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# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 24 AUGUST 2011 COMMENCING AT 5:00:00 PM

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### PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride (arrived at 5.24 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, Acting Director Infrastructure Management, Director Corporate Services and Director Community and Recreation Services.

Manager Development Assessment, Manager Place Management, Manager Land Use Policy and Development and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01pm 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.

Councillor Graham announced that Friday 26 August 2011 is Daffodil Day and noted that the Cancer Council has raised over \$40m for cancer research over the past 25 years and encouraged people to contribute to this worthy cause.

Councillor Webster reported that 18 Japanese exchange students, featured in the photo on front of the Business Paper for this meeting, recently on an exchange program visiting Wyong Shire. She noted that as Wyong Council is no longer in a Sister City relationship with Tanabe this link has been maintained via the Tumbi Campus of Tuggerah Lakes Secondary College.

Cr Wynn acknowledged the efforts of Councillor Webster and Councillor Matthews who provided gifts and arranged a barbeque for the Japanese students.

The Director Community and Recreation Services announced that Norah Head Holiday Park was the winner in the Tourist & Caravan Parks category for the 2011 Bluetongue Brewery Hunter and Central Coast Awards for Excellence in Tourism. The Controller of the Holiday Parks, Mr Darrell Priestland, and the Managers of the Norah Head Park, Gavin and Tracy Fleming were presented with the award. She further advised that this park has also been awarded with a Silver Gumnut award for environmental practices.

### APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 2.1 and 3.2 were dealt with first then the remaining reports in order until Questions On Notice which were dealt with prior to moving into Confidential Session. However for the sake of clarity the reports are recorded in their correct agenda sequence.

### **1.1 Disclosures of Interest**

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#### **3.2 DA/1396/2009/C - Section 96(1)A Modification To Permit The Two Stage Construction Of The Approved GP Super Clinic At Warnervale**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

#### **3.2 DA/1396/2009/C - Section 96(1)A Modification To Permit The Two Stage Construction Of The Approved GP Super Clinic At Warnervale**

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

#### **6.6 Draft Minutes – Wyong Shire Grants Committee Meeting – Adjourned 21 July 2011 And Reconvened 10 August 2011**

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be a paid worker at this event, left the chamber at 7.00 pm, took no part in discussion, did not vote and returned to the chamber at 7.01 pm.

#### **6.9 Relationship With Central Coast Regional Development Corporation**

Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that he is a Director on the Corporation Board, left the chamber at 7.11 pm, took no part in discussion, and returned to the chamber at 7.12 pm.

#### **7.2 Quarterly Update On Section 94 Contributions**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that A. Van Stappen Pty Ltd is mentioned as a creditor in the attachment to this report and this Company is owned by members of his family, left the chamber at 7.12 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

#### **7.12 Status Of GP Super Clinic**

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

#### **7.12 Status Of GP Super Clinic**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

**U26/11 Motion Of Urgency - Proposed Grant Application For The Wyong Skills Centre**

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a Board Member and Chairperson of Central Coast Group Training Ltd, Council's representative and joint applicant for Skills Centre Federal Funding, left the chamber at 7.55 pm, took no part in discussion, did not vote and returned to the chamber at pm.

Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

***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**

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Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item 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 Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

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

AGAINST: NIL

**1.3 Address by Invited Speakers**

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Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

***RESOLVED unanimously on the motion of Councillor GRAHAM 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, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

#### **1.4 Confirmation of Minutes of Previous Meeting**

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Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

***That Council confirm the minutes of the Extraordinary Meeting held on 27 July 2011 and the previous Ordinary Meeting held on 10 August 2011.***

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

AGAINST: NIL

#### **Business Arising**

In response to a query, on the proposed status of the Chinese Cultural Theme Park, from Councillor McNamara, the Mayor gave the following update:

A delegation from Wyong Council went to Sydney to sign the agreement on behalf of Council and this event had media coverage in China. A formal invitation has been issued to the Consulate General of the People's Republic of China for the Consul General to visit Wyong Shire to inspect this site.

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

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Councillor McBride arrived at the chamber at 5.24 pm was absent during consideration of this item and as a result took no part in voting.

