
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 14 SEPTEMBER 2011 COMMENCING AT 5.00 PM

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews (arrived at 5.19 pm), E M McBride (arrived at 5.19 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Acting Director Environment and Planning Services, Acting Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel

Manager Regulation and Compliance, Manager of Development Assessment and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.01 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Councillor Wynn attended the monthly Brackets and Jam session on Saturday 10 September 2011, held at Colongra Bay Hall, where she had the opportunity to view the newly constructed rain garden, the playground and hall. Councillor Wynn commented that as an alternate family evening out it was a fantastic event which was suitable for people of all ages.

Councillor McNamara attended the Central Coast Junior Rugby Union Grand Finals on behalf of the Mayor on Saturday 10 September 2011, held at Blue Tongue Stadium. It was noted that Wyong Shire were winners within Warnervale in the under 11's and 16's age group and Ourimbah in the under 15's age group. Councillor McNamara also attended the under 17's awards ceremony where Central Coast Junior Rugby Union presented Wyong Shire Council with a plaque thanking Council for its ongoing support.

Councillor McBride attended the Central Coast Roterac Charter meeting on Saturday 10 September 2011 and commented that it was great to see so many young people actively involved in Rotary.

Councillor Graham attended the opening of the Bateau Bay Community Garden on Tuesday 13 September 2011, which was constructed by 16 young people who are unemployed, 10 of which have consequently now found employment. This project was arranged by many agencies , including the Salvation Army

APOLOGY

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

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews.

Councillor Matthews subsequently arrived at 5.19 pm.

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

AGAINST: NIL

At the commencement of the ordinary meeting report numbers 1.1, 1.2, 1.3, Announcements, 8.3, 1.4, 1.5, 2.1, 3.1, 3.2, 5.2, 5.6, 6.3, 6.5, 6.6, 8.1 and 8.2, 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

3.1 - DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

3.2 - DA/459/2011 - Demolition of Existing Structures and Construction of a Shopping Centre including Supermarket, Medical Centre and Speciality Shops, Parking and Landscaping at Lake Munmorah

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

5.6 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Budgewoi Scout Group, left the chamber at 7.31 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Wynn declared a non-pecuniary insignificant interest in the matter for the reason that she attends the Mannering Park Precinct Committee but has not contributed to the funding nor was aware that the improvement grant was applied for and participated in consideration of this matter.

Councillor Wynn 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 - Sporting Ground Fees and Charges for Local Schools

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that he is the President of Berkeley Vale Public School Council which has made a submission on the charges, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that his wife is the President of the Budgewoi P&C and School Council, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.13 pm.

9.2 - Response from The Entrance Town Centre Management - Investigation Update

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is the Director of The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster 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 McBride arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

Councillor Matthews arrived at the chamber at 5.19 pm and 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 VINCENT:

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

Councillor McBride arrived at the chamber at 5.19 pm and was absent during consideration of this item and as a result took no part in voting.

Councillor Matthews arrived at the chamber at 5.19 pm and 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 VINCENT:

That Council receive the report on Invited Speakers with the addition of Mr Mark Clemson and Ms Leanne Sibthorpe speaking on item 8.3 Notice of Motion – Sporting Ground Fees and Charges for Local Schools.

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

AGAINST: NIL

1.3 Proposed Inspections and Briefings

Councillor McBride arrived at the chamber at 5.19 pm during consideration of this item.

Councillor Matthews arrived at the chamber at 5.19 pm during consideration of this item.

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

- 1 *That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.*
- 2 *That Council authorise a brief study tour for interested Councillors and senior staff to Townsville City Council, recognising the similarities between the waterfront urban renewal that they have undertaken and what Wyong Shire Council is envisaging for The Entrance.*

An AMENDMENT was moved by Councillor VINCENT and seconded by Councillor MATTHEWS:

- 1 *That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.*
- 2 *That Council approach Townsville City Council to send any promotional materials on the Townsville waterfront redevelopment that may assist Wyong Shire Council in it's understanding and deliberations with the redevelopment of the waterfront in Wyong Shire.*
- 3 *That Council offers to reciprocate any knowledge transferred or information exchanged in appreciation of Townsville City Councils cooperation.*

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

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

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

- 1 That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***
- 2 That Council authorise a brief study tour for interested Councillors and senior staff to Townsville City Council, recognising the similarities between the waterfront urban renewal that they have undertaken and what Wyong Shire Council is envisaging for The Entrance.***

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

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE AND VINCENT

PROCEDURAL MOTION – LEAVE OF ABSENCE

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

That Council grant Cr McBride leave of absence for any Ordinary Council meetings held in the month of October 2011.

