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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 22 SEPTEMBER 2010 COMMENCING AT 5:00 PM

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#### PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, 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, Acting Director Shire Planning, Director Shire Services, Director Corporate Services, Project Director Mardi to Mangrove Project, Acting Manager Future Planning and Manager Development Assessment.

Manager Regulation and Compliance, Manager Sustainability, Manager Customer and Community Services, Recreation Planner, Senior Planner, Senior Transportation Engineer, Electrical Services Engineer, Chief Ranger, Landscape Architect and three Administration staff.

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

Councillor McBride represented Wyong Shire Council at the Central Coast Women in Business Awards where Martine Brieger, Manager Communications was successful in winning the Local Government Award. Councillor McBride was also given a sponsorship thank you certificate from the Business Women Connect, who organised the event, which she accepted on Council's behalf.

Councillor Matthews read an acknowledgment of country statement and Councillor Graham delivered the opening prayer.

#### APOLOGIES

There were no apologies.

**1.1 Disclosure of Interest**

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**6.5 Endorsement of Voluntary Planning Agreement between Wyong Shire Council, the Trustees of the Roman Catholic Church of the Diocese of Broken Bay and Warnervale Medical Holdings Pty Ltd**

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) and participated in consideration of this matter.

Councillor Symington 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."*

**6.5 Endorsement of Voluntary Planning Agreement between Wyong Shire Council, the Trustees of the Roman Catholic Church of the Diocese of Broken Bay and Warnervale Medical Holdings Pty Ltd**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), which determined the application subject to VPA, and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council nominee on the JRPP and the interests are concurrent."*

**7.11 Health Studies Relating to Coal Mining and Power Stations**

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 6.51 pm took no part in discussion, did not vote and returned to the chamber at 6.55 pm

**10.1 Wyong Town Centre Carparking Strategy**

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is working for Central Coast Group Training which has a joint application with Council for work on a site referred to in this report 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 it is only a minor matter."*

### 10.1 Wyong Town Centre Carparking Strategy

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter, for the reason that the report mentions a site for a proposed Council/CCGT Joint Venture Incubator and he is chair of Central Coast Group Training, and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the position of Honorary Chair is not paid and the interests of Council and CCGT are concurrent as a joint venture proposal."*

### 10.2 Central Coast Mariners Revised Funding Agreement

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a non executive member of the Mariners F.C Board of Directors, left the chamber at 7.30 pm took no part in discussion, did not vote and did not return to the chamber.

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

***That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.***

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

AGAINST: NIL

### 1.2 Address By Invited Speakers

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

***That Council receive the report on Invited Speakers.***

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on the 8 September 2010.***

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**1.4 Mayoral Minute - Wyong Regional Chamber of Commerce Business Awards**

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

- 1 That Council support this regional event by becoming a Platinum Sponsor and sponsor a corporate table for interested Councillors and their partners. Any vacant seats to be filled by Council staff as nominated by the General Manager.***
- 2 That Council indicate in principle support for events hosted by other Chamber of Commerce.***
- 3 That Council undertake a workshop to identify other events that align with Council's Shire Strategic Vision and may require a corporate presence.***

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

AGAINST: NIL

**2.1 Notice of Intention to Deal with Matters in Confidential Session**

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

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

**Report no 11.1 Wyong Town Centre Carparking Strategy**

**Report no 11.2 Central Coast Mariners Revised Funding Agreement**

- 2 That Council note its reasons for confidentiality as follows:**

**Report No 11.1 Wyong Town Centre Carparking Strategy is required to be considered in confidential session as it may confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, should the discussions be held in a non-confidential environment.**

**Report no 11.2 Central Coast Mariners Revised Funding Agreement is required to be considered in confidential session as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it**

- 3 That Council request the General Manager to report on these matters in open session of Council.**