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

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

***Report no 9.1- Woongarra Waters Development – Water Quality Credit***

**2 That Council note its reason for considering Report No 9.1 in Confidential Session are because it may confer a commercial advantage (Section 10A(2)(c)) and disclose Council's legal privilege (Section 10A(2)(g)) 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, MCNAMARA, SYMINGTON,  
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## 2.1 **Mayoral Minute Graffiti - Tag Means Guilty**

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Councillor McBride arrived at the meeting at 05:24 pm during consideration of this item.

Councillor McBride left the chamber at 5.29 pm and returned to the chamber at 5.30 pm during consideration of this item.

The Mayor, Councillor Eaton, advised that the title of this Minute has now been changed from "Tag Means Jail" to "Tag Means Guilty".

**RESOLVED unanimously on the motion of Councillor EATON:**

- 1 ***That Council request the General Manager to formally approach the State government, via its local member, to reverse the onus of proof for graffiti offences such that the owner of a "tag" is prima facie guilty of a graffiti offence whenever this "tag" appears illegally.***
- 2 ***That Council request the General Manager to submit this motion to the next NSW Local Government Association Conference for conference support and adoption.***

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

AGAINST: NIL

## 3.1 **Lower Ourimbah Creek Floodplain Risk Management Study Review and Plan**

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Councillor Vincent left the chamber at 5.59pm and returned to the chamber at 6.02pm and as a result took no part in voting.

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

- 1 ***That Council adopt the Lower Ourimbah Creek Floodplain Risk Management Plan.***
- 2 ***That Council staff immediately commence implementation of the recommendations contained within the Plan.***

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

AGAINST: NIL

Councillor Vincent left the chamber at 5.59pm and returned to the chamber at 6.02pm and as a result took no part in voting.

**PROCEDURAL MOTION**

**SUSPENSION OF MEETING PRACTICE**

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

- 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, WEBSTER AND WYNN

AGAINST: NIL

Councillor Vincent returned to the chamber at 6.02pm during consideration of this item.

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

***That with the exception of report numbers 5.2, 6.1, 6.3, 6.4, 6.6, 6.7, 6.8, 6.9, 7.2, 7.8, 7.9, 9.1 and 10.1 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**

**SUSPENSION OF MEETING PRACTICE**

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

***That Council allow meeting practice to be varied to allow Item 7.12 be dealt with in conjunction with Item 3.2 as both these items are related.***

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

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 5.37 pm for consideration of this item.

**3.2 DA/1396/2009/C - Section 96(1)a Modification to Permit the Two Stage Construction of the Approved GP Super Clinic at Woongarra**

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Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

Mr Tony Sweetnam, Project Manager, addressed the meeting at 5.42 pm, answered questions and retired at 5.53pm.

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

***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.***

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

AGAINST: NIL

The Mayor, Councillor Eaton, resumed the chair at 5.55 pm

**4.1 Proposed Acquisition of Land at Palmdale**

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

- 1 That Council endorse the proposal to acquire Lot 1 DP 1012816 No 31 Palmdale Road Palmdale for operational purposes.***
- 2 That Council authorise the General Manager, or his delegate, to attend the sale auction and bid on behalf of Council.***

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

AGAINST: NIL

5.1 Extension Of Contracts CPA/145091 - Hire of Minor Plant and Equipment, CPA/145088 - Hire of Plant and Machinery and CPA/145089 - Hire of Tipping Trucks and

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

- 1 That Council agree to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2012 to 31 July 2012.
- 2 That Council approve an increase of \$325K to the total value of contract CPA/145091 to meet the additional costs for the life of the contract (revised contract value of \$2,500K).
- 3 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145091 for the period 1 February 2012 to 31 July 2012.
- 4 That Council agrees to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2012 to 31 July 2012.
- 5 That Council approve an increase of \$1,600K to the total value of contract CPA/145088 to meet the additional costs for the life of the contract (revised contract value of \$9,700K).
- 6 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145088 for the period 1 February 2012 to 31 July 2012.
- 7 That Council agree to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2012 to 31 July 2012 (nil increase to the contract value).
- 8 That Council authorise the Director, Infrastructure Management to seek the agreement of the currently tendered Contractors to extend contract CPA/145089 for the period 1 February 2012 to 31 July 2012.