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council suspend the order of business to allow consideration of Item 8.3 - Notice of Motion - Sporting Ground Fees and Charges for Local Schools.

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

AGAINST: NIL

1.4 Notice of Intention to Deal with Matters in Confidential Session

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 Section 10A(2) of the Local Government Act 1993:**

Section 10A(2)(a)

Report No 9.1 – Central Coast Water Corporation – Update Appointment of Directors

Report No 9.2 – Response from The Entrance Town Centre Management – Investigation Update

Section 10A(2)(c) and (d)

Report No 9.3 – Contract – IT Applications Services

Section 10A(2)(d)

Report No 9.4 - Contract No CPA/94424 – Provision of Project Management Services to Deliver Capital Works

Report No 9.5 – Update Report on the Financial Status of the Mardi to Mangrove Link Project

Report No 9.6 – Expressions of Interest – Council Iconic Sites

- 2 That Council note its reasons for considering the above reports in confidential session:**

- **Report Nos 9.1 and 9.2 as it contains personnel matters concerning particular individuals (other than Councillors) (Section 10A(2)(a))**
- **Report No 9.3 as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct business (Section 10A(2)(c) and (d) commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret.**
- **Report Nos 9.4, 9.5 and 9.6 as it contains commercial information of a confidential nature that would, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council or reveal a trade secret (Section 10A(2)(d).**

- 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

1.5 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 24 August 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 Mayoral Minute - Warnervale Railway Station

Councillor McBride left the meeting at 6.16 pm and returned to the meeting at 6.21 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

- 1 That Council request the General Manager to prepare a submission to the State Government generally supportive of the proposal but highlighting issues raised in discussions at the Council meeting and other issues deemed relevant by Council staff.***
- 2 That Council request the General Manager present the submission to Council prior to being submitted to the State Government.***
- 3 That Council request the General Manager seek assurance from the State Government that the North Warnervale Railway Station will proceed as planned.***

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 6.16 pm for consideration of this item.

3.1 DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

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

- 1 That Council receive the report on DA/526/2011 - Construction of Three Proposed Industrial Units at Berkeley Vale .***
- 2 That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel regarding the Application.***

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

AGAINST: NIL

3.2 DA/459/2011 - Demolition of Existing Structures and Construction of a Shopping Centre including Supermarket, Medical Centre and Speciality Shops, Parking and Landscaping at Lake Munmorah

Councillor Symington declared a non-pecuniary significant interest in the matter for the reason that he is the alternate member of the Joint Regional Planning Panel (JRPP) and will attend the meetings on both of these items, left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Joint Regional Planning Panel (JRPP), left the chamber at 6.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.18 pm.

Councillor McNamara left the meeting at 6.52 pm and returned to the meeting at 6.53 pm during consideration of this item.

Councillor Webster left the meeting at 7.06 pm and returned to the meeting at 7.09 pm during consideration of this item.

Councillor Best left the meeting at 7.06 pm and returned to the meeting at 7.09 pm during consideration of this item.

Councillor Matthews left the meeting at 7.09 pm and returned to the meeting at 7.14 pm during consideration of this item.

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

- 1 That Council receive the report on - Demolition of Existing Structures and Construction of a Shopping Centre Development Including a Supermarket and Speciality Shops, Parking and Landscaping at Lake Munmorah.**
- 2 That Council directs the General Manager to prepare a submission to the Joint Regional Planning Panel (JRPP) on the following issues:**
 - a That the Hunter Central Coast Joint Regional Planning Panel be requested to impose a condition of consent, should DA 459/2011 be approved, requiring the applicant to construct a shared pathway 2.5m wide extending on the east side of Tall Timbers Road from the intersection with Chisholm Road to Kingfisher Shores Estate (Karoola Avenue).**
 - b That the Hunter Central Coast Joint Regional Planning Panel be requested to impose a condition of consent should DA 459/2011 be approved, requiring the applicant to provide a shuttle bus service as detailed in the DCP.**

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

AGAINST: NIL

The Mayor, Councillor Eaton resumed the chair at 7.18 pm

PROCEDURAL MOTION

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, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That with the exception of report numbers 5.2, 5.6, 6.3, 6.5, 6.6, 8.1, 8.2, 9.1, 9.2, 9.3, 9.5 and 9.6 and Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

4.1 LGP 108 Microsoft Licensing

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

That Council accept tender no. LGP108 from Local Government Procurement for a period of up to three years (plus extension options of one and three years commencing on August 1, 2011. The estimated annual expenditure against this contract is \$ 250,000 however actual expenditure may vary with fluctuations in demand.