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

AGAINST: NIL

**3.1 Draft Community Gardens Policy**

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

- 1 That Council publicly exhibit the Community Gardens Policy for a period of four weeks.**
- 2 That, subject to there being no significant objections as a result of public exhibition, Council adopt the Community Gardens Policy with appropriate public notice being given.**

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

AGAINST: NIL

**3.2 Draft Wyong Shire On-Road Bicycle and Shared Pathway Strategy**

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

- 1 That Council adopt in principle the Wyong Shire On-Road Bicycle and Shared Pathway Strategy, Background Document and Action Plan.**
- 2 That staff provide an additional report on the usage of selected existing on-road bicycle and shared pathways.**
- 3 That the additional usage report mentioned in Recommendation No 2 above be presented back to Council within 3 months and include any changes proposed to the Action Plan as a result of this additional information.**
- 4 That Council consider increasing the annual shared pathway allocation to \$250,000 pa from 2011/12 to accelerate the delivery of the bicycle and shared pathway network, at the time the 2011/12 Management Plan is adopted and to consider increasing this amount to \$1m over the next five years.**
- 5 That Council consider the allocation of \$30,000 in the 2011/12, 2012/13 and 2013/14 Management Plans for the development of supporting programs, at the time that each Management Plan is adopted.**
- 6 That Council include a key focus of the Strategy completion, being closing gaps in the existing network.**

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

AGAINST: NIL

**4.1 Proposed Acquisition of land and Easements at Stanfield Road and Dog Trap Road, Ourimbah**

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

- 1 That Council acquire part of Lot 1 DP 318710 Stanfield Road, Ourimbah and part of Lot 66 DP 5631 Dog Trap Road, Ourimbah as public road.**
- 2 That Council acquire easements for drainage 1.25m and 1m wide over Lot 66 DP 5631.**
- 3 That Council authorise the payment of compensation if necessary for the acquisition of the land and the acquisition of the 2 easements in Items 1 and 2 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 4 That Council proceed to compulsorily acquire the land and/or easements in Items 1 and 2 in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 5 That Council authorise the Mayor and General Manager, to execute all documents, including the affixation of the Council Seal (as required), relating to the acquisition.**

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

AGAINST: NIL

**4.2 Proposed Acquisition of Land at Brush Rd Ourimbah for Road Purposes**

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

- 1 That Council acquire part of Lot 5 DP 4097 at Brush Road, Ourimbah as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council issue written notice to the owner of Lot 5 DP 4097 of its intention to exercise its power under Section 175 of the Roads Act 1993 to take possession of the land to be acquired in advance of the acquisition.**
- 4 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owner cannot be satisfactorily resolved.**

- 5 That Council authorise the Mayor and the General Manager to execute all documents related to the acquisition and to affix the Common Seal of Wyong Shire Council to such documents as required.**

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

AGAINST: NIL

**5.1 Contract CPA/158914 Management of Toukley, Wyong and The Entrance Pools and Lake Haven Recreational Centre - Variation No 2**

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

***That Council endorse the payment of \$75,000.00 (excl GST) to the YMCA of Sydney for misleading membership data provided in tender documentation (Variation No 2) under Contract CPA/158914.***

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

AGAINST: NIL

**5.2 Contract CPA/184454 - Soldiers Beach Surf Lifesaving Club (SLSC) Construction**

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

- 1 That, Council accept the tender from National Buildplan Group Pty Limited for the lump sum amount of \$2,503,904.00 (excl GST) for Contract CPA/184454 – Soldiers Beach SLSC Construction.***
- 2 That for Contract CPA/184454, Council approve a contract budget of \$2,804,400.00 (excl GST) that provides for a contingency amount of \$280,440.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project***
- 3 That Council consider a report on what suitable environmental and amenity enhancements can be achieved with the new surf club buildings. This report be provided to Council within four weeks.***