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

AGAINST: NIL

5.2 Contract CPA/198064 Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

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

- 1 That Council accept all conforming tenders received for the hire of plant and trucks for the operation of Buttonderry Waste Management Facility for inclusion on a priority ranking list for a period of twelve months.
- 2 That Council authorise the Director Infrastructure Management to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA/198064 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.



- 3 That Council approve an estimated annual expenditure for all plant and trucks against this contract of \$782,860.00 including a 10% contingency (excl GST) however actual expenditure may vary with fluctuations in demand.

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

AGAINST: NIL

#### 6.1 2010-11 Annual Plan - June Quarter Review

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

- 1 That Council receive the fourth Quarterly Review report on the WSC 2010-11 Annual 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.
- 4 That Council approve proposed budget "carry-overs" from 2010-2011 to 2011-2012 as contained in the detailed report enclosure.

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

AGAINST: NIL

#### 6.2 Contract Variations and Finalisation - July 2011

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

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

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (excl GST)</b>	<b>Additional Budget Approval</b>
<b>Provision of Property Manager Services – Mardi to Mangrove Link Project</b>	<b>CPA/146302</b>	<b>\$774,545.00</b>	<b>\$45,000.00</b>
<b>Provision of Cleaning Services</b>	<b>CPA/178719</b>	<b>\$205,760.00</b>	<b>\$15,600.00</b>

**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

**6.3 Wyong Shire Business Awards**

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*It was MOVED by Councillor VINCENT and SECONDED by Councillor MCBRIDE:*

- 1 *That Council support the establishment of a Wyong Shire Regional Business Awards event commencing 2012.*
- 2 *That Council request the General Manager to call for Expressions of Interest to form a management committee comprising representatives from Wyong Regional Chamber of Commerce, The Entrance and District Chamber of Commerce, other interested business groups/individuals and Council representatives.*
- 3 *That Council consider a further report on the Management Committee membership, draft Charter and budget to enable the business awards to be held.*

*An AMENDMENT was MOVED by Councillor MCNAMARA and SECONDED by Councillor EATON:*

*That Council defer this matter pending further information and a report being submitted to Council for consideration which includes feedback from the Roundtable of the Presidents of Wyong Shire Chambers of Commerce.*

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

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT.

***The AMENDMENT became the MOTION***

***RESOLVED on the motion of Councillor EATON:***

***That the MOTION be put.***

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

AGAINST: COUNCILLORS MCBRIDE AND VINCENT

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

***That Council defer this matter pending further information and a report being submitted to Council for consideration which includes feedback from the Roundtable of the Presidents of Wyong Shire Chambers of Commerce.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

#### **6.4 Warnervale Town Centre July 2011 Progress Report**

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Councillor Matthews left the chamber at 6.50pm and returned to the chamber at 6.53pm during consideration of this item.

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

- 1 That Council receive the report on Warnervale Town Centre July 2011 Progress Report.**
- 2 That Council decline the Expressions of Interest as lodged but enter into discussions with the interested parties.**
- 3 That staff prepare a further report to Council detailing any favourable options that arise from these discussions.**

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

AGAINST: NIL

#### **6.5 Letter to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11)**

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

- 1 That Council receive the report on letters to relevant Ministers regarding offshore mining in Petroleum Exploration Permit 11 (PEP11).**
- 2 That Council authorise the Mayor as signatory to the letters to relevant State and Federal Ministers as attached to this report.**

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

AGAINST: NIL

**6.6 Draft Minutes - Wyong Shire Grants Committee Meeting - Adjourned 21 July 2011 and Reconvened 10 August 2011**

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be a paid worker at this event, left the chamber at 7.00 pm, took no part in discussion, did not vote and returned to the chamber at 7.01 pm.

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

- 1 That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.**
- 2 That Council adopt the recommendations included in the draft minutes of the Wyong Shire Grants Committee Meeting reconvened on 10 August 2011.**
- 3 That Council allocate \$1,340 from the 2011-12 Community Benefit Grant program as follows:**

Applicant	Project	Amount Recommended
Central Coast Community Women's Health Centre	Assist with holding of Baby Expo - 8 October 2011	\$1,340

