
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 25 JULY 2012 COMMENCING AT 5.00 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, 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 and General Counsel.

Manager Development Assessment, Manager Place Management, Senior Strategic Planner, Principal Transport Engineer, Planner Land Use Planning, Communications and Marketing Coordinator 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 McBride advised that she recently attended the 44th annual Netball NSW State Age Championships held at Baker Park Wyong on behalf of the Mayor. Councillor McBride thanked the Director of Community and Recreation - Maxine Kenyon and the Manager of Sport Leisure and Recreation - Tara Mills, who were also in attendance. The General Manager - Michael Whittaker, Chris Miles, Frank Passmore and Executives of Wyong District Netball Association, The Chamber of Commerce and Wyong Community Bendigo Bank were also acknowledged for their contributions.

Councillor Graham advised that he recently attended a fundraising event at Shelley Beach Golf Club, held by the NSW Police Force – Tuggerah Lakes Local Area Command, to raise money for David Rickson, who was tragically killed on duty, and the Soloman Islands Community Health and Development Project; \$2,200 was raised on the day. Councillor Graham thanked Civic Centre Concierge - Mr John Hardwick who volunteered on the day and presented John with a plaque.

Councillor Graham welcomed Elise Gunner, a reporter for the local community news paper and Councillor Cherie Crawford and her delegation from Greater Shepparton Council in Victoria, who were in attendance in the Gallery.

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 numbers 1.1, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3.3, 3.4, 3.5, 4.5, 4.6, 4.7, 6.2, 6.4, 6.7, 8.1, 8.2 and 8.3, were dealt with first then the remaining reports were adopted via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

4.1 Minutes of 21 March 2012 and Draft Minutes of 21 June 2012 Wyong Shire Governance Committee

Director Environment and Planning Services declared a non-pecuniary significant interest in the matter for the reason that a matter referred to in the report involves staff within the Environment and Planning Services Department and did not participate in consideration of this matter.

6.7 Investment Report for June 2012

Councillor McBride declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer Director for Wyong Town Financial Services (Wyong Community Bendigo Bank) and participated in consideration of this matter.

Councillor McBride 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."

8.2 Notice of Motion – Daily Traffic Jams Through Wyong Township

Councillor McBride declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer Director for Wyong Town Financial Services (Wyong Community Bendigo Bank) and participated in consideration of this matter.

Councillor McBride 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."

8.3 Notice of Motion – Job Crisis

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 8.08 pm, took no part in discussion, did not vote and returned to the chamber at 8.27 pm.

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

1/12 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

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

2/12 That Council allow meeting practice to be varied.

3/12 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

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

4/12 That Council adopt the recommendations contained in the remaining reports, with the exception of report numbers 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3.3, 3.4, 3.5, 4.5, 4.6, 4.7, 6.2, 6.4, 6.7, 8.1, 8.2 and 8.3.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

5/12 That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm during consideration of this item.

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

6/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 June 2012 and the Extraordinary Meeting of Council held on 28 June 2012.

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

AGAINST: NIL

BUSINESS ARISING

Councillor Eaton requested the Director of Environment and Planning, Gina Vereker, take on board that Council is concerned about the resolution of item 2.2 – DA/51/2012 – Additions and Alterations to Existing Dwelling at Mardi, not being complied with and would like to see the matter come to the next Council meeting.

1.4 Address By Invited Speakers

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

7/12 That Council receive the amended report on Invited Speakers.

8/12 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

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

AGAINST: NIL

2.1 DA/607/2006/D Section 96(1A) Application for the Modification of Conditions relating to Public Access to the Roof Terrace Observation Deck, Azzurro Blu Wharf, The Entrance

Mr Jim Price, speaking on behalf of The Entrance Precinct Committee, addressed the meeting at 5.13 pm, answered questions and retired at 5.18 pm.

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

9/12 That Council defer a decision on this item.

10/12 That Council consider a report, at the 8 August 2012 Ordinary meeting, on reasons for refusal of the Section 96 Application based on ensuring the provision of unfettered access by the public to the roof top terrace.

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

AGAINST: COUNCILLOR EATON

2.2 DA/1457/2010/D - Section 96(1A) Application for the Modification of Condition 27 relating to Public Access to the Existing Roof Terrace Observation Deck, Azzurro Blu Wharf, The Entrance

Mr Jim Price, speaking on behalf of The Entrance Precinct Committee, was available to answer questions.

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

11/12 That Council defer a decision on this item.

12/12 That Council consider a report, at the 8 August 2012 Ordinary meeting, on reasons for refusal of the Section 96 Application based on ensuring the provision of unfettered access by the public to the roof top terrace.

