
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 23 November 2011 COMMENCING AT 5:00:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent (arrived 5.03 pm), 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, Manager Development Assessment, Business Development Manager, Manager Economic Property Development, Manager Integrated Planning and Manager Land Use Planning.

Planner Land Use Planning, Business Improvement Officer, Project Officer 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.

Councillor Webster advised that she visited Saint John Fisher School and witnessed the result of a partnership between Wyong Council, the Men's shed at Bateau Bay and Bunning's Warehouse to produce marimba instruments (oversized xylophones). Councillor Webster commented that the project was success and that as a result every child at that school can now read music to a certain degree.

Maxine Kenyon advised on Friday 18 November 2011 the Mayor, Greg McDonald and herself attended the Central Coast Group Training (CCGT) awards night where Council received 2 awards, one for being a founding member of CCGT and a long serving host employer and a certificate of appreciation.

The Mayor congratulated CCGT on the professional way in which their award night was conducted and requested Councillor Best pass on his congratulations to CCGT staff.

Councillor Wynn advised that the Mayor and herself had the pleasure of attending their 24th Environmental Awards for Primary Schools held in the Tony Sheridan Function room on Tuesday 22 November 2011. Councillor Wynn congratulated Julie Vaughan and staff for organising a wonderful afternoon, which also included a physics show and games that the children thoroughly enjoyed.

Councillor Matthews read an acknowledgment of country statement and Mr John Hardwick delivered the opening prayer.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 3.1, 2.1, 4.1, 3.2, 5.2, 5.4, 6.3, 6.4, 6.5, 6.7, 7.8, 7.14, 7.17, 8.1 and 9.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

6.5 - Draft Minutes - Wyong Shire Grants Committee Meeting - 10 November 2011

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Budgewoi Scouts 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 the 1st Wyong Scout Group."

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he will be a volunteer on the day of the GOATS Festival 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 the organising committee."

7.17 - Fire Safety Report from Fire and Rescue NSW

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that the landowner is a company owned by his family members left the chamber at 8.23 pm, took no part in discussion, did not vote and returned to the chamber at 8.24 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that as he parked his small tin boat on the site in question for a few days while his driveway was fixed at home some years ago and no contract was entered into and no consideration was exchanged and participated in consideration of this matter.

Councillor Best stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the above will not affect my view or vote."

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

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

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

1.2 Proposed Inspections and Briefings

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

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

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 EATON and seconded by Councillor MCNAMARA:

That Council confirm the minutes of the previous Ordinary Meeting of Council and Confidential session held on 9 November 2011.

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

Business Arising

Councillor Eaton advised that in relation to item 4.8, Lakes Beach Eco-Tourism Proposal, of previous minutes, that the Darkinjung Aboriginal Land Council has submitted a native title claim to that land and queried if staff were aware of this claim.

The Mayor requested staff prepare a Councillor Business Update to provide Councillors with information on this item.

1.4 Address By Invited Speakers

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

- 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 Mayoral Minute - Amendment to WSC Code of Meeting Practice

RESOLVED on the motion of Councillor GRAHAM:

- 1 That Council amend the Wyong Shire Council Code of Meeting Practice as follows:**
 - a Insert New Clause 2.1.11**
"Ordinary Meetings of Council will conclude at 9pm."
 - b Insert New Clause 2.1.12**
"Council can suspend standing orders to allow the meeting to continue."
 - c Insert New Clause 2.1.13**
"The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council."
- 2 That Council give public notice of its intention to amend its Code of Meeting Practice allowing 42 days for the making of public submissions.**
- 3 That Council adopt the amended WSC Code of Meeting Practice should no significant objection be received to the proposed amendment.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

PROCEDURAL MOTION

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

That Council allow meeting practice be varied to consider item 4.1, Classification of Council Owned Land as Operational by Local Environment Plan, before item 3.1, DA/200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at North Entrance, due to the large number of attendees in the gallery in relation to this item.

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

AGAINST: NIL

3.1 DA/200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at North Entrance

Mr John Hancock, representing the applicant and speaking against the recommendation printed in the business paper, addressed the meeting at 5.13 pm, answered questions and retired at 5.23 pm.

Councillor Vincent left the meeting at 5.14 pm and returned to the meeting at 5.16 pm during consideration of this item.

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

That Council defer this matter for further negotiations between the applicant, the Mayor and the General Manager to improve the development and compliance with Council policies and report back to Council.