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

AGAINST: NIL

**6.7 Request for Funding - Central Coast Innovation Plan**

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

- 1 That Council agree to partly fund the Central Coast Innovation Plan proposed by The Regional Development Australia (RDA) Innovation Advisory Committee subject to funding limits and conditions.**
- 2 That Council limit its funding of the plan to \$20,000 for 2011-12, \$15,000 for 2012-13 and \$10,000 for 2013-14.**
- 3 That Council requires the funding to be subject to:-**
  - a Gosford City Council making a similar cash contribution and**
  - b A satisfactory review by Council of the 2011-12 year's progress before funding for the years 2012-13 and 2013-14 is approved.**
  - c A formal Funding Agreement being established between the parties.**

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

AGAINST: NIL

**6.8 Proposed Memorandum of Understanding and Master planning Exercise with the University of Newcastle & TAFE Hunter Institute, Ourimbah Campus**

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

- 1 That Council support the joint master planning process proposed with the University of Newcastle, TAFE, Council and the community to inform the draft Local Environmental Plan process.**
- 2 That Council delegate to the General Manager authority to make minor amendments to the attached draft document, as required by discussion with the partners, and execute the final Memorandum of Understanding with the University of Newcastle.**
- 3 That Council request the General Manager to form a steering committee to oversee the process with representatives of the Central Coast Development Corporation, the University of Newcastle, TAFE and the local community.**

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

AGAINST: NIL

**6.9 Relationship With Central Coast Regional Development Corporation**

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Michael Whittaker, General Manager declared a pecuniary interest in the matter for the reason that he is a Director on the Corporation Board, left the chamber at 7.11 pm, took no part in discussion, and returned to the chamber at 7.12 pm.

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

- 1 That Council endorse the development initiative of a formal working arrangement with the Central Coast regional Development Corporation (CCRDC).**
- 2 That Council agree to enter into a Memorandum of Understanding (MOU) between Wyong Shire Council (WSC) and CCRDC.**
- 3 That Council authorise the use of the Council Seal on the document.**
- 4 That Council authorise the Mayor and General Manager to execute all documentation related to the establishment and implementation of the Memorandum of Understanding.**

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

AGAINST: NIL

## 7.1 Information Reports

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

***That with the exception of report numbers 7.2, 7.8, 7.9, and 7.12 Council adopt the recommendations contained in the remaining information reports.***

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

AGAINST: NIL

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 7.12 pm for consideration of this item.

## 7.2 Quarterly Update on Section 94 Contributions

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Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that A. Van Stappen Pty Ltd is mentioned as a creditor in the attachment to this report and this Company is owned by members of his family, left the chamber at 7.12 pm, took no part in discussion, did not vote and returned to the chamber at 7.15 pm.

Councillor Vincent left the chamber at 7.12pm and returned to the chamber at 7.14 pm during consideration of this item .

Councillor McNamara left the chamber at 7.12pm and returned to the chamber at 7.14 pm during consideration of this item.

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

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

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

AGAINST: NIL

The Mayor, Councillor Eaton resumed the chair at 7.15PM

**7.3 Response from Minister for Transport on Warnervale Village Railway Station and Level Crossing**

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

***That Council receive the report on Response from Minister for Transport on Warnervale Village Railway Crossing and Level Crossing.***

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

AGAINST: NIL

**7.4 General Works in Progress**

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

***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

**7.5 Activities of the Building Certification and Health Unit and Development Assessment Unit**

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

***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

**7.6 Results Of Water Quality Testing for Beaches and Lake Swimming Locations**

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

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

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

***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

**7.8 Enterprise Risk Management Strategy Project**

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

***That Council receive the report on Enterprise Risk Management Strategy Project.***

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

AGAINST: NIL



**7.9 Mardi to Mangrove Link Project Status**

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

***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

**7.10 Investment Report for July 2011**

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

***That Council receive the report on Investment Report for July 2011.***

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

AGAINST: NIL

**7.11 Proposed Schedule of Ordinary Meetings - 2012**

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

***That Council receive the proposed schedule of Ordinary Meetings for 2012.***

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

AGAINST: NIL

### 7.12 Status of GP Super Clinic

Councillor Best declared a non-pecuniary significant interest in the matter for the reason that he received a text message from the Federal Member, Mr Craig Thompson which in his view was threatening and harassing him over his public comments regarding the local GP Super Clinic and under these circumstances he would not take part in the debate and would leave the chamber. He left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that as the Federal Member, Mr Craig Thompson, has linked Central Coast Group Training Ltd Skills Centre application with the GP Super Clinic his objectivity has been compromised, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.55 pm.

