
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 14 MARCH 2012 COMMENCING AT 5:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride (arrived at 5.06 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services General Counsel and Manager Development Assessment.

Senior Planning Engineer - Hydrology and two administration staff.

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

Mr 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 no's 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 4.9, 3.4, 4.4, 4.5, 4.6, 4.7, 5.3, 7.1, 7.2, 7.3, 7.4 and 8.1 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

2.1 – DA 673/2011 – Proposed Additions to an Existing Aged Care Facility at Canton Beach

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the JRPP determinant of the applicant left the chamber at 5.08 pm, took no part in discussion, did not vote and returned to the chamber at 5.09 pm.

2.3 – DA 848/2011 – Proposed Vehicle Repair Station at Tuggerah

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that as the owner of the site is a close family friend, left the chamber at 5.44.pm, took no part in discussion, did not vote and returned to the chamber at 6.06 pm.

4.3 – Proposed Councillors Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW Budgewoi Scout Group and participated in consideration of this matter.

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 because I am not a member of Ourimbah Scout Group.”

4.4 – Reimbursement Request Legal Expense

Councillor Symington declared a pecuniary conflict of interest in the matter for the reason that if the item is adopted, he will be a recipient of the funding left the chamber at 7.07 pm, took no part in discussion, did not vote and returned to the chamber at 7.26 pm.

4.9 – Wyong Skills Centre

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is Chair of CCGT joint applicant with Council, no actual conflict, possible perceived conflict, left the chamber at 6.22 pm, took no part in discussion, did not vote and returned to the chamber at 6.35 pm.

Councillor Best declared a pecuniary conflict of interest in the matter for the reason that he is Chairman of CCGT, perceived conflict, left the chamber at 6.22 pm, took no part in discussion, did not vote and returned to the chamber at 6.35 pm.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

That Council receive the amended report on Proposed Inspections and Briefings.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

Councillor McBride entered the meeting at 5.06 pm, during consideration of this item.

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council use the exception method to deal with the balance of the Agenda.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That with the exception of report numbers 2.1, 2.2, 2.3, 2.4, 4.9, 3.4, 4.5, 4.6, 4.7, 5.3, 7.1, 7.2, 7.3, 7.4 and 8.1 Council adopt the recommendations contained in the remaining reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor MCBRIDE and seconded by Councillor WYNN:

- 1 That Council recommit the previous procedural motion to use the exception method.***
- 2 That Council consider item 4.4, Reimbursement Request - Legal Expenses.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 February 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Notice of Intention to Deal with Matters in Confidential Session

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

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

9.1 – Tender Evaluation Report – Construction of the Mannering Park Oval Amenities building – CPA/204382

2 That Council note its reason for considering Report No 9.1 as it may confer a commercial advantage (Section 10A(2)(c)) should the discussions be held in a non-confidential environment.

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.5 Address by Invited Speakers

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

1 That Council receive the amended report on Invited Speakers.

2 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, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.1 DA 673/2011 - Proposed Additions to an Existing Aged Care Facility at Canton Beach

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the JRPP determinant of the applicant left the chamber at 5.08 pm, took no part in discussion, did not vote and returned to the chamber at 5.09 pm.

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

- 1 That Council receive the report on DA 673/2011 - Proposed Additions to an Existing Aged Care Facility at Canton Beach.**
- 2 That Council make a submission to the Joint Regional Planning Panel regarding the Application.**

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.2 DA 733/2011 - Demolition of Existing Structures, Remediation of Land and Erection of a Large Scale Retail Establishment (BWS Liquor Store)

Mr Doug Darlington, representing The Entrance Peninsula Community Precinct and speaking in favor of the item, addressed the meeting at 5.15pm, answered questions and retired at 5.23pm.

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

- 1 That Council refuse development application DA/733/2011, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, for the following reasons:**
 - a Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the Statement of Impact submitted with the application has not adequately demonstrated that any of the "at risk" groups in the Local and Broader Community would not be impacted adversely by the establishment of the proposed liquor outlet.**
 - b Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposal will result in an increase in the density of liquor outlets in the locality. The Statement of Impact submitted with the application has not demonstrated that the increase in liquor outlet density will not contribute to an increased risk of social harm to the Local Community across a range of variables.**
 - c Pursuant to the provisions of Section 79C (1)(b) and (c) of the Environmental Planning and Assessment Act 1979 there is an indication that there may be an increased risk of social harm as a consequence of the proposal and accordingly, the 'precautionary principle' should be applied consistent with the objects of the Act.**

