WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 26 April 2012
COMMENCING AT 5:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best (arrived at 5.08 pm), D J Eaton, L A Matthews, E M McBride (arrived at 5.46 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

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

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

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

Mayor Graham advised that he was honored to attend Bob Butt's funeral last week. Bob Butt was a long serving Wyong Shire Council employee of 40 years, starting as a Health and Building Surveyor and eventually working his way up to becoming the Director of the Health, Building and Planning Department. Heartfelt sympathies go out to Bob's wife Elaine, his four children and his grandchildren on his sad passing.

Mayor Graham advised that he and Councillor Webster attended the ANZAC Day dawn service at The Entrance yesterday, Councillor Symington represented Council at the Gwandalan service, Councillor Vincent at Doyalson, Councillor Eaton at Wyong and Councillor Best at Toukley. Mayor Graham thanked the Councillors for their dedication and commitment to Australia within the Wyong Shire.

Mayor Graham delivered The Ode and a moment of silence was given in honor our ANZACs.

Councillor Matthews to presented Council an acknowledgement of generous support certificate received from The Rotary Club of Northlakes Toukley.

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

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1, 2.1, 8.2, 8.3, 2.2, 2.3, 3.1, 5.2, 5.5, 6.2, 6.5, 8.1 and 9.1, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.1 DA 308/2011 - Residential Flat Development under SEPP (Affordable Rental Housing) 2009 at 35-41 Wilfred Barrett Drive, The Entrance North

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member for the JRPP that will determine the application, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm

2.1 DA 308/2011 – Residential Flat Development under SEPP (Affordable Rental Housing) 2009 at 35-41 Wilfred Barrett Drive, The Entrance North

Councillor Symington declared a pecuniary interest in the matter for the reason that he is a member for the JRPP that will make final determination in this matter, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm

5.3 Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scout Group and participated in consideration of this matter.

Councillor Vincent 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 not a member of the Ourimbah Scout Group."

8.3 Notice of Motion – Tuggerah Lakes Unsustainable Fishery

Councillor Wynn declared a pecuniary interest in the matter for the reason that her husband (Kelvin) and both sons (Benjamin and Jarrod) are commercial fishers, holding commercial fishing licences in zone 4, left the chamber at 6.32 pm, took no part in discussion, did not vote and returned to the chamber at 7.23 pm.

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

That Council <u>receive</u> the report on Disclosure of Interest and note advice of disclosures.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council <u>allow</u> meeting practice to be varied.
- 2 That Council <u>use</u> the exception method to deal with the balance of the Agenda.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That with the exception of report numbers 2.1, 2.2, 2.3, 3.1, 5.2, 5.5, 6.2, 6.5, 8.1, 8.2, 8.3 and 9.1 and Council adopt the recommendations contained in the remaining reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

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

That Council <u>withdraw</u> item 4.1 - Evaluation and selection of tenders for Contract CPA/185863 - Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation, to be considered at a future meeting.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

That Council receive the report on Proposed Inspections and Briefings.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

- 1 That Council <u>confirm</u> the minutes of the previous Ordinary Meeting of Council held on 28 March 2012 and Extraordinary Meeting of Council held on 11 April 2012.
- 2 That Council <u>adopt</u> the corrected resolutions for items 4.6 Proposed Road Renaming Woodland Parkway, Buff Point and 4.7 Proposed Road Renaming Kitchener Road, Long Jetty from page 13 of the Minutes of the Ordinary Meeting of Council held on 14 March 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Address by Invited Speakers

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

- 1 That Council <u>consider</u> the following matters in Confidential Session, pursuant to Sections 10A(2) (d) (i) and (ii) of the Local Government Act 1993:
 - 9.1 Central Coast Water Corporation Cost Benefit Analysis
 - 9.2 Re-appointment of General Manager as Director of Central Coast Water Corporation

