238/12 *That Council adopt the amended Terms of Reference Charter for the Audit and Risk Committee.*

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

AGAINST: NIL

This item was adopted by the exception method, however has been administratively amended to align with item 4.2 – Appointment to Committees.

4.2 Appointment to Committees

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

239/12 That Council deal with the following committees and advisory groups by the exception method;

- **Sports Advisory Group**
- **Multicultural Advisory Group**
- **Status of Women Advisory Group**
- **Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee**
- **Heritage Committee**
- **Consultative Committee**

240/12 That Council adopt the remaining appointments to the Advisory Groups and Statutory Committees.

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

AGAINST: COUNCILLOR VINCENT

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

241/12 That Council appoint the following Strategic Committee: - Employment and Economic Development Committee (EEDC) – Chair, Councillor Best, and Councillors Nayna, Webster, Greenwald and Troy.

242/12 That Council appoint the Audit and Risk Committee and appoint the Mayor and Deputy Mayor as Councillor Representatives for the term of Council, in accordance with the attached amended Audit and Risk Committee Charter. The two existing independent members will be retained until 30 June 2013.

243/12 That Council appoint the following Advisory Groups with the following Council representatives for the term of Council and in accordance with the Advisory Group Terms of Reference:

a	Beach Advisory Group	Staff as nominated by the General Manager
b	Grants Advisory Group	Councillors Eaton, Webster and Nayna
c	Senior Citizens Advisory Group	Staff as nominated by the General Manager

244/12 That Council appoint the previous community representatives as at September 2012, to the Advisory Groups in accordance with the Advisory Group Terms of Reference, for the term of Council and call for nominations for any new groups after the Committee Charters have been adopted.

245/12 That Council elect the following Councillor Representatives to the following Statutory Committees for the term of Council or in accordance with the individual Charters.

b	Bushfire Management Committee	Councillor Troy and Councillor Taylor (alternate)
c	Centennial Coal/Myuna Colliery Community Consultative Committee	Staff as nominated by the General Manager
d	Fire Control District Liaison Committee	Councillors Taylor and Troy
f	GM Performance Review Panel	All Councillors
g	Local Traffic Committee	Councillor Nayna and Councillor Webster (alternate)
h	Joint Regional Planning Panel	Councillors Eaton and Best and Councillors Nayna and Taylor (alternates).

246/12 That Council request the General Manager to determine staff representatives on the following Statutory Committees:

a	Mannering Colliery Community Consultative Committee	Staff Member
----------	--	---------------------

247/12 That Council elect the following Council representatives to External Bodies or Groups for the term of Council or in accordance with the individual Charters.

a	Central Coast Group Training	Councillor Eaton
b	Central Coast Tourism	GM or delegate
c	Greater Toukley Vision Inc	Councillor Nayna
d	Public Libraries NSW – Metropolitan	Staff as nominated by the General Manager
e	Regional Development Australia - Central Coast	Councillor Webster
f	The Entrance Town Centre Management Corporation Board	Councillors Webster and Eaton
g	Wyong Council Community Environment Network and WyCare Liaison Group	Councillor Troy
h	Wyong Regional Chamber of Commerce	Councillor Eaton and Councillor Greenwald (alternate)
i	Central Coast Regional Organisation of Councils Executive Group	Mayor, Deputy Mayor, Councillor Nayna

248/12 That Council request the General Manager to determine staff representatives on the following to External Bodies or Groups:

a	Hunter Central Coast Regional Environmental Management Strategy Information Committee (REMS)	1 Staff Member
b	Central Coast Business Mentor Services Board (trading as Central coast Business Enterprise Centre)	1 Staff Member

249/12 That Council establish the following Working Party and elect Councillor Representatives for the term of Council or in accordance with the individual Charters/Terms of Reference as follows:

a	Art House Working Party	Councillors Eaton and Webster
----------	--------------------------------	--------------------------------------

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

AGAINST: COUNCILLOR VINCENT

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor GREENWALD:

That Council appoint the following Council representatives for the term of Council and in accordance with the Advisory Group Terms of Reference:

Sports Advisory Group

Councillors Vincent, Nayna, Troy and Taylor

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

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

250/12 That Council appoint the following Council representatives for the term of Council and in accordance with the Advisory Group Terms of Reference:

Sports Advisory Group

Councillors Eaton, Nayna, Troy and Taylor

The MOTION was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor

Multicultural Advisory Group

Councillors Eaton, Vincent and Webster.

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

An AMENDMENT was MOVED by Councillor WEBSTER and SECONDED by Councillor GRAHAM:

That Council elect the following Council representatives to the following Statutory Committee for the term of Council or in accordance with the individual charter:

<i>Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee</i>	<i>Councillors Graham, Taylor, Troy and Webster with Councillors Taylor and Troy as joint chairs.</i>
--	---

The AMENDMENT was put to the vote and declared LOST.