- d Pursuant to the provisions of Section 79C (1)(d) of the Environmental Planning and Assessment Act 1979 the submissions made in objection to the proposal and the information provided in the applicant's Statement of Impact has not provided sufficient evidence to demonstrate that approval of the application will provide a net public benefit to the Local Community.*
- e Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it is located adjacent to a sensitive landuse namely a childcare centre.*

2 That Council advise those who made written submissions of its decision.

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLOR EATON

2.3 DA 848/2011 - Proposed Vehicle Repair Station at Tuggerah

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that as the owner of the site is a close family friend, left the chamber at 5.44pm, took no part in discussion, did not vote and returned to the chamber at 6.06 pm.

Councillor Matthews left the meeting at 5.57 pm and returned to the meeting at 5.58 pm during consideration of this item.

Mr Peter Campbell, resident and speaking against the item, addressed the meeting at 5.44pm, answered questions and retired at 5.51 pm.

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

- 1 *That Council grant consent subject to the conditions detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 *That Council advise those who made written submissions of its decision.***
- 3 *That Council vary the Development Control Plan 2005 Chapter 61 - Carparking to permit the development.***

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

2.4 DA 924/2011 - Change of Use from Restaurant to Shop (Pharmacy) at Mingara Drive, Tumbi Umbi

Councillor Vincent left the meeting at 6.06 pm and returned to the meeting at 6.08 pm during consideration of this item.

Mr Rawad Nicola, local business owner and speaking against the item, addressed the meeting at 6.06pm, answered questions and retired at 6.13pm.

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

- 1 That Council approve the application subject to appropriate conditions, having regard to the matters for consideration detailed in Section 82A of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
- 2 That Council advise those who made written submissions of its decision.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

2.5 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

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

That Council approve the works detailed in Table A to be carried out on the following property under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant :

Lot 945 DP 626561, 912 Ourimbah Creek Road Palm Grove

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.1 CPA/182007 - Upgrade of SPS T22 and Associated Works at Budgewoi

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

- 1 That Council accept the tender from Eire Contractor Pty Ltd in the estimated total amount of \$2,323,000.00 (excl GST) for Contract CPA/182007 - Upgrade of SPS T22 and Associated Work.**

- 2 That **approve** a contract budget for Contract CPA/182007 of \$2,553,000.00 (excl GST) that provides for a contingency amount of \$230,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.2 CPA/200744 - Asphaltic Heavy Patching Works - T145 Tender Evaluation Report

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

- 1 That Council **accept** the tender from The Asphalt Man as the 1st ranked supplier for an initial period of 2 years for Contract CPA/200744 – Asphaltic Heavy Patching. The estimated annual expenditure against this contract is \$828,890.98 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 2 That Council **accept** the tender from Fulton Hogan Industries Ltd as the 2nd ranked supplier for an initial period of 2 years for Contract CPA/200744 – Asphaltic Heavy Patching.
- 3 That Council **authorise** the General Manager to offer The Asphalt Man and or Fulton Hogan Industries Ltd a 1 year extension to the contract period in the approximate schedule of rates amount of \$828,890.98 (excl GST) subject to ongoing satisfactory performance.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.3 CPA/205366 - Supply and Delivery of Tools and Hardware

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

- 1 That Council **accept** the tender from J Blackwood and Son Limited for the items identified in attachment 1 for a period of up to 3 years for Contract CPA/205366 – Supply and Delivery Tools and Hardware. The estimated annual expenditure against this contract is \$137,205.33 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.
- 2 That Council **accept** the tender from J Blackwood and Son Limited under the State Government contract C500 for the items identified in attachment 1 for Contract CPA/205366 – Supply and Delivery Tools and Hardware. The estimated annual expenditure against this contract is \$35,212.80 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.

- 3 ***That Council accept the tender from Express Industrial Supplies Pty Ltd for the items identified in attachment 1 for a period of up to 3 years for Contract CPA/205366 – Supply and Delivery Tools and Hardware. The estimated annual expenditure against this contract is \$117,098.26 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.***
- 4 ***That Council accept the tender from CDA Eastland Trade Supplies Pty Ltd for the items identified in attachment 1 for a period of up to 3 years for Contract CPA/205366 – Supply and Delivery Tools and Hardware. The estimated annual expenditure against this contract is \$89,112.80 (excl GST), however actual expenditure may vary significantly with fluctuations in demand.***
- 5 ***That Council approve a \$56,000.00 per annum contingency representing 15% of the contract value to cater for the addition of superior quality hardware items in the event upgrading is required.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.4 CPA/205510 - Wyong River Catchments Flood Study

Councillor McBride left the meeting at 6.35 pm and returned to the meeting at 6.37 pm during consideration of this item.