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

AGAINST: NIL

5.1 Facilities and Expenses Policy for Councillors

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

- 1 That Council declares there are no substantial changes proposed to the Facilities and Expenses for Councillors, having considered s.253 of the Local Government Act 1993 (the Act).**
- 2 That Council adopt the policy (unchanged) on Facilities and Expenses for Councillors as required by s.252 of the Act.**

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

AGAINST: NIL

5.2 Delegates Report - National Fraud and Corruption Congress 9 -10 May 2011

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

That Council receive the Delegates Report from the National Fraud and Corruption Congress – 9-10 May 2011.

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

AGAINST: NIL

5.3 Delegates Report - Planning for Community Outcomes Conference - 2 June 2011

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

That Council receive the Delegates Report on the Planning for Community Outcomes Conference – 2 June 2011.

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

AGAINST: NIL

5.4 Delegates Report - 2011 Asia Pacific Cities Summit - 6 - 8 July 2011

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

- 1 That the report be received and noted.**
- 2 That the Mayor's Accord be ratified by Council.**
- 3 That the Mayor's Accord be forwarded by the Mayor to Asia Pacific Cities that Wyong Shire has connections with and encourage them to join the Accord.**

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

AGAINST: NIL

5.5 Community Feedback and Complaint Management Policy

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

- 1 That Council adopt the draft Community Feedback and Complaint Management Policy as attached.**
- 2 That Council grant delegation for any minor amendments to the policy to the General Manager.**

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

AGAINST: NIL

5.6 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is a member of the Budgewoi Scout Group, left the chamber at 7.31 pm, took no part in discussion, did not vote and returned to the chamber at 7.34 pm.

Councillor Wynn declared a non-pecuniary insignificant interest in the matter for the reason that she attends the Mannering Park Precinct Committee but has not contributed to the funding nor was aware that the improvement grant was applied for and participated in consideration of this matter.

Councillor Wynn 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 MCNAMARA and seconded by Councillor WEBSTER:

That Council allocate an amount of \$10,985 from the 2011-12 Councillors' Community Improvement Grants as follows:

1st Budgewoi Scout Group (\$2000)	to assist with Trivia Night to raise funds for Jamboree 2013	450
1st Ourimbah Scout Group (\$300) (\$180 already allocated)	Natives - plants or trees to use surrounding our hall for children to explore local Flora and Fauna.	120
Brook Coggins (\$1050.00) (\$550 Emergency Payment approved by GM - payment made 15/8/2011)	To assist with costs (levy, uniform, accomodation needed to compete for NSW in the School Sport Australian Cross Country Championships held in Canberra.	550
Central Coast Community Chest (\$5,000-\$10,000)	Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.	500
Central Coast Family Support Service - Grandparents raising grandchildren (\$2000)	Weekend Getaway (respite) Camp	1,000
Central Coast Foster Carers Support Group (\$1000)	Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.	650
Mannering Park Precinct (\$165)	Council fee to use the Point Reserve at Mannering Park to teach children to fish.	165
Northern Women's Health Centre (\$600)	To provide a Calmbirth program to pregnant women and their birth partners.	450
Relay for Life, Mingara 'Team Awesome' (\$2000)	Sponsorship of 'Team Awesome' in Relay for Life	1,750
San Remo Tidy Towns Group (\$500)	To purchase equipment, mowers, hand tools, etc.	500
The Salvation Army Oasis Youth Support Network (\$2000)	Facilitate the workshops at the Salvation Army Oasis Centre	1,350

Warnervale Junior Rugby League Club (\$2000)	Presentation Day costs including trophies/awards and costs related to the running of the day.	2,000
Wyong Shire Garden Competition Committee Inc (\$1500) Emergency approval by the GM)	Function Centre, including set up and projector and the use of private cars to judge the gardens.	1,500

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

AGAINST: NIL

5.7 Roads to Recovery Program

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

1 That Council calls on the Federal Government to:

- **Recognise the successful delivery of the Roads to Recovery (R2R) Program by Local Government since the year 2000;**
- **Continue the R2R Program on a permanent basis to assist Local Government in meeting its responsibilities of providing access for its communities;**
- **Continue the R2R Program with the current administrative arrangements; and**
- **Provide an increased level of funding under a future R2R that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

2 That Council formally express its support to continue the R2R Program by writing to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and Local Federal Member of Parliament.

3 That Council formally advise the Australian Local Government Association (ALGA) of its support to continue the R2R Program.

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

AGAINST: NIL

5.8 NSW Local Government Association Conference 2011

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

1 That Council authorise interested Councillors to attend the Local Government and Shires Association Annual Conference 2011.