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

AGAINST: COUNCILLOR EATON

2.3 DA/341/2012 - Detached Secondary Dwelling and Garage Including Demolition of Existing Garage at Noraville

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

13/12 That Council grant consent, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

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

AGAINST: NIL

2.4 DA/346/2012 - Proposed Detached Secondary Dwelling at Woongarra

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

14/12 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 BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.5 Planning Proposal - RZ/6/2012 - Key (Iconic) Development Site No 2 - Klumper Site, The Entrance

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

15/12 That Council initiate the Planning Proposal to amend Wyong Local Environmental Plan (WLEP) 1991 in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, by endorsing the planning proposal prepared by the applicant.

16/12 That Council forward the Planning Proposal to the Director General, Department of Planning and Infrastructure requesting a 'Gateway' determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.

17/12 Subject to the Director General's approval, that Council undertake community consultation on the Planning Proposal, in accordance with the Gateway Process and Director General's direction,.

18/12 *That Council request the Department of Planning and Infrastructure to prepare the draft Local Environmental Planning Instrument and that the Minister be requested to make the plan, subject to there being no objections received that cannot be resolved by minor amendments to the Planning Proposal.*

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

AGAINST: COUNCILLOR WYNN

2.6 Tuggerah Town Centre State Significant Site

Councillor Vincent left the meeting at 5.51 pm and returned to the meeting at 5.59 pm during consideration of this item.

Mr Matt Healy, Development Executive representing Westfield Development, addressed the meeting at 5.56 pm, answered questions and retired at 6.03 pm.

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

19/12 *That Council receive the report on the Tuggerah Town Centre State Significant Site.*

20/12 *That Council authorise the General Manager to execute the Offset Agreement that will include the dedication by Westfield of its environmental lands to the south of Westfield Tuggerah Shopping Centre.*

21/12 *That Council advise the Department of Planning and Infrastructure upon execution of the Offset Agreement.*

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

AGAINST: NIL

3.1 CPA/181540 - Hire of Tipping and Other Trucks

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

22/12 *That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181540 – Hire of Tipping and Other Trucks.*

23/12 *That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.*

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

AGAINST: NIL

3.2 CPA/181543 - Hire of Plant and Machinery

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

24/12 That Council accept all conforming tenders received for a period of up to 2 years with a 1 year Principal actionable extension for Contract CPA/181543 – Hire of Plant and Machinery.

25/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

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

AGAINST: NIL

3.3 CPA/200746 - Asphaltic Concrete - Category One - Supply Only

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

26/12 That Council decline to accept all tenders for the supply of Asphaltic Concrete Category One – Supply only, in accordance with the Local Government (General) Regulation 2005 Clause 178 (1) (b).

27/12 That Council cancel the proposal for the contract for the supply of Asphaltic Concrete Category One – Supply only, in accordance with the Local Government (General) Regulation 2005 Clause 178 (3) (a).

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

AGAINST: NIL

3.4 CPA/209236 - Construction of Concrete Pile Retaining Wall at Alison Road, Wyong

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

28/12 That Council decline to accept any of the tenders.

29/12 That Council cancel the proposal for the contract.

30/12 That Council decline to invite fresh tenders because the market has responded and no further commercial advantage to Council would be expected.

31/12 That Council note that staff will investigate if a more cost effective design that mitigates to an acceptable level the risk of collapse of the river bank and its associated public road and utility infrastructure into Wyong River can be identified.

32/12 That Council note in the event that such a solution can be identified that Council staff will project manage the works directly by calling a number of smaller contracts for the various packages of work with the aim to more effectively manage the risks presented by this work.

33/12 That Council determines the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

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

AGAINST: NIL

3.5 CPA/211385 - Expressions of Interest for Central Coast Pumps and Pipes Panel

Councillor Vincent left the meeting at 6.25 pm and returned to the meeting at 6.26 pm during consideration of this item.

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

34/12 That Council defer this matter for further information on consideration of local content in this tender panel.

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

AGAINST: NIL

4.1 Confirmed Minutes of 21 March 2012 and Draft Minutes of the 21 June 2012 Wyong Shire Governance Committee meetings

Director Environment and Planning Services declared a non-pecuniary significant interest in the matter for the reason that a matter referred to in the report involves staff within the Environment and Planning Services Department and I will not participate in consideration of this matter.

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

35/12 That the Council adopt the minutes of Ordinary and Confidential Sessions of the Wyong Shire Governance Committee Meeting held 21 March 2012 which were confirmed by the Committee on 21 June 2012.

36/12 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 21 June 2012.