It was MOVED by Councillor WYNN and SECONDED by Councillor GRAHAM:

- 1 ***That Council accept tender no. 3 from BMT WBM Pty Ltd in the lump sum amount of \$156,260.00 excluding GST.***
- 2 ***That Council approve a contingency amount of \$15,600 excluding GST representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

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

That Council defer this matter pending further advice from the tender assessment panel on the factors that influence their recommendation and of the tender brief containing a requirement to consider climate change.

The AMENDMENT was put to the vote and declared LOST

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN

RESOLVED on the motion of Councillor WYNN and seconded by Councillor GRAHAM:

- 1 ***That Council accept tender no. 3 from BMT WBM Pty Ltd in the lump sum amount of \$156,260.00 excluding GST.***

- 2 That Council approve a contingency amount of \$15,600 excluding GST representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

4.1 Charter - Wyong Shire Council Sports Committee

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

That Council adopt the proposed Charter of the Sports Committee.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.2 2012 National General Assembly of Local Government

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

- 1 That Council authorise motions to be submitted to the National General Assembly of Local Government prior to 27 April 2012.**
- 2 That Council authorise interested Councillors and the General Manager or his delegate to attend the 2012 National General Assembly of Local Government between 17 and 20 June 2012.**
- 3 That Council reimburse expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 4 That Council determine the voting delegate should the Mayor not attend.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.3 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of Scouts NSW Budgewoi Scout Group and participated in consideration of this matter.

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 because I am not a member of Ourimbah Scout Group."

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

That Council allocate an amount of \$11,300.00 from the 2011-12 Councillors' Community Improvement Grants as follows:

Proposed Allocations for 14 March 2012		
1st Ourimbah Scout Group (\$1200)	To purchase PFD life jackets for youth members	600.00
Central Coast CC Australian Italian Friendship Society Inc. (\$2000)	Provide assistance of Italian origin who may need it due to unfortunate health and/or financial issues to facilitate recreational and social activities for the lonely and infirm to help them integrate into the general community.	1,350.00
Horizons Central Coast Family Services Inc. - Grandparents support group. (\$1021.20)	To assist with room hire costs.	900.00
Indian Educational and Cultural Org. of Australia (\$2000)	Celebration of Australia-India Day.	2,000.00
Michael Leard (\$2000) (\$450 already allocated)	To help participate at the Under 14's National Championships in Perth	1,550.00
Razorbacks Rugby Club (Ourimbah) (\$2000) (\$500 already allocated)	To purchase a shipping container to prevent vandals stealing stock and equipment.	1,500.00
Shelly Beach Surf Life Saving Club (\$2500) (\$850 already allocated)	Surf Life Saving Equipment	250.00
Success Women's Network (\$2000) (Emergency approved by GM)	International Women's Day 8 March 2012	2,000.00
Take 3 (\$1000)	Development of educational resources and visits to Wyong Shire schools for educational activities.	250.00
Toukley & Districts Art Society Inc.	Purchase of a laptop. Request approved to purchase a desktop instead of a laptop.	900.00

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.4 Reimbursement Request - Legal Expenses

Councillor Symington declared a pecuniary conflict of interest in the matter for the reason that if the item is adopted, he will be a recipient of the funding left the chamber at 7.07 pm, took no part in discussion, did not vote and returned to the chamber at 7.26 pm.

It was MOVED by Councillor MCBRIDE and seconded by Councillor MATTHEWS:

That Council approve the reimbursement of \$825 (inc GST) for legal advice sought by Councillor Symington, dated 22 July 2011.

The MOTION was put to the vote and declared LOST

FOR: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

4.5 Referendum Popularly Elected Mayor

Councillor Webster left the meeting at 7.26 pm and returned to the meeting at 7.27 pm during consideration of this item.

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

- 1 That Council receive the report on Referendum Popularly Elected Mayor.***
- 2 That Council approve the following question for the Referendum to be conducted in conjunction with the 2012 Local Government Election:***

“The Mayor of Wyong Shire Council is currently elected annually by the councillors.