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

3.2 RZ 17/2009 - Glenning Valley Rezoning Proposal

Councillor Symington left the meeting at 7.23 pm and returned to the meeting at 7:24 pm during consideration of this item.

Councillor Vincent left the meeting at 7:23 pm and returned to the meeting at 7:26 pm during consideration of this item.

Councillor Best left the meeting at 7:24 pm and returned to the meeting at 7.37 pm and as a result took no part in voting.

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

- 1 That Council initiate the Local Environmental Plan “Gateway” process, pursuant to Section 55 Environmental Planning and Assessment Act 1979 by endorsing the preparation of a Planning Proposal.**
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56 (1) Environmental Planning and Assessment Act.**
- 3 That Council undertake community consultation regarding the planning proposals, subject to the determination of the Gateway Process and Director General’s approval.**
- 4 That Council request the General Manager to provide a further report on the results of the community consultation.**

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

AGAINST: COUNCILLOR WYNN

Councillor Best left the meeting at 7:23 pm and returned to the meeting at 7.37 pm and as a result took no part in voting.

PROCEDURAL MOTION

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 EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Councillor Best left the meeting at 7:23 pm and returned to the meeting at 7.37 during consideration of this item.

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

That with the exception of report numbers 5.2, 5.4, 6.3, 6.4, 6.5, 6.7, 7.8, 7.14, 8.1 and 9.1 and Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

3.3 CPA/202187 - Tender for Contract - Tuggerah Lakes Monitoring, Evaluation, Reporting and Improvement Project - Saltmarsh Rehabilitation Monitoring Stage 2

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

- 1 That Council accept the tender from Umwelt (Australia) Pty Ltd for the lump sum amount of \$170,990 (excl GST) for Contract CPA/202187 – Tuggerah Lakes Monitoring, Evaluation, Reporting & Improvement Project – Saltmarsh Rehabilitation Monitoring – Stage 2.**
- 2 That Council approve for Contract CPA/202187, a budget of \$194,710 (excl GST) that provides for a contingency amount of \$23,720 (excl GST), representing approximately 8% 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

4.1 Classification of Council Owned Land as Operational by Local Environment Plan

Councillor Matthews left the meeting at 6.50 pm and returned to the meeting at 6.51 pm during consideration of this item.

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

That the MOTION be put.

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

AGAINST: COUNCILLORS VINCENT AND WYNN

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

- 1 That Council proposes to re-classify Council owned land to be Operational Land in accordance with the attached Schedule (Attachment 1- provided as fifth enclosure in the Enclosure to this Business Paper p43 – p 140 inclusive) excluding Groups 16-19, Parks, Playgrounds and Reserves (Enclosure p129-p136 inclusive).**
- 2 That Council confirms that Council land groups 16-19 shown in Table 2 of this report, namely, Parks, Playgrounds and Reserves (Enclosure p129-p136 inclusive) remain classified as Community Land.**
- 3 That Council make the re-classification by way of including the Council Land Classification Final Groupings in the 2012 Composite Local Environmental Plan in accordance with the Local Government Act 1993 s.27. and the Environmental Planning and Assessment Act 1979 No 203 s57 especially (public consultation).**

- 4 That Council **make** provision that, upon commencement of the revised Composite Local Environment Plan, any lands listed in the Council Land Classification Final Groupings categorised as public reserves, cease to be public reserves, and
- 5 That Council **note** that the listed lands are, by operation of the Composite Local Environment Plan, discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, pursuant to the Local Government Act 1993. (s30, Schedule 7.)
- 6 That Council **note** the following:
 - a That this resolution does not authorise the sale or disposal of Council land whatsoever.
 - b That any development on any Council lands must follow the requirements of the Environmental Planning & Assessment Act including full public consultation.
- 7 That Council **prepare** fact sheets and educational material on the proposed land classification and engage in an extensive community engagement on this matter.

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

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

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

5.1 CPA/157337 - Supply and Construction of approximately 830m of DN 180mm Polyethylene Water Main along Pollock Avenue Wyong

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

- 1 That Council **accept** the tender from Arogen Pty Ltd for the total amount of \$361,405.00 (excl GST) representing the estimated combined cost of the schedule of rates amount of \$256,365 and the provisional items of \$105,040 for Contract CPA/157337 – Supply and construction of approximately 830 metres of Dn180mm polyethylene water main along Pollock Avenue, Wyong.
- 2 That Council **approve** for Contract CPA/157337 a budget of \$416,405 (excl GST), that provides for a contingency amount of \$55,000.00 (excl GST), representing approximately 15% 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

5.2 CPA/200848 - Cancellation of Tender - Supply and Delivery of Cultivated Turf

Councillor Webster left the meeting at 7.38 pm and returned to the meeting at 7.39 pm during consideration of this item.