37/12 That Council note the Committee recommendation from 21 June 2012 meeting regarding Item 2.5 Strengthening Stores/Procurement Organisational Structure and request that the General Manager direct staff to:

a continue to implement a phased change process over the next 12 months that includes revision of controls, corporate reporting, structural reporting lines, delegations and store operations.

b consider that probity includes the concepts of impartiality, integrity, confidentiality, fairness, conflicts of interest and transparency noting that value for money is dealt with under best value.

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

AGAINST: NIL

4.2 Payment of Public Liability Professional Indemnity Insurance Policy

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

38/12 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2012 to 30 June 2013.

39/12 That Council approve the premium payment of \$493,591 ex GST.

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

AGAINST: NIL

4.3 Contract Variations and Finalisation - June 2012

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

40/12 That Council receive the Contract Variations and Finalisation for June 2012.

41/12 That Council notes additional expenditure above resolved estimates for the following contracts:

Contract Title	Contract No	Adjusted Contract Value (Excl GST)	Additional Budget Approval (Excl GST)
Hire of Minor Plant and Equipment	CPA/145091	\$2,728,420.00	\$228,420.00
Sludge Dewatering of No. 2 Sludge Lagoon at Charmhaven STP and No. 1, No. 2, and No. 3 Sludge Lagoons at Mannering Park STP	CPA/190437	\$226,599.00	\$11,822.00

42/12 That Council note the additional expenditures requested are within approved program budgets.

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

AGAINST: NIL

4.4 Community Engagement Policy

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

43/12 That Council adopt the draft Engagement Policy as a standard for all community engagement activities and that community engagement is a component of all future planning and project management.

44/12 That Council note the implementation of the policy will be undertaken as a component of day to day business through Service Unit Business Plans.

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

AGAINST: NIL

4.5 Councillor Induction Program

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

45/12 That Council endorse for the consideration of the 2012-2016 Council:

a the attached 2012 Councillor Induction Program with the following amendment:

- Scheduling of the Mayoral Election on 3 October 2012.

b that new and returning Councillors attend the mandatory sessions

c that the Facilities and Expenses Policy be amended to provide for professional membership of relevant associations for Councillors of up to \$2,000 per councillor, per annum.

d that the induction program include a variety of delivery/training methods and be tailored to suit individual Councillor requirements.

46/12 That Council provide a copy of the Program to interested candidates for the 2012 Local Government Election.

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

AGAINST: NIL

4.6 Election of Chairperson for Status of Women Advisory Committee

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

47/12 That Council endorse the proposed Chairperson of the Status of Women Advisory Committee as Councillor Lisa Matthews, for the remainder of the 2012 term, to conduct business in accordance with the Committee Terms of Reference.

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

AGAINST: NIL

4.7 Central Coast Regional Organisation of Councils Sporting and Cultural Sponsorship

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

48/12 That Council continue to contribute \$35,000.00 to the Central Coast Regional organisation of Councils Sporting and Cultural Sponsorship program.

49/12 That Council delegate to the General Manager to negotiate with Gosford City Council the various changes to the program as outlined in this report.

50/12 That Council receive annual updates on the allocation of funds through this program.

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

5.1 2012 Company Directors Conference - Darwin 2012

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

51/12 That Council receive the report on AICD 2012 Company Directors Conference - Darwin 2012

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

6.1 Information Reports

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

52/12 That Council receive the report on Information Reports.

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

6.2 Annual Code of Conduct Complaints Reporting

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

53/12 That Council note the Annual Code of Conduct Complaints Reporting.

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

AGAINST: NIL

6.3 General Works in Progress

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

54/12 That Council receive the report on General Works in Progress.

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

AGAINST: NIL

6.4 Mardi to Mangrove Link Project Status

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

55/12 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

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

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

56/12 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, WEBSTER AND WYNN

AGAINST: NIL

6.6 Activities of the Development Assessment and Building Certification and Health Units

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

57/12 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units

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

AGAINST: NIL

6.7 Investment Report for June 2012

Councillor McBride declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer Director for Wyong Town Financial Services (Wyong Community Bendigo Bank) and participated in consideration of this matter.

Councillor McBride stated:

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

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

58/12 That Council receive the Investment Report for June 2012.

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

AGAINST: NIL

6.8 2012 Wyong Regional Chamber of Commerce Annual Business Awards

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

59/12 That Council note the approval granted by the Mayor and General Manager for any interested Councillor/s and partners to attend the 2012 Wyong Regional Chamber of Commerce Annual Business Awards function.

60/12 That Council meet reasonable expenses incurred by those interested Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.