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

AGAINST: NIL



**5.3 Contract CPA/184446 - Shelly Beach Surf Lifesaving Club (SLSC)  
Construction**

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

- 1 That, Council accept the tender from National Buildplan Group Pty Limited for the lump sum amount of \$2,542,989.00 (excl GST) for Contract CPA/184446 – Shelly Beach SLSC Construction.**
- 2 That for Contract CPA/184446, Council approve a contract budget of \$2,848,150.00 (excl GST) that provides for a contingency amount of \$284,815.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**
- 3 That Council consider a report on what suitable environmental and amenity enhancements can be achieved with the new surf club buildings. This report be provided to Council within four weeks.**

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

AGAINST: NIL

**6.1 Environmental Policy**

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

- 1 That Council adopt the draft Wyong Shire Council Environmental Policy for operational activities.**
- 2 That Council work towards achieving Group 4 status for Environmental Management Systems.**

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

AGAINST: NIL

## **6.2 Greenhouse Gas Reduction Opportunities**

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Councillor Graham left the Chamber at 6.01 pm and returned to the chamber at 6.02 pm during consideration of this item.

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

- 1 That Council receive the report on Greenhouse Gas Reduction Opportunities.**
- 2 That Council adopt the “Carbon Management Hierarchy” as the basis for its strategy for management of greenhouse gas emissions.**
- 3 That Council approve the redirection of funding from the green energy program (as required by implementation of the Carbon Management Strategy) to provide an opportunity to investigate further actions for avoidance, reduction or replacing of greenhouse gas emissions which return greater benefits.**
- 4 That Council note that subject to imminent implementation of the methane recovery technology at Buttonderry Waste Facility, no additional action will be required to achieve a minimum 30% reduction in greenhouse emissions due to fuel consumption, waste management and electricity consumption at Council’s “Top Ten” sites by 2030 or earlier (based on 1999/00 levels).**
- 5 That Council adopt a target of achieving 50% green energy at Wyong Civic Centre and 25% at the remainder of Council’s top ten sites by 2013-14. The estimated additional cost of this action will be about \$33k in 2011-12, \$36k in 2012-13 and \$39k in 2013-14.**
- 6 That Council utilise approximately \$100,000 from the 2011-12 Waste and Sustainability Improvement Payment funding (if approved) to support energy efficiency measures at Council’s “Top Ten” sites.**
- 7 That Council continue to offset 100% emissions for Council’s vehicle and small plant fleet through participation in the Greenfleet program at a current estimated cost of \$86,000 per annum.**
- 8 That Council staff continue to monitor and assess opportunities for funding and the implementation of innovative ideas to reduce Council’s (and the Shire’s) reliance on coal powered electricity and report back to Council in 12 months.**
- 9 That Council consider a further report on the residual Council sites with strategies to further reduce greenhouse gas emissions.**

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

AGAINST: NIL

**6.3 Alcohol Free Zone - Wadalba**

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

**That Council formally adopt the proposal to establish an Alcohol Free Zone at the following location for a period up to 30 June 2013:**

**Wadalba:** *in the area opposite the Dam Hotel along Figtree Boulevard from the Pacific Highway going south along Van Stappen Road to the Wadalba Sports Facility.*

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

AGAINST: NIL

**6.4 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$4,850.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**6.5 Endorsement of Voluntary Planning Agreement between Wyong Shire Council, the Trustees of the Roman Catholic Church of the Diocese of Broken Bay and Warnervale Medical Holdings Pty Ltd**

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Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP) and participated in consideration of this matter.

Councillor Symington 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 Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), which determined the application subject to VPA, and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am a Council nominee on the JRPP and the interests are concurrent."*

Acting Director Shire Planning advised he had previously declared on this matter for the reasons that he was an alternate member on the panel and was involved with the negotiations but did not contribute to the determination. However, in terms to the Voluntary Planning Agreement before Council he did not believe he had any conflict of interest and participated in consideration of this matter.