Do you favour the election of the Mayor by electors for a four year term and an increase of the number of Councillors from ten to eleven (including the Mayor) to enable the election of 5 Councillors from the two wards?”

Yes/No”

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.6 Proposed Road Renaming - Woodland Parkway Buff Point

Councillor Best left the meeting at 7.43 pm and returned to the meeting at 7.48 pm and as a result took no part in voting.

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

- 1 That Council give public notice in accordance with the requirements of the Roads Regulation 2008 of its intention to rename the segmented section of Woodland Parkway, Budgewoi including written notification to affected property owners and relevant public authorities.**
- 2 That, subject to no significant objections being received, Council rename that section of Woodland Parkway between Sonoma Road and Scenic Drive, to "Sonoma Road" being a continuation of the existing street.**

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.7 Proposed Road Renaming - Kitchener Road, Long Jetty

Councillor Best left the meeting at 7.43 pm and returned to the meeting at 7.48 pm and as a result took no part in voting.

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

- 1 That Council give public notice in accordance with the requirements of the Roads Regulation 2008 of its intention to rename that section of Kitchener Road to the North of Jubilee Park including written notification to affected property owners and relevant public authorities.**
- 2 That, subject to no significant objections being received, Council rename that section of Kitchener Road to the north of Jubilee Park "Price Place".**
- 3 That there be no change in name to that section of Kitchener Road situated between Jubilee Park and Archbold Road.**

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.8 Proposed Changes to Current Project and Contract Reports to Council

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

That Council approve the changes to reporting as recommended in Option 2 of this report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.9 Wyong Skills Centre

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is Chair of CCGT joint applicant with Council, no actual conflict, possible perceived conflict, left the chamber at 6.22 pm, took no part in discussion, did not vote and returned to the chamber at 6.35 pm.

Councillor Best declared a pecuniary conflict of interest in the matter for the reason that he is Chairman of CCGT, perceived conflict, left the chamber at 6.22 pm, took no part in discussion, did not vote and returned to the chamber at 6.35 pm.

It was MOVED by Councillor MCNAMARA and seconded by Councillor WEBSTER:

- 1 *That Council submit a joint application with Central Coast Group Training by 27 March 2012 for the Wyong Skills Centre based on the criteria provided by the Federal Government.*
- 2 *That Council develop documentation prior to the application being submitted that outlines the agreement between Central Coast Group Training and Wyong Shire Council for the Wyong Skills Centre is based on:*
 - *The funds being provided by the Federal Government*
 - *The land being transferred to Council ownership*
 - *A commercial lease being signed before funds are released from Council.*
- 3 *That Council note that the following will be the base arrangements for the development of the funding application:*
 - *Council be the auspice of the funding and identified as the lead agency*
 - *It be located at Bounty Close, Tuggerah and Central Coast Group Training gift the site to Council*
 - *Central Coast Group Training provide minimum 300m2 (warm shell) net lettable area in the building to Council*
 - *Council is responsible for the outgoings only associated with the 300m2*
 - *Central Coast Group Training is responsible for all costs associated with the building including all structural, maintenance and outgoings*
 - *Central Coast Group Training are required to 'make good' the site prior to the end of life*
 - *Central Coast Group Training receive peppercorn rent from Council for the life of the building of 40 years*
 - *Changes to the use or sub letting of the building must receive Council permission*
 - *Using equity of the building requires Council permission.*

- 4 That Council nominate two Council representatives (one Councillor and the General Manager or his delegate) to sit on the Board of Central Coast Group Training should the Wyong Skills Centre application be successful.

The MOTION was put to the vote and declared LOST

FOR: COUNCILLORS MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

RESOLVED on the motion of Councillor WYNN and seconded by Councillor GRAHAM:

- 1 That Council respectfully decline the offer to make application to the Federal Governments Community Infrastructure Grants – Youth Commitments Program, due to the strict criteria which Council believes does not deliver on the objectives of meeting the needs of a full service skills centre for the community.
- 2 That council direct the General Manager to write to the Department of Education Employment and Workplace Relations and Central Coast Group Training advising them of Council's decision.

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS MCNAMARA AND WEBSTER

5.1 Information Reports

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

That Council receive the report on Information Reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.2 Disclosure of Interest Returns - 1 October to 31 December 2011

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

That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2011.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.3 Mardi to Mangrove Link Project Status

Councillor Best left the meeting at 7.43 pm and returned to the meeting at 7.48 pm and as a result took no part in voting.