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

- 1 That Council decline to accept any of the tenders received for contract CPA/200848 for the Supply and Delivery of Cultivated Turf in accordance with sub-clause 178 (1) (b), of the Local Government (General) Regulation 2005.**
- 2 That Council request the General Manager to invite new tenders for the Supply and Delivery of Cultivated Turf in accordance with sub-clause 178 (3) (b), of the Local Government (General) Regulation 2005.**

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

AGAINST: NIL

5.3 CPA/201014 - Detailed Design and Documentation for New Waste Cell 4.3 at Buttonderry Waste Management Facility

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

- 1 That, Council accept the tender from GHD Pty Ltd for the lump sum amount of \$157,900.00 (excl GST) for Contract CPA/201014 – Detailed Design and Documentation for New Waste Cell 4.3 at Buttonderry Waste Management Facility.**
- 2 That Council approve for Contract CPA/201014 a budget of \$189,400.00 (excl GST) that provides for a contingency amount of \$31,500 (excl GST), representing approximately 20% 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

5.4 CPA/202812 - Central Coast Water Corporation Cost Benefit Analysis Consultancy

Councillor Vincent left the meeting at 7.43 pm and returned to the meeting at 7.45 pm during consideration of this item.

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

- 1 That Council accept the tender from Pricewaterhouse Coopers for the amount of \$381,381.00 (excl GST) for Contract CPA/202812 – Central Coast Water Corporation Cost Benefit Analysis Consultancy.**
- 2 That Council approve a contract budget of \$440,000.00 for Contract CPA/202812 (excl GST) that provides for a contingency amount of \$58,619.00 (excl GST), representing approximately 15% 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

6.1 2011-15 Strategic Plan - September Quarter Review

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

- 1 That Council receive the Quarterly Review Report for the July – Sept (Q1) quarter of activity as set out in the WSC 2011-15 Strategic Plan.**
- 2 That Council note that Council’s Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**

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

AGAINST: NIL

6.2 2011-12 Strategic Plan Fees and Charges Amendments

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

- 1 That Council approve the inclusion of the amended 2011-12 Water and Sewer Fees and Charges as approved by the Minister for Water and published in the Government Gazette on 1 July 2011, as per attachment 1.**

- 2 ***That Council adopt the proposed changes to the Fees and Charges for 2011-12 as described in attachment 2 after an exhibition period, and;***
 - a ***That Council advertise the amendments referred to in (2) above for a period of 28 days as per Section 610F and 705 of the Local Government Act 1993.***
 - b ***That, subject to no objections being received, Council apply the proposed fees following the public notification period.***
- 3 ***That Council adopt the typographical and statutory amendments to the 2011-12 Fees and Charges as described in attachment 3.***

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

AGAINST: NIL

6.3 Annual Report 2010-11

Councillor McNamara left the meeting at 7.55 pm and returned to the meeting at 7.56 pm during consideration of this item.

Councillor McBride left the meeting at 7.55 pm and returned to the meeting at 7.58 pm during consideration of this item

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

- 1 ***That Council adopt the 2010-11 Annual Report (including enclosures).***
- 2 ***That Council note with concern the deterioration across a broad range of the environmental measures in Wyong Shire.***

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

AGAINST: NIL

6.4 2012-16 Delivery Plan Community Survey

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

- 1 ***That Council authorise the General Manager to commence consultation with the community on the 2012-2016 WSC Council Strategic Plan including defining the Four Year Delivery Plan service levels and community priorities.***
- 2 ***That Council authorise the General Manager to engage an independent specialist to develop a Community Engagement Program and conduct a series of activities, including a Community Survey, in keeping with Council's Community Engagement Strategy, to determine the communities needs, service priorities, desired levels of service, and preparedness to pay for services.***

- 3 That the General Manager report back to Council the initial results of the community engagement in March to inform Council's prioritisation of services and capital to enable the finalisation of the 2012-2016 WSC Council Strategic Plan.**

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

AGAINST: NIL

6.5 Draft Minutes - Wyong Shire Grants Committee Meeting - 10 November 2011

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Budgewoi Scouts 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 the 1st Wyong Scout Group."