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

- 1 That Council endorse the Voluntary Planning Agreement (VPA).***
- 2 That Council authorise the Director of Shire Planning to execute the VPA.***
- 3 That Council forward a copy of the executed VPA to the Minister for Planning in accordance with the provisions of Clause 93G of the Environmental Planning and Assessment Act 1979.***

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

AGAINST: NIL

**6.6 Conference Attendance - 2010 Environment and Planning Law Association**

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

- 1 That Council authorise interested Councillors to attend the Environment and Planning Law Association Conference.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

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 EATON:**

**That with the exception of report numbers 7.2, 7.4, 7.6, 7.7, 7.10, 7.11, and 7.16 Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

**7.2 Park User Satisfaction Survey**

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

**That Council receive the report on Park User Satisfaction Survey.**

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

AGAINST: NIL

**7.3 General Works in Progress**

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

***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

**7.4 Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council**

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

***That Council receive the report on Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council.***

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

AGAINST: NIL

**7.5 Annual Water Supply and Sewerage Performance Reporting**

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

***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

**7.6 Indigenous Community Development Worker**

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Councillor McNamara left the Chamber at 6.21 pm and returned to the chamber at 6.23 pm during consideration of this item.

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

- 1 That the report regarding Indigenous Community Development Worker be received and the information noted.**
- 2 That Council commit to funding of the Indigenous Community Development Worker and program if external funding is not secured.**

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

AGAINST: NIL

**7.7 Strategy to Address Illegal Camping and Related Issues During Holiday Periods**

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Councillor Matthews left the Chamber at 6.30 pm and returned to the chamber at 6.31 pm during consideration of this item.

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

**That Council receive the report on the strategy to address illegal camping and related issues during holiday periods.**

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

AGAINST: NIL

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

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

**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

**7.9 Wyong Council's Customer Service Benchmarking Report**

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

***That Council receive the report on Wyong Council's Customer Service Benchmarking Report.***

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

AGAINST: NIL

**7.10 Priority Region for NBN - National Broadband Network**

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

***That Council receive the report update regarding activities to date on the National Broadband Network initiative and approve additional funding of \$5,500 to continue working with the Central Coast and Hunter Broadband Project Group.***

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

AGAINST: NIL

**7.11 Health Studies Relating to Coal Mining and Power Stations**

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Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 6.51 pm took no part in discussion, did not vote and returned to the chamber at 6.55 pm

Councillor Matthews left the Chamber at 6.53 pm and returned to the chamber at 6.54 pm during consideration of this item.

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

***That Council receive the report on Health Studies Relating to Coal Mining and Power Stations.***

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

AGAINST: NIL



**7.12 Contract Variations and Finalisation - August 2010**

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

- 1 That Council endorse the Contract Variations and Finalisation August 2010 report (Attachment 1).
- 2 That Council approve additional expenditure above resolved estimates for the following contract:

<b>Contract Title</b>	<b>Contract No</b>	<b>Additional Expenditure</b>
<b>Plumbing Maintenance Services for Council's Holiday Parks</b>	<b>134171</b>	<b>48,000.00</b>

- 3 That Council note the additional expenditure requested will be funded from Holiday Parks' Budgets.

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

AGAINST: NIL

**7.13 Mardi to Mangrove Link Project Status**

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

**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

**7.14 Activities of the Development Assessment Unit**

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

**That Council receive the report on Activities of the Development Assessment Unit.**

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

AGAINST: NIL

**7.15 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 EATON:***

***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

**7.16 Central Coast Tourism Inc - Memorandum of Understanding 2010-11**

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Councillor Vincent left the meeting at 06:51 pm and returned to the meeting at 06:55 pm during consideration of this item.

