
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 8 September 2010 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 Shire Planning, Director Shire Services, Director Corporate Services, Acting Manager Future Planning and Manager Development Assessment.

Manager Governance and Administration, Arborist and Landscape Design Assessment Officer and three administration staff.

Councillor Webster spoke briefly on the Memory to Dreams Art Show held on Saturday, 4 September 2010, which she attended on behalf of the Mayor.

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

APOLOGIES

There were no apologies.

All reports were dealt with in the correct order.

1.1 Disclosure of Interest

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

That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

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

AGAINST: NIL

1.2 Address by Invited Speakers

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

- 1 That Council receive the amended report on Invited Speakers.
- 2 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 August 2010.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 DA 1505/2009 - Fitout and Occupation of an existing premises as a Liquor Store at Toukley

Councillor McNamara left the meeting at 5:36 pm and returned to the meeting at 5:38 pm during consideration of this item.

Mr Robert Barby, resident, against the recommendation, addressed the meeting at 5.04 pm, answered questions and retired at 5.15 pm.

Mr Paul Levenspiel, owner/applicant, for the recommendation, addressed the meeting at 5.15 pm and retired at 5.21pm.

It was MOVED by Councillor BEST and SECONDED by Councillor VINCENT:

That this matter be referred back to the Director Shire Planning to develop conditions for refusal on the issues of but not limited to social impact, reduction in amenity, traffic impacts and car parking, clustering of liquor outlets and that the general area is frequented by young children in large numbers and community objection to the proposal.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.
- 2 That Council advise those who made written submissions of its decision.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS EATON, GRAHAM AND SYMINGTON

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT, WEBSTER AND WYNN

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

That this matter be referred back to the Director Shire Planning to develop conditions for refusal on the issues of but not limited to social impact, reduction in amenity, traffic impacts and car parking, clustering of liquor outlets and that the general area is frequented by young children in large numbers and community objection to the proposal.

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

AGAINST: COUNCILLORS EATON AND SYMINGTON

2.2 TA 84/2010 - Section 82A Application For The Removal of Seven Trees at 92 Panorama Avenue, Charmhaven

Councillor Best left the meeting at 5.52 pm and returned to the meeting at 5.56 pm during consideration of this item.

Ms Linda Eid, owner/resident, against the recommendation, addressed the meeting at 5.52 pm, answered questions and retired at 6.08 pm.

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

- 1 That Council defer consideration of the Section 82A Review of TA/84/2010 pending a site inspection by available Councillors.
- 2 That staff discuss with the applicant the potential for the lodgement of a Section 96 modification to enable the replanting of species as required in condition 3 of the consent to take place within Council's reserve on Panorama Avenue rather than on the subject land.

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

AGAINST: NIL

3.1 Proposed Acquisition of Private land at Fountaindale for Road Widening

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

- 1 That Council acquire part of Lot 2 DP586364 and part of Lot 504 DP 1134328 Berkeley Road, Fountaindale as Public Road.
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.
- 3 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.
- 4 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition and transfer of the land to Wyong Shire Council and the dedication of that land as public road.
- 5 That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of the land to Wyong Shire Council and the dedication of that land as public road.

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

AGAINST: NIL

4.1 CPA/178719 - Provision of Cleaning Services at Various Council Facilities

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

- 1 That Council accept the tender from Academy Services Pty Ltd for a period of one year with the option to extend the contract for a further two years, each option to be exercised in annual increments.
- 2 The Council note the estimated annual expenditure against this contract is \$183,390.00 (excl GST) and if the optional extensions are taken up, the estimated expenditure against the contract would be \$558,460.00 (excl. GST) for the total three years but may vary slightly with fluctuations in requirements.