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he will be a volunteer on the day of the GOATS Festival 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 the organising committee."

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

- 1 That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting held on 10 November 2011.**
- 2 That Council note the return of \$1,500 allocated to the San Remo Neighbourhood Centre under the Councillors Community Improvement Grant Programme.**
- 3 That Council allocate \$12,000 (plus GST) from the Community Benefit Grants Program to the San Remo Neighbourhood Centre for the 2012 GOATS Family Festival.**
- 4 That Council recommend to the applicant that community stalls at the GOATS Family Festival not be subsidised.**
- 5 That Council note the applicant's advice that the security component of the cost of the GOATS Family Festival, may be covered by sponsorship.**
- 6 That Council advise the applicant that a condition of funding is the recognition of WSC as a major sponsor of the GOATS Family Festival 2012 event.**
- 7 That Council request staff to meet with representatives of the San Remo Neighbourhood Centre to review its financial acquittals for Council grants.**

- 8 That Council decline applications for the Sports Equipment Grants from the following organisations for the reasons detailed in table below:

Club/Applicant name	Total funds requested. (excl. GST)	Equipment	Why not accepted
<i>Mackillop Catholic College</i>	\$ 957.73	<i>Various sporting equipment.</i>	<i>Applications where funding is the responsibility of another level of government and/or government department.</i>
<i>Pioneer Dog Training School Inc</i>	\$ 3,818.20	<i>Equipment Trailer</i>	<i>Ancillary equipment.</i>
<i>Shelly Beach Surf Lifesaving Club Inc</i>	\$ 5,334.55	<i>Nipper and Rescue Boards</i>	<i>Retrospective costs, i.e. equipment that has previously been purchased.</i>

- 9 That Council allocate \$44,833.81 plus GST from the 2011-12 Sports Equipment and Recreational Grant Program as follows:

Club/Applicant name	Total funds approved (excl. GST)	Equipment description
<i>1st Wyong Scout Group</i>	\$ 1,274.55	<i>Hot water on demand' tent equipment, tarps, porta-potty, tent pegs. Ensuite pop-up tent, - first aid kit not approved as is ancillary equipment (\$245.45)</i>
<i>Bateau Bay PCYC</i>	\$ 3,146.00	<i>Netball posts and post pads</i>
<i>Berkeley Vale Rugby League and Sports Club Incorporated</i>	\$ 1,602.50	<i>Whistles and lanyards, power resister belt, fitness agility pole set and bag, a number of footballs (types and sizes), tackle bag (junior to senior set)</i>
<i>Coastal Lakes Indoor Bowls Association Inc</i>	\$ 2,640.00	<i>Indoor bowls mats / carpets</i>
<i>Golden Hind Women's Bowling Club (The Entrance Leagues Club)</i>	\$ 784.80	<i>Windsock for the greens corner, heavy yellow jacks, non-slip bowls mats</i>
<i>Killarney District Soccer Club Inc</i>	\$ 1,364.64	<i>Size 3 and 4 training balls</i>
<i>Killarney Vale AFC Inc</i>	\$ 3,524.04	<i>Footballs - variety of different types and sizes</i>
<i>Mannering Park Tennis 355 Committee</i>	\$ 420.00	<i>Tennis nets</i>
<i>Mingara Indoor Bowls Club</i>	\$ 1,215.00	<i>Orange indoor bowls (set of 8)</i>
<i>Mingara Men's Bowling Club</i>	\$ 679.00	<i>Set of Henselite Alpha bowls, bowls measure 30 metre tape, orbital measure extension.</i>
<i>Ourimbah United Football Club</i>	\$ 1,380.00	<i>Footballs</i>
<i>The Entrance Bateau Bay A.F.C.</i>	\$ 640.00	<i>Match and training balls</i>
<i>The Entrance District Cricket Club</i>	\$ 1,450.00	<i>Sandpiper super sopper (equipment to soak up rain to allow for early resumption of play and reduce injury risk)</i>