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

***That Council receive the report on Status of GP Super Clinic.***

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

AGAINST: NIL

### 7.13 Options for Informing Councillors

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

***That Council note the report on Options for Informing Councillors on business matters.***

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

AGAINST: NIL

### 7.14 Outstanding Questions without Notice and Notice of Motions

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

***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

**9.1 Notice of Motion - 4WD Environmental Vandalism**

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Councillor Webster left the chamber at 7.24pm and returned to the chamber at 7.25pm during consideration of this item .

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

- 1 That Council note with concern the escalating destruction of riparian vegetation along a large section of the Chittaway area due to illegal 4WD activities.**
- 2 That Council seek to block vehicular access to this sensitive environmental area as a matter of urgency.**
- 3 That Council recognise the outstanding efforts of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee in its endeavours to stabilise these riverbank systems.**
- 4 That Council also recognise that the vast majority of 4WD enthusiasts are responsible off roaders.**
- 5 That Council seek to educate off road users as to the importance of sustainable recreation through the various local 4WD associations.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND GRAHAM.

**PROCEDURAL MOTION**

**SUSPENSION OF MEETING PRACTICE**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council permit the submission of Questions On Notice prior to moving into Confidential Session to consider Item 10.1 Woongarra Waters Development - Water Quality Credit.**

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

AGAINST: NIL

**PROCEDURAL ITEM**

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

***That Council now move into Confidential Session.***

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

AGAINST: NIL

## CONFIDENTIAL SESSION

At this stage of the meeting being 7.38 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.

## OPEN SESSION

Council resumed in open session at 7.57 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

### 10.1 Woongarra Waters Development - Water Quality Credit

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- 1 ***That Council approve the final terms in accordance with the attached Deed of Agreement.***
- 2 ***That Council note that Danallam Development Pty Ltd are yet to execute the Deed.***
- 3 ***That Council note that it has previously authorised the General Manager to execute a Deed of Agreement covering the negotiated outcome.***
- 4 ***That Council authorise that Danallam Development Pty Ltd be advised that if the Deed is not executed by Friday, 23 September 2011, then Council will withdraw its offer.***

## LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR SYMINGTON SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSED GRANT APPLICATION FOR THE WYONG SKILLS CENTRE.

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

***That Council consider a motion of Urgency regarding the proposed grant application for the Wyong Skills Centre.***

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

AGAINST: NIL

Councillor Best left chamber at 7.58pm and did not return.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a Board Member and Chairperson of Central Coast Group Training Ltd, Council's representative and joint applicant for Skills Centre Federal Funding, left the chamber at 7.58 pm, took no part in discussion, did not vote and did not returned to the chamber.

The Mayor, Councillor Eaton vacated the chair and the Deputy Mayor, Councillor Graham assumed the chair at 7.58 pm for consideration of this item.

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

**U26/11 Proposed Grant Application for the Wyong Skills Centre**

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

- 1 That Council note and endorse the funding application as submitted to the Federal Government's Community Infrastructure Grants – Youth Commitments Program for the development of the Wyong Skills Centre on Nos 18 – 20 Margaret Street, Wyong for \$2,985,000.**
- 2 That Council undertake an Expression of Interest process for partners to provide a suitable site and build and operate the Wyong Skills Centre.**
- 3 That Council consider a report on the outcome of the Expression of Interest process.**
- 4 That Council reaffirm the request for staff to investigate other larger suitable sites as possible locations for the Wyong Skills Centre.**

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

AGAINST: NIL

The Mayor, Councillor Eaton, did not resume the chair.

**QUESTIONS ON NOTICE**

**Q22/11 Park on Corner of Golf Links Drive and Fishburn Crescent, Watanobbi  
Councillor L Matthews**

*“ On behalf of concerned residents of Watanobbi, can staff please advise what happened to the mini park on the corner of Golf Links Drive and Fishburn Crescent and will the equipment be replaced?”*

**Q23/11 Projected Additional Revenue Raised by Charging School to Utilise Sports  
Grounds  
Councillor D Vincent**

*“Could Council staff please advise on the projected additional annual revenue that will be raised by charging local schools to utilise Council's sports grounds and facilities?”*

**THE MEETING** closed at 8.20 pm.