9.3 - Sale of Land at 31 Palmdale Road, Palmdale

- 2 That Council <u>note</u> the reason for considering items 9.1 and 9.2 in confidential session is the reports require commercial discussion and agreement with another party (Gosford City Council) before they can be presented for Wyong Shire Council's endorsement.
- That Council <u>note</u> the reason for considering item 9.3 in confidential session is that it would confer a commercial advantage on a competitor of the Council.
- 4 That Council <u>request</u> the General Manager to report on this matter in open session of Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.1 DA 308/2011 - Residential Flat Development under SEPP (Affordable Rental Housing) 2009 at 35-41 Wilfred Barrett Drive, The Entrance North

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member for the JRPP that will determine the application, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm

Councillor Symington declared a pecuniary interest in the matter for the reason that he is a member for the JRPP that will make final determination in this matter, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.53 pm

Councillor McBride entered the meeting at 5.46 pm during consideration of this item.

Ms Anne Rowland, representative of The Entrance Peninsula Community Precinct Committee, speaking against the recommendation, addressed the meeting at 5.17 pm, answered questions and retired at 5.28 pm.

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

- 1 That Council <u>receive</u> the report on DA 308/2011 Residential Flat Development under SEPP (Affordable Rental Housing) 2009 at 35-41 Wilfred Barrett Drive, The Entrance North.
- 2 That Council <u>make</u> a submission to the JRPP opposing the application on the basis of:
 - a not fitting the local character
 - b some units being too small and not suitable for permanent accommodation
 - c social issues
 - d inadequate public transport

- not consistent with surrounding development and the surrounding 2(a) zoning
- f densification which is contrary to the Coastal Hazard Management Plan

FOR: COUNCILLORS BEST, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT,

WEBSTER AND WYNN

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.
- 2 That Council consider items 8.2 - Notice of Motion - Jilliby Stage 2, and 8.3 -Notice of Motion - Tuggerah Lakes Unsustainable Fishery, following item 2.1 - DA 308/2011 - Residential Flat Development under SEPP (Affordable Rental Housing) 2009 at 35-41 Wilfred Barrett Drive, The Entrance North, as there are speakers in attendance for these items.

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

AGAINST: NIL

2.2 DA/200/2011 - Residential Flat Building Comprising Three (3) Townhouses and Separate Dwelling-House at The Entrance North

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

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 2 That Council vary Wyong Development Control Plan 2005 Chapter 64 – Multiple Dwelling Residential Development in relation to height, setbacks, car parking, floor space ratio and open space to permit the development.
- 3 That Council confirm the future intention to acquire land 5 metres wide to facilitate the construction of a foreshore promenade as identified in The Entrance Peninsula Planning Strategy.

COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, FOR:

SYMINGTON, VINCENT AND WEBSTER

AGAINST: **COUNCILLOR WYNN**

2.3 RZ 15/2009 - Rezoning 76 Berkeley Road, Fountaindale

Councillor Best left the meeting at 7.25 pm and returned to the meeting at 7.26 pm during consideration of this item.

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

- That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal.
- 2 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.
- 3 That Council <u>undertake</u> community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.
- 4 That Council direct the General Manager to submit a report to Council on results of the community consultation.

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

AGAINST: NIL

Classification of Land - Lot 232 DP 1162569 at Johns Road, Wadalba 3.1

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

- 1 That Council classify Lot 232 DP 1162569 as Operational land.
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.
- 3 That Council adopt the classification.
- 4 That Council consider a further report at the next meeting of Council regarding the reasons why this land should be categorised as operational land and not community land.