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

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

253/12 That Council elect the following Council representatives to the following Statutory Committee for the term of Council or in accordance with the individual charter:

<i>Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee</i>	<i>Councillors Taylor, Troy and Webster with Councillors Taylor and Troy as joint chairs.</i>
---	--

The MOTION was put to the vote and declared CARRIED.

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

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

254/12 That Council elect the following Council representatives to the following Statutory Committee for the term of Council or in accordance with the individual charter:

<i>Consultative Committee</i>	<i>Staff as nominated by the</i>
--------------------------------------	---

General Manager

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

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor GREENWALD:

That Council elect the following Council representatives to the following Statutory Committee for the term of Council or in accordance with the individual charter:

Heritage Committee

Councillor Vincent

The AMENDMENT was put to the vote and declared LOST.

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

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

255/12 That Council elect the following Council representatives to the following Statutory Committee for the term of Council or in accordance with the individual charter:

Heritage Committee

Staff as nominated by the General Manager

The MOTION was put to the vote and declared CARRIED.

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

4.3 NSW Local Government Association Conference 2012 - Voting Delegates

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

256/12 That Council authorise those interested Councillors to attend the Local Government and Shires Association Annual Conference 2012.

257/12 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.

258/12 That Council determine the five delegates with voting entitlements should more than five Councillors indicate their intention to attend the conference.

259/12 That Council note that the opportunity to submit motions has closed, however late motions will only be accepted if the matter is both urgent and emergent.

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

AGAINST: NIL

4.4 Councillor Local Project Fund Policy

Councillor Troy left the chamber at 6.42 pm and returned to the chamber at 6.43 pm during consideration of this item.

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

260/12 That Council adopt the Councillor Local Project Fund Policy with the following amendments:

- **Two rounds of allocations.**
- **Requests for multiple projects are able to be submitted.**
- **Total of multiple projects not to exceed 15k per Councillor.**

261/12 That Council note the timeframes associated with the Policy as amended to include two rounds of allocations.

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

AGAINST: NIL

4.5 2011/12 Annual Financial Reports

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

262/12 That Council adopt the draft Wyong Shire Council financial statements for 2011/12 as presented.

263/12 That Council refer the draft Wyong Shire Council financial statements for 2011/12 (as presented) to external audit.

264/12 *That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2011/12 financial reports as required by legislation.*

265/12 *That Council fix 24 October 2012 as the date for the presentation of the audited 2011/12 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.*

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

AGAINST: NIL

4.6 Rate Payment Incentive Scheme 2012-13

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

266/12 *That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2012-13.*

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

AGAINST: NIL

The winner of Council's ratepayer incentive scheme for 2012-13 is Mr B Morton from Wyong (subject to verification).

4.7 Report on Debts Written off

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

267/12 *That Council receive the report on debts written off for the year ended 30 June 2012.*

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

AGAINST: NIL

5.1 Information Reports

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

268/12 *That Council receive the report on Information Reports.*

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

AGAINST: NIL

5.2 Tuggerah Lakes Unsustainable Fishery

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

269/12 That Council receive the report on Tuggerah Lakes Unsustainable Fishery.

270/12 That Council follow up representations through the State Member Mr Darren Webber MP to the Primary Industry Minister The Hon. Katrina Hodgkinson, with regard to better managing professional fishing licences, including haul netting licences, in the Tuggerah Lakes system.

271/12 That Council invite the local fishing group to comment on fish stocks in Tuggerah Lakes.

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

AGAINST: COUNCILLOR GRAHAM

5.3 Investment Report for August 2012

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

272/12 That Council receive the Investment Report for August 2012.

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

AGAINST: NIL

5.4 Outstanding Questions on Notice and Notices of Motion

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

273/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

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

AGAINST: NIL

7.1 Notice of Motion - Consistent Regulations for Residents Living Near the Water

The Mayor ruled that this item was subsumed by determination of item 7.2 – Notice of Motion – Sea Level Rise Removal.

MOTION OF DISSENT

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

I move dissent from the Chairperson's ruling in respect of the decision that this item was subsumed within item 7.2 – Notice of Motion – Sea Level Rise Removal.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

7.2 Notice of Motion - Sea Level Rise Removal

Mr John Hannaford, resident of Budgewoi speaking in favour of the Notice of Motion, addressed the meeting at 5.18 pm, answered questions and retired at 5.34 pm.

Councillor Graham left the chamber at 5.30 pm and returned to the chamber at 5.31 pm during consideration of this item.

Councillor Graham left the chamber at 5.31 pm and returned to the chamber at 5.32 pm during consideration of this item.