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

AGAINST: NIL

6.9 Outstanding Questions on Notice and Notices of Motion

Councillor Vincent left the meeting at 5.11 pm and returned to the meeting at 5.12 pm and as a result took no part in voting on this item.

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

61/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

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

AGAINST: NIL

8.1 Notice of Motion - State of the Environment Report (SOE) Peer Review

Councillor McNamara left the meeting at 7.07 pm and returned to the meeting at 7.08 pm during consideration of this item.

Councillor Webster left the meeting at 7.08 pm and returned to the meeting at 7.12 pm during consideration of this item.

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

1 That Council note the release of the annual 2011/12, State of the Environment (SOE) report and the alarming results particularly with regard to environmental outcomes ie major decline.

2 That Council formally review this document now.

- 3 That Council note that the SOE is compiled, assessed and reported upon by Staff.
- 4 That Council direct the General Manager to have the SOE report independently peer reviewed in recognition of the need for greater assessment, probity and governance.
- 5 That Council seek quotations/tenders to provide the independent review, in accordance with the WSC Procurement Policy.
- 6 That Council invite local university faculties to participate in the process.
- 7 That Council receive a report on the background and quotations/tenders prior to commencing with the procurement process.

The MOTION was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

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

8.2 Notice of Motion - Daily Traffic Jams Through Wyong Township

Councillor McBride declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer Director for Wyong Town Financial Services (Wyong Community Bendigo Bank) and participated in consideration of this matter.

Councillor McBride stated:

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

Councillor Matthews left the meeting at 7.39 pm and returned to the meeting at 7.43 pm during consideration of this item.

Mr John Barkley, resident, addressed the meeting at 7.30 pm, answered questions and retired at 7.37 pm.

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

- 1 That Council recognise the importance of delivering the Pacific Highway upgrade through Wyong, linking up with the new Tuggerah Straight works as this is an economically vital road corridor providing business and job opportunities.
- 2 That Council recognise that having regard to the State Government annual budgetary processes, the need to now facilitate its agreeance/concurrence on this road upgrade to meet the new budgetary cycle.
- 3 That Council give certainty to the hundreds of residents that live with the real prospect of the Pacific Highway upgrade bypass being funnelled through their residential streets, resulting in major loss of amenity, safety and property values/forced resumptions.
- 4 That Council formally give the RMS its support and concurrence for the through town Pacific Highway upgrade favouring the maximum parking option to assist local businesses and finally get this road started.

- 5 That Council request the General Manager to provide a report to Council in support of the RMS's preferred option along the existing Pacific Highway corridor that was exhibited in November 2011.
- 6 That Council note opportunity in the existing Pacific Highway corridor option to provide incremental improvements through the life of the project.

The MOTION was put to the VOTE and declared LOST.

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

8.3 Notice of Motion - Job Crisis

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 8.08 pm, took no part in discussion, did not vote and returned to the chamber at 8.27 pm.

Councillor Best left the meeting at 8.09 pm and returned to the meeting at 8.11 pm during consideration of this item.

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

- 1 That Council note with concern the local jobs at risk due to the carbon tax which unfairly discriminates in favour of dirty Victorian power stations.
- 2 That Council request Delta electricity to brief Council on its future, if any, in Wyong LGA including in particular, rumours of the closure of Vales Point power station.
- 3 That Council request the Federal Government to fund an industry assistance package for Wyong LGA to create alternative local employment.
- 4 That Council seek an urgent meeting with the State Minister for Energy to discuss the government's plans for Delta's lands and works and assurances as to Vales Point's future.

The MOTION was put to the VOTE and declared LOST.

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

QUESTIONS ON NOTICE

Q28/12 Fairness Test
Councillor Greg Best
F2004/07718

"I have received numerous representations from Mr Harris of Budgewoi advising that Council has rejected his claim for repairs to his vehicle as a result of a Council tree on Council land falling upon his vehicle. Personally I find it difficult to understand our position, as if this occurred through a shop awning failure or signage collapse damaging a parked vehicle the shop owner would be responsible. I table Mr Harris's correspondence of 25 July 2012 for your response?"

Q29/12 General Store Compliance
Councillor Greg Best
F2004/07718

“Mr General Manager,

I have received numerous representations with regard to the ongoing issue of compliance of a general store in Norah Head that now seats some 50-60 patrons “The General Store” can be booked online for functions or private gatherings, could you please outline how this activity has been able to be approved in a residential area under the guise of a general store? As this matter has been ongoing for some 6 months your response would be appreciated at your earliest convenience to assist those in question.”

THE MEETING closed at 8.28pm.