- 2 ***That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.***
- 3 ***That Council determine the five delegates with voting entitlements should more than five Councillors indicate their intention to attend the conference.***
- 4 ***That Council consider any late motions to be submitted to the conference at this meeting.***

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

AGAINST: NIL

5.9 Contract Variations and Finalisation - August 2011

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

- 1 ***That Council receive the Contract Variations and Finalisation August 2011 report (Attachment 1 and 2).***
- 2 ***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

5.10 Response to the Minister for Local Government to the Final Report of the S430 Investigation into "Body Hire" Arrangements Operating at Wyong Shire Council between January 2007 and May 2010

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

That Council endorse the letter that is Attachment 1 to this report as the Notice that Council is required to provide to the Minister for Local Government by s. 434(1) of the Local Government Act 1993, being notice of the things done or proposed to be done to give effect to the recommendations contained in the report on the investigations in to "Body hire" arrangements operating at Wyong Shire Council between January 2007 and May 2010.

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:

That, with the exception of report numbers 6.3, 6.5 and 6.6, Council adopt the recommendations contained in the remaining information report.

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

AGAINST: NIL

6.2 Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission

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

That Council receive the report on Approvals at Gwandalan and Catherine Hill Bay by the Planning Assessment Commission.

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

AGAINST: NIL

6.3 Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community

Councillor Vincent left the meeting at 7.31 pm and returned to the meeting at 7.34 pm during consideration of this item.

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

That Council receive the report on Responsibilities of Council to Respond to Concerns Regarding Dogs in the Community.

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

AGAINST: NIL

6.4 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

6.5 Operational Activities and Trends Associated with the Animal Care Facility

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

That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2010/2011.

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

AGAINST: NIL

6.6 Excellence in Aged Living

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

That Council act on the report on the Excellence in Aged Living Project.

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

AGAINST: NIL

6.7 Outstanding Questions without Notice and Notice of Motions

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

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council allow items 8.1, Notice of Motion - Proposed Public Meeting - Coal Mining Projects, and 8.2, Notice of Motion - Coal Seam Gas (CGS) Inquiry, to be considered simultaneously.***

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

8.1 Notice of Motion - Proposed Public Meeting - Coal Mining Projects

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

- 1 That Council convene a public meeting in late October 2011 for all residents from Doyalson to Wyee Point to Gwandalan to discuss the extension and expansion of coal mining operations in the area and its implications for residents, the environment, infrastructure and Council operations.***
- 2 That the public meeting be held in a central location in the north of the Shire.***
- 3 That Council invite representatives from the coal mining companies to present their current proposals.***
- 4 That Council provide staff to facilitate the public meeting and to outline Council's responses to the current proposals.***
- 5 That Council record the issues raised at the public meeting and seek responses for the public from the coal mining companies involved.***
- 6 That Council invite the State Members for Wyong, Swansea and Lake Macquarie and the Minister for the Central Coast to the public meeting.***

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

8.2 Notice of Motion - Coal Seam Gas (CGS) Inquiry

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

That Wyong Shire Council:

- 1 Write and thank the State Government for banning the chemicals used in the tracking process.**
- 2 Support the Coal Seam Gas (CSG) inquiry being undertaken by the NSW Legislative Council;**
- 3 Call on the NSW Government to ensure the role of councils is adequately considered in dealing with CSG exploration and production; and**
- 4 Calls on the government to institute a full moratorium on all forms of coal seam gas drilling until the environmental, social and health impacts have been rigorously and independently assessed.**
- 5 Rejects suggestions by industry that coal seam gas development is appropriate in residential areas, and calls on the government to rescind exploration licences over residential areas.**
- 6 Place a prohibition on coal seam gas exploration and mining in important bushland, valuable farmland, groundwater aquifers and public lands.**

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

AGAINST: NIL

8.3 Notice of Motion - Sporting Ground Fees and Charges for Local Schools

Councillor Graham declared a non-pecuniary significant interest in the matter for the reason that he is the President of Berkeley Vale Public School Council who have made a submission on the charges, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that his wife is the President of the Budgewoi P&C and School Council, left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.14 pm.

Mr Mark Clemson addressed the meeting at 5:39 pm, answered questions and retired at 5.44 pm.

Ms Leanne Sibthorpe addressed the meeting at 5.44 pm, answered questions and retired at 5.47 pm.