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.4 Outstanding Questions on Notice and Notices of Motion

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.1 Notice of Motion - Central Coast Venues for Off Site Workshops - Weekend Workshops

Councillor Best left the meeting at 7.43 pm and returned to the meeting at 7.48 pm during consideration of this item.

Councillor McNamara left the meeting at 7.48 pm and returned to the meeting at 7.50 pm during consideration of this item.

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

That Council consider holding all future off-site Councillor workshops, including the Councillor Weekend Workshops at locations on the Central Coast.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.2 Notice of Motion - Completion of Lake Cycleway

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

- 1 That Council reiterate its support for the missing link cycleway connection through Wyrabalong National Park at North Entrance, as a priority project.**
- 2 That Council seek to convene a working group, consisting of the members for The Entrance and Wyong and representatives of the Premiers Office, the National Parks and Wildlife Service, Councillors and Council staff, to progress this key initiative.**
- 3 That Council seek additional funding resources for the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.3 Notice of Motion - Extension of the Wyrabalong National Park

It was MOVED by Councillor BEST and seconded by Councillor MCNAMARA:

- 1 That Council recognise the importance of permanent protection and preservation of the important environmental coastal corridor through Lakes beach to Birdie beach.**
- 2 That Council approach National Parks and Wildlife with a view to extending the spectacular Wyrabalong National Park to Birdie beach, thereby providing permanent intergeneration protection of this sensitive environment precinct.**
- 3 That Council request the General Manager to report at appropriate milestones, progress on this important coastal protection initiative.**
- 4 That, subject to National Parks and wildlife's response, Council conduct community consultation.**

The MOTION was put to the vote and declared LOST on the casting vote of the Mayor.

FOR: COUNCILLORS BEST, EATON, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, VINCENT AND WYNN

7.4 Notice of Motion - Community Forum to Discuss Access and Disability within the Shire

Councillor Best left the meeting at 8.43 pm and returned to the meeting at 8.44 pm during consideration of this item.

It was MOVED by Councillor MCBRIDE and seconded by Councillor MATTHEWS:

- 1 *That Council facilitate a community forum to discuss access and disability in Wyong Shire.*
- 2 *That Council note the objective of the forum is to achieve a community led approach to future engagement, consultation, service provision and infrastructure regarding access and disability in Wyong Shire."*
- 3 *That Council invite residents, community groups, service providers and relevant agencies to the forum.*

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

That Council defer this matter pending a staff report on existing services in the access and disability sectors.

The AMEDMENT was put to the vote and declared LOST

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN

RESOLVED on the motion of Councillor MCBRIDE and seconded by Councillor MATTHEWS:

- 1 ***That Council facilitate a community forum to discuss access and disability in Wyong Shire.***
- 2 ***That Council note the objective of the forum is to achieve a community led approach to future engagement, consultation, service provision and infrastructure regarding access and disability in Wyong Shire."***
- 3 ***That Council invite residents, community groups, service providers and relevant agencies to the forum.***

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLOR EATON

PROCEDURAL MOTION

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

That Council suspend standing orders to allow the meeting to continue until 9.15 pm.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

QUESTIONS ON NOTICE

**Q10/12 Pipeline and Capacity of Mangrove Creek Dam
Councillor Lisa Matthews
F2004/07718**

“Could staff please advise on what the capacity of the Mangrove Creek Dam would be if the pipeline had been operational following completion in June 2011, and assuming Council was able to pump the maximum was as permitted by the current licence?”

CONFIDENTIAL SESSION

At this stage of the meeting being 8.52 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.

OPEN SESSION

Council resumed in open session at 8.54 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

8.1 Tender Evaluation Report - Construction of the Mannering Park Oval Amenities building - CPA/204382

- 1 That Council decline to accept any of the tenders for the proposed contract for Contract CPA/204382 – Construction of the Mannering Park Oval Amenities Building in accordance with Section 178(1)(b) of the Local Government (General) Regulation, 2005.**
- 2 That Council carry out the requirements of the proposed contract itself in accordance with Section 178(3)(f) of the Local Government (General) Regulation, 2005.**

- 3 ***That Council carry over the unspent budget for the Mannering Park Amenities building to 12/13 financial year.***
- 4 ***That Council allocate \$59,000.00 from the unspent 11/12 capital works budget to allow commencement of the project this year and completion of the project in 12/13 financial year.***

THE MEETING closed at 8.55 pm.