Councillor Troy left the chamber at 5.39 pm and returned to the chamber at 5.40 pm during consideration of this item.

Councillor Matthews left the chamber at 6.04 pm and returned to the chamber at 6.06 pm during consideration of this item.

It was MOVED by Councillor VINCENT and SECONDED by Councillor MATTHEWS:

That Council move into confidential session to obtain legal advice regarding item 7.2 – Notice of Motion – Sea Level Rise Removal.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

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

- 1 That Council acknowledge that the 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government Policy.
- 2 That Council acknowledge the recommendation of the NSW State Government to consider an interim policy arrangement prior to the formal adoption of sea level rise projections.
- 3 That Council resolve that its sea level rise interim policy consist of compliance with the 1% AEP flood level and 500mm freeboard allowance.
- 4 That Council request the State Government to refer back to Council the adopted Wyong Shire Coastal Zone Management Plan for Council's review.
- 5 That the General Manager provide an urgent briefing to Council on the implications of the State Government's recent coastal reforms.
- 6 That the General Manager report back to Council on a program, cost estimate and timeframe for the review of current adopted Council policies that incorporate provisions in respect of sea level rise, including the adopted Wyong Shire Coastal Zone Management Plan.
- 7 In circumstances where existing Government legislation or policy conflicts with Council's policy in No 3 above, the General Manager ensure that the matter is brought to Council for determination.
- 8 That Council write to all holders of existing DA's that have time limited consents due to sea level rise issues and advise of the change in Council policies and invite them to submit Section 96 applications to remove the time limit from their consents.
- 9 That Council waive all fees associated with any such Section 96 applications.

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

AGAINST: NIL

7.3 Notice of Motion - Council Review the NSW Electoral Commission's Management of our 2012 Wyong Shire Elections

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

- 1 That Council note the 2012 Wyong Local Government Election was managed, conducted and audited by the NSW Electoral Commission, costing our ratepayers a total of \$750,000 to our ratepayers.
- 2 That Council conduct a review of the conduct of the 2012 Wyong Shire Election by the NSW Electoral Commission (NSWEC).
- 3 That Council include in the review the following matters:
 - (a) Identification of legislative constraints and processes which are barriers to encouraging local residents to stand for representation on Wyong Council.

- (b) *The “contractual” arrangement between Council and the NSWEC which has constrained the ability for Council to make key decisions in regard to pre-poll venues (eg locations, quantity).*
- (c) *Issues around WHS obligations for booth workers, liabilities and responsibilities.*
- (d) *Improved provision of disabled and aged access at polling places, particularly pre-poll booths.*
- (e) *Feedback received from electors.*
- (f) *Feedback from a selection of those NSW councils which opted to manage their election or used a private contractor.*
- (g) *Any other matters identified by the General Manager in the course of the election process.*

4 That Council request feedback from those Councils who used the NSW Electoral Commission.

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

AGAINST: NIL

7.4 Notice of Motion - Wyong Skills Centre

Councillor Best declared a pecuniary interest in the matter for the reason that he is the General Manager of Central Coast Group Training, the partners in the application with Council, left the chamber at 7.14 pm, took no part in discussion, did not vote and returned to the chamber at 8.00 pm.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he was the former chair of Central Coast Group Training 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 I ceased being chair some 6 months ago so any conflict is remote and minor.”

Councillor Graham left the meeting at 7:18 pm and returned to the meeting at 7:37 pm during consideration of this item.

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

- 1 That Council advise the Department of Education, Employment and Workplace Relations (DEEWR) that it now wishes to proceed with the Wyong Skills Centre in partnership with Central Coast Group Training at its site at Bounty Close at Tuggerah.**

- 2 ***That Council request the Department of Education, Employment and Workplace Relations (DEEWR) to confirm that grant funding of some \$2.8 million is still available for this purpose and for DEEWR to advise the process and/or criteria required to access these funds***
- 3 ***That Council develop and submit, in partnership with Central Coast Group Training in accordance with DEEWR, guidelines a joint application within one month.***
- 4 ***That Council authorise the General Manager to approve the joint application and submission to DEEWR, subject to Council ratification.***
- 5 ***That Council determine that this item be actioned immediately due to its urgent nature.***
- 6 ***That Council advise DEEWR of this resolution by close of business on Friday 12 October 2012.***
- 7 ***That Council develop to its satisfaction a suitable agreement with Central Coast Group Training with regards to this initiative.***
- 8 ***That Council authorise appropriate resourcing to undertake this task and the funding of these resources be considered at the September budget review.***

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

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

QUESTIONS ON NOTICE

There were no questions on notice submitted.

THE MEETING closed at 8.00 pm.