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

***That Council receive the report on Central Coast Tourism Inc - Memorandum of Understanding 2010-11.***

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

AGAINST: NIL

**7.17 Update on the Central Coast Water Corporation**

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

- 1 That Council concur with the amendments to the Central Coast Water Corporation Act 2006 in accordance with the MoU.***
- 2 That Council authorise the Mayor to write to the Minister advising of Council's concurrence.***

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

AGAINST: NIL

**7.18 Investments for August 2010**

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

***That Council receive the report on Investments for August 2010.***

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

AGAINST: NIL

**7.19 Outstanding Questions Without Notice and Notices of Motion**

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

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

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

AGAINST: NIL

**9.1 Notice of Motion - Limited Access Ourimbah Station - University**

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

- 1 *That Council note with concern that there is no disabled access to Ourimbah Railway Station and to and from the station from the University and the Town Centre; and that the RTA has demolished the former footpath which previously provided a form of disabled access.***
- 2 *That Council call on the State Government and the State Opposition through the relevant Parliamentary Secretary for the Central Coast and Shadow Minister for the Central Coast to make provision for disabled access to Ourimbah Railway Station.***
- 3 *That Council request Gosford Council and the Central Coast Campus to support this request due to the regional importance of Ourimbah Station in servicing the University.***

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

AGAINST: NIL

**QUESTIONS WITHOUT NOTICE**

**Q103/10 Evans Road Pathway Construction Program**

**Councillor Doug Vincent**

F2010/00500

*“Could staff please advise on the timings on the construction program to complete the first half of the Evans Road Pathway that is budgeted for in the 2010/11 Annual Management Plan?”*

**Q104/10 Update on Role of Wyong Shire Council Life Guards in Regards to Water Safety Education**

**Councillor Emma McBride**

F2010/00500

*“Given the report released today by the Royal Life Saving Society of Australia, could a councillor update be provided on the role of Wyong Shire Council Life Guards in water safety education?”*

**Q105/10 Immobilisers to Victims of Car Theft Program**

**Councillor Greg Best**

F2010/00500

*“Mr Mayor I note a Council Media Release posted this evening regarding car theft, quote “the program will provide 100 free immobilisers to victims of car theft.” Mr Mayor if to qualify one must have their car stolen then how does the immobiliser program work?”*

**Q106/10 Question to RTA Regarding Strata Compensation due to Road Works**

**Councillor Sue Wynn**

F2010/00500

*“Wyong Shire Council please clarify with the RTA that properties that have a strata title are not entitled to just compensation when affected by any road works that impinge on their properties?”*

**CONFIDENTIAL SESSION**

At this stage of the meeting being 7.10 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

*“2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business”*

*2(d) commercial information of a confidential nature that would, if disclosed:  
(i) prejudice the commercial position of the person who supplied it, or  
(ii) confer a commercial advantage on a competitor of the council, or  
(iii) reveal a trade secret,”*

**OPEN SESSION**

Council resumed in open session at 8:07 pm and the General Manager reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

**10.1 Wyong Town Centre Carparking Strategy**

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- 1 *That Council receive the report on the Wyong Town Centre Carparking Strategy.*
- 2 *That Council provide a supplementary report to include lots 2, 3 & 4 (DP 11131) Margaret Street, Wyong for use as "on grade" and/or "multi level" carparking.*

**10.2 Central Coast Mariners Revised Funding Agreement**

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- 1 *That Council approve, the Sponsorship Agreement with the Central Coast Mariners (Attachment 1), subject to confirmation from the Department of Industry and Investment of their \$100,000 sponsorship to the Central Coast Mariners.*
- 2 *That Council authorise the General Manager to seek the full details of the nature and quantum of the expenditure of Gosford City Council that reflects their in-kind contribution of the sponsorship of the Central Coast Mariners.*
- 3 *That Council request the Central Coast Mariners to provide documentation which demonstrates the detail of expenses and income that Gosford City Council will disburse and receive as part of their association with the Central Coast Mariners in the 2010 – 2011 season.*
- 4 *That Council consider a further report upon receipt of this information.*

**THE MEETING** closed at 8:08 pm.