<i>The Lakes Surf Lifesaving Club</i>	\$ 1,100.00	<i>Hi-visibility fitted singlets - water safety</i>
<i>Titans Swimming Club</i>	\$ 4,495.00	<i>Dolphin wireless timing system</i>
<i>Toowoona Bay Surf Lifesaving Club</i>	\$ 11,618.18	<i>Fibre glass nipper boards and foam nipper</i>
<i>Tunkuwallin Community Hall - 355 Committee</i>	\$ 1,439.92	<i>Table tennis table, bats and balls</i>
<i>Warnervale Rugby Club</i>	\$ 4,000.00	<i>Contact suits, hit shields, training cones, tackle bags in varying size ranges.</i>
<i>Wingers Softball Club Incorporated</i>	\$ 2,060.18	<i>Portable pitching machine, line up boards, triumph bat, typhoon bat, mystique bat, MV3 light bat, pack of batting helmets, junior catchers' gear, intermediate catchers' gear, women's catchers' gear, T-Ball bat.</i>

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

AGAINST: NIL

6.6 Contract Variations and Finalisation - October 2011

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

- 1 That Council receive the Contract Variations and Finalisation October 2011 report (Attachment 1 and 2).
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (excl GST)	Additional Budget Approval
Provision of Environmental Management Services – Mardi to Mangrove Link Project	CPA/173398	\$216,909.00	\$30,000.00

- 3 That Council note the additional expenditures requested are within approved program budgets.

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

AGAINST: NIL

6.7 Amendment to Facilities and Expenses Policy

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

- 1 That Council request the General Manager to amend the WSC Policy on Facilities and Expenses for Councillors as follows:
 - a Clause D5 to read:
“WSC will reimburse expenses for attendance at eligible conferences, seminars, workshops and professional development courses for each elected member including attendance at the annual NSW Local Government Association Conference and National General Assembly.”
 - b Add a new Clause D6
“WSC will reimburse expenses for three (3) attendances per Councillor, per financial year, at conferences, seminars, workshops and professional development courses, which consist of sessions conducted over two or more consecutive days.”
- 2 That Council request the General Manager to give formal public notice of its intention to amend its policy for the Payment of Expenses and Provision of facilities allowing 28 days for the making of public submissions.
- 3 That Council adopt the amended WSC Policy on Facilities and Expenses for Councillors should no significant objection be received to the proposed amendment.

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

AGAINST: NIL

7.1 Information Reports

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

That Council deal with the following Information Reports by the Exception Method.

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

AGAINST: NIL

7.2 Investment Report for October 2011

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

That Council receive the report on Investment Report for October 2011.

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

AGAINST: NIL

7.3 Quarterly Update on Section 94 Contributions

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

That Council receive the report on Quarterly Update on Section 94 Contributions.

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

AGAINST: NIL

7.4 Annual Water Supply and Sewerage Performance Reporting

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

That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

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

AGAINST: NIL

7.5 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL

7.6 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

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

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

7.7 Activities of the Building Certification and Health Unit and Development Assessment Unit

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

That Council receive the report on Activities of the Building Certification and Health Unit and Development Assessment Unit.

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

7.8 Response to Mayoral Minute - Reversal of onus of proof for graffiti tag offences

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

That Council receive the report on Response to Mayoral Minute - Reversal of onus of proof for graffiti tag offences.

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

7.9 Reducing the Graffiti Canvas

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

That Council receive the report on Reducing the Graffiti Canvas.

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

7.10 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

7.11 Works in Progress - Water Supply and Sewerage

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

That Council receive the report on Works in Progress - Water Supply and Sewerage.

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

AGAINST: NIL

7.12 Key Road Projects in the Warnervale Area

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

That Council receive the report on Key Road Projects in the Warnervale Area.

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

AGAINST: NIL

7.13 NSW Government Public Sector Wages Policy Response

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

That Council receive the report on NSW Government Public Sector Wages Policy Response.

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

AGAINST: NIL

7.14 Council's Support for Registered Clubs against Poker Machine Regulation - Responses from Federal Members

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

That Council note the responses regarding from Federal Members regarding Council's Support for Registered Clubs against Poker Machine Regulation - Responses from Federal Members.

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

AGAINST: NIL

7.15 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

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

AGAINST: NIL

7.16 Arrangement for Staffing over Holiday Period

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

That Council receive the report on Arrangement for Staffing over Holiday Period.

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

AGAINST: NIL

7.17 Fire Safety Report from Fire and Rescue NSW

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that the landowner is a company owned by his family members left the chamber at 8.23 pm, took no part in discussion, did not vote and returned to the chamber at 8.24 pm.

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that as he parked his small tin boat on the site in question for a few days while his driveway was fixed at home some years ago and no contract was entered into and no consideration was exchanged and participated in consideration of this matter.

Councillor Best stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the above will not affect my view or vote."