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

- 1 That Council undertake a review of the fees and charges currently being paid by local schools to utilise the Shire's community sporting grounds.**

- 2 ***That Staff consult with and prepare a report, in conjunction with local schools, to better understand the need for schools to regularly utilise the Shire's community sporting grounds.***
- 3 ***That Council applaud the outstanding contributions made by our local schools in the area of Personal Development Health Physical Education (PDHPE).***
- 4 ***That Council meet with the Regional Council of Parents and Citizens Association as soon as practicable.***

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

AGAINST: NIL

CONFIDENTIAL SESSION

At this stage of the meeting being 7.52 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:-

OPEN SESSION

Council resumed in open session at 8.40 pm and the General Manager reported on proceedings of the confidential session of the Ordinary Meeting of Council as follows:

9.1 Central Coast Water Corporation - Update Appointment of Directors

That Council write to the NSW Governor recommending that Abigail Goldberg be proclaimed as a Director of the Central Coast Water Corporation for the term specified below:

<i>Role</i>	<i>Nominee</i>	<i>Term</i>
<i>Director</i>	<i>Ms Abigail Goldberg</i>	<i>2 years</i>

9.2 Response from The Entrance Town Centre Management - Investigation Update

That Council receive the report on Response from The Entrance Town Centre Management - Investigation Update.

9.3 Contract - IT Applications Services

- 1 That Council determines the proposed contract with CapGemini constitutes "extenuating circumstances" as articulated in s.55 (3) (i) of the Act because:-**

 - a Council is subject to substantial uncertainty with the establishment of the Central Coast Water Corporation and as such the long term needs of the organisation cannot be accurately evaluated against alternatives as this point in time.**
 - b Capgemini currently owns the Intellectual Property (IP) associated with the Councils Online solution hence Council could not properly conduct a tender process due to tenderers not being able to assess the risks associated with IP ownership and this has the flow on effect of making Capgemini the only viable tenderer.**
 - c Hornsby Shire Council and Lake Macquarie City Council on 20th April and 9th May 2011 respectively both resolved that due to extenuating circumstances that their General Managers be authorised to undertake direct negotiations regarding the extension of the Councils Online contract with Capgemini.**
 - d Parramatta and Randwick City Councils both exited the Councils Online syndicate after agreeing confidential payout settlements.**
 - e Council has tested the IT supplier market through a combined EOI process with Gosford City Council and found,**
 - f A significant lack competitive or reliable tenderers in the market,**
 - g That a satisfactory result would not be achieved by inviting tenders**
- 2 That Council has considered its obligations in respect of the Local Government Act 1993 (the Act), and especially its obligations in respect of Section 55 of the Act.**
- 3 That Council will not seek competitive tenders for the contract.**
- 4 That Council authorises the General Manager or his delegate to complete negotiations with CapGemini Ltd for the establishment of a new four year agreement for the supply of core IT application services and infrastructure to Wyong Shire Council.**
- 5 That Council requires that the final contract arrangement be approved by resolution of Council.**
- 6 That Council notes the current Council's On-Line Syndicate (with the member Councils) will terminate in accordance with the Agreement on 12 January 2013.**

9.4 Contract No CPA/94424 - Provision of Project Management Services to Deliver Capital Works

That Council receive the report on the negotiated finalisation of Contract No CPA/94424 - Provision of Project Management Services to Deliver Capital Works .

9.5 Update Report on the Financial Status of the Mardi to Mangrove Link Project

That Council receive the report on Update Report on the Financial Status of the Mardi to Mangrove Link Project.

9.6 Expressions of Interest - Council Iconic Sites

- 1 That Council resolve to proceed to a selective tendering process based upon the quality and detail of the submitted Expressions of Interest.*
- 2 That Council approve the recommended shortlisted organisations based upon their Expression of Interest submission(s).*
- 3 That Council give direction and delegation to the General Manager or his delegate to prepare selective tender documentation for each site in compliance with the Adopted Iconic Sites DCP and to invite shortlisted companies to make submissions.*
- 4 That Council request the General Manager to release an appropriate executive summary to the public.*

QUESTIONS ON NOTICE

Q24/11 Refunds to Soccer Associations due to Wet Weather at their Grounds
Councillor Lisa Matthews
F2004/06014

“Can staff please advise if refunds are given to Soccer Associations where their grounds were closed due to wet weather?”

Q25/11 Upgrades at EDSACC Oval North
Councillor Lisa Matthews
F2004/12091

“Can staff advise when the drainage upgrade and new lights will be provided at the home ground of Killarney Vale Soccer Club (EDSACC Oval North)?”

Q26/11 Pioneer Dairy
Councillor Emma McBride
F2009/00193

“Could staff provide a ‘Councillor Update’ on the current status of Wyong Shire Council in relation to the Pioneer Dairy Trust (community access / progress of site)?”

THE MEETING closed at 8.43pm.