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

AGAINST: NIL

4.2 Contract CPA/180792 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

RESOLVED unanimously on the motion of Councillor EATON 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 Shire Services to arrange engagement of plant as required from time to time from Panel 1 for the effective operation of the facility in accordance with Contract CPA/180792 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.**
- 3 That Council authorise the General Manager to arrange engagement of plant as required from time to time from Panel 2 for the effective operation of the facility in accordance with Contract CPA/180792 'Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility'.**
- 4 That Council approve an estimated annual expenditure of \$1,013,000.00 (excl GST) for all plant and trucks against this contract, however actual expenditure may vary significantly with fluctuations in demand.**

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

AGAINST: NIL

4.3 Thiess - Option to Extend Contract for a Further 24 Months

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

That Council exercise its option to extend the contract by two years commencing 1 October 2010 for Contract CPA 122066 – Collection of bulk mixed waste and recyclable materials at the Central Coast Holiday Parks. The estimated annual expenditure against this contract is \$220,000 including GST (\$200,000 excluding GST), however actual expenditure may vary slightly with annual rise and fall price adjustments and fluctuations in demand.

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

AGAINST: NIL

5.1 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan

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

That Council defer the report until all owners have confirmed their agreement to the proposed improvement Works.

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

AGAINST: NIL

5.2 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$5,350.00 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

6.1 Information Reports

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

Those with the exception of report numbers 6.3, 6.4 and 6.6 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

6.2 Access from F3 Freeway to Hue Hue Road

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

1 *That Council receive the report on Access from F3 Freeway to Hue Hue Road.*

2 *That Council send a letter to the Roads and Traffic Authority requesting that it commence panning for an F3 Freeway interchange at Wyong to cater for the longer term needs arising from the Wyong Planning Strategy.*

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

AGAINST: NIL

6.3 Woolworths Shopping Centre and District Medical Centre - Lake Munmorah

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

- 1 That Council receive the report on Woolworths Shopping Centre and District Medical Centre - Lake Munmorah.**
- 2 That Council formally thank the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong for their assistance in expediting this matter.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

6.4 Warnervale Town Centre Progress Report

Councillor Vincent left the meeting at 6.38 pm and returned to the meeting at 6.41 pm during consideration of this item.

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

That Council receive the report on Warnervale Town Centre Progress Report.

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

AGAINST: NIL

6.5 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

6.6 Outstanding Questions Without Notice and Notices of Motion

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

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

8.1 Notice of Motion - Fluorescent Light Globes and Batteries Recycling

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

1 That Wyong Shire Council introduce a fluorescent light globe and battery recycling program for a 1 year trial after which time a report is to come back to Council outlining the success or otherwise of the program and its cost.

2 That Wyong Shire Council enable this recycling to occur by providing suitable collection sites.

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Eaton sought leave to introduce a motion of urgency concerning the Central Coast being recognised as a region and accessing the Regional Infrastructure Fund.

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

That Council consider a motion of Urgency regarding the Central Coast being recognised as a region and accessing the Regional Infrastructure Fund.

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

AGAINST: NIL

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

U22/10 Motion of Urgency - Central Coast Region Accessing the Regional Infrastructure Fund

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

- 1 That Council liaise with the Federal Minister for Regional Development with a view to the Federal Government recognising the Central Coast as a region and accessing the new \$9.9 billion Regional Infrastructure Fund.**
- 2 That Council approach all Local Federal Members to support this approach.**
- 3 That Gosford City Council be copied in on this motion and requested to pass a complementary resolution with the view to making a joint regional submission.**

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

**Q101/10 Public Toilet Facilities at Ourimbah
Councillor Doug Eaton
C2010/05383**

"I understand the nissen hut opposite the shops at Ourimbah is shortly to be relocated by Ourimbah University effectively closing the only public toilets in this area. Can staff advise if there are any plans to replace/rebuild these important facilities?"

**Q102/10 Installation of Community Crossing along Gorokan Drive, Lake Haven
Councillor Greg Best
C2010/05306**

"Mr General Manager,

I have been approached by the good folk of Lake Haven, in particular the Gorokan Drive area, highlighting the extreme difficulty and risk they undertake daily to cross busy Gorokan Drive from the designated bus stop.

This is particularly worrying for the elderly who understandably frequent this route via public transport.

They seek Councils consideration of a centre island safety zone to assist them in staging their road crossing, in particular for those who are aided by walking devices.

I attach correspondence from Mrs White, one of the local residents."

THE MEETING closed at 7.11 pm.