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

That Council note that the Fire Safety Report from Fire and Rescue NSW was tabled before Council, in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.

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

AGAINST: NIL

8.1 Notice of Motion - Improved Library Services

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

- 1 That Council recognise the rapid adoption of e-book reader technology and likely phasing out of paper books and the implications of this for Council's Library Service.**
- 2 That Council consider a report on:**
 - a entry into this technology possibly by way of trials,**
 - b benefits and disbenefits**
 - c budgetary implications (if any).**

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

AGAINST: NIL

9.1 Rescission Motion - Consultative Committee

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

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

That the following resolution carried at the Ordinary Meeting of Council held on 12 October 2011 be rescinded:

- "4 That Council classify the Consultative Committee as a staff committee with no Councillor delegates."**

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

AGAINST: COUNCILLORS EATON AND MCNAMARA

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

That Council appoint two Councillors and one alternate as delegates to the Consultative Committee.

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

AGAINST: COUNCILLORS EATON AND MCNAMARA

RESOLVED unanimously on the motion of Councillor SYMINGTON and seconded by Councillor MATTHEWS:

That Council appoint Councillors Symington and Matthews as delegates to the Consultative Committee.

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

AGAINST: NIL

RESOLVED unanimously on the motion of Councillor SYMINGTON and seconded by Councillor MATTHEWS:

That Council appoint Councillor Wynn as an alternate delegate to the Consultative Committee.

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

AGAINST: NIL

U28/11 Controlling Cats in Suburbia - Cat Containment DCP
Councillor Sue Wynn
F2004/06907

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Wynn sought leave to introduce a motion of urgency concerning a Development Control Plan (DCP) regarding cat containment in any new land development releases.

The Mayor ruled that the matter was of great urgency and could be introduced as a motion of urgency.

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

That Council consider a motion of Urgency regarding a DCP on cat containment in any new land development releases in the DCP process.

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

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

- 1 *That Council develop a Development Control Plan (DCP) regarding Cat Containment in any new land development releases.*
- 2 *That Council exhibit the DCP in conjunction with the Composite Local Environment Plan for Wyong Shire.*
- 3 *That Council include in the proposed DCP:*
 - a *Measures to prevent any adverse effects of cat ownership on the native fauna and birds in nearby or surrounding bushland.*
 - b *Requirements that restrict cats to their owner's residences or a purpose built cat enclosure on their property.*

AN AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor EATON:

- 1 *That Council develop a Development Control Plan (DCP) regarding Cat Containment in any new land development releases.*
- 2 *That Council exhibit the DCP in conjunction with the Composite Local Environment Plan for Wyong Shire.*
- 3 *That Council include in the proposed DCP:*
 - a *Measures to prevent any adverse effects of cat ownership on the native fauna and birds in nearby or surrounding bushland.*
 - b *Requirements that restrict cats to their owner's residences or a purpose built cat enclosure on their property.*
- 4 *That Council notes that this DCP will be developed after the DCP of 2012.*

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, GRAHAM AND MCNAMARA

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

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

- 1 That Council develop a Development Control Plan (DCP) regarding Cat Containment in any new land development releases.**
- 2 That Council exhibit the DCP in conjunction with the Composite Local Environment Plan for Wyong Shire.**
- 3 That Council include in the proposed DCP:**
 - a Measures to prevent any adverse effects of cat ownership on the native fauna and birds in nearby or surrounding bushland.**
 - b Requirements that restrict cats to their owner's residences or a purpose built cat enclosure on their property.**

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

AGAINST: COUNCILLORS EATON, GRAHAM AND MCNAMARA

QUESTIONS ON NOTICE

Q32/11 Sun Orchids
Councillor Sue Wynn
F2010/02209

"It is my understanding that sun orchids are listed as a CI Critically Endangered plant and a plan of management is required by Council:

- a Do we have a plan of management for sun orchids in Pollock Avenue, Wyong and do we know why there has been such a dramatic decline in their numbers in Pollock Avenue, Wyong?*
- b It is asserted sun orchids exist on areas of the Country Music Festival site, does Council have a management plan, relating to the Sun Orchids, for this site?"*

Q33/11 Powerful Owl
Councillor Sue Wynn
F2004/06946

“Who is responsible for the protection of a species listed in the National Parks and Wildlife Service Atlas and who could have had this land on Wadalba Hill excised and added to the wildlife corridor when it has been known that the Powerful Owl existed and rested in this tree since 2008?”

THE MEETING closed at 9.23 pm.