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

AGAINST: NIL 4.1 Evaluation and selection of tenders for Contract CPA/185863 - Design,
Documentation and Construction of the Bateau Bay Sewage Treatment
Plant Inlet Works Augmentation

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

That Council <u>withdraw</u> item 4.1 - Evaluation and selection of tenders for Contract CPA/185863 - Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation, to be considered at a future meeting.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.2 Contract CPA/182056- Construction of Proposed C16 and Associated Works

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

- 1 That, Council <u>accept</u> the tender from the company nominated as Tender "6" in the Tender Evaluation Report in Attachment A, for the lump sum amount of \$1,455,680 (excl GST) for Contract CPA/182056 Construction of Proposed SPS C16 and Associated Works.
- That, The Tender Evaluation Report Attachment A to the subject report, <u>remain</u> confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993.
- That Council <u>approve</u> the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.1 Draft Minutes - Wyong Shire Grants Committee - 22 March 2012

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

- 1 That Council <u>receive</u> the draft minutes of the Wyong Shire Grants Committee Meeting held on 22 March 2012
- 2 That Council <u>allocate</u> \$63,204.00 from the 2011-12 Community Benefit Grant program as follows:

Organisation	Project	Amount
Wyongah Progress Association	Funding for up to 50% of the current rates	\$1,750.00
Halekulani Library	Purchase books	\$500.00
Pioneer Dog Training School Inc	Purchase a storage and equipment trailer	\$2,950.00
Central Coast Pink Butterflies Inc	Provide care packages to women undergoing treatment for breast cancer on the Central Coast, event on 13 May 2012 at Saltwater Creek Reserve, Long Jetty	\$3,500.00
Latinos and Friends	A day for 10 Men in the Wyong Shire to meet and share a day in The Shed – part funding	\$300.00
Ocean and Coastal Care Initiatives Inc	'Whale Dreamers Festival' to assist with the facilities, safe transport and information to ensure the general public are well informed of the event and it's activities and also to provide OH&S required transport and toilets	\$3,000.00
Central Coast CALD Domestic Violence Sub-Committee	Catering costs for the launch of the CALD DV Sub-Committee's poster project	\$500.00
Mannering Park Land Care & Tidy Towns Incorporated	The supply and use of plant and equipment for the operation of the Mannering Park Tidy Towns Field Work activities to be used over the next 3 years	\$5,223.00
Gwandalan and Summerland Point Community Garden Inc	Construction of Gwandalan and Summerland Point Community Garden Inc	\$13,920.00
Camp Breakaway Inc	A series of 4 educational and training workshops for people with disabilities utilising the latest assistive technology - ipads. These workshops will educate and train participants in iPads, showing them how digital freedom can enhance their lives – part funding	\$9,430.00

Wyong District Cricket Club	Centenary of Wyong Cricket	\$10,499.00
Coast Shelter	One day expo showcasing service providers who offer support to homeless or at risk of, or doing it tough	\$9,400.00
Youth Connections	Launch the Freedom Ride documentary at Tuggerah Greater Union Cinema – part funding	\$2,232.00

3 That Council <u>decline</u> the following Community Benefit Grant applications for the reasons as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:

Organisation	Project	Amount	Reason
Mannering Park Community Hall	Install solar panels on Community Hall to reduce electricity account	\$3,140.00	Ineligible - 2.5, 2.6 (Capital Funds) Not an incorporated body
Bateau Bay PCYC	A 6 week program called 'NYTE HOOPZ' that combines sport (basketball) and other fun/educational activities for vulnerable and disadvantaged young people (12 - 18 years old)	\$12,000.00	Not recommended - Many aspects of the budget are ineligible for funding Concept better funded through other sources
Road Safety Education Ltd	Assist with the costs incurred to conduct a Road Safety Education program for approx. 2000 year 11 students on the Central Coast	\$6,000.00	Ineligible - Public Company Currently funded through Road Safety Programs in C&CD Unit
Long Jetty District Senior Citizens Club	Replace signs and repaint Thompson St, side of building. Remove rusted blinds and paint wall eastern side of building. Tint windows both sides of office and computer room supply and install new cabinets, open shelves, new tiles above sink eastern side of main lounge	\$1,729.00	Ineligible - Capital Building maintenance 2.6 Council facility Have \$12,000 in building maintenance account
Wyong Stroke Support Club	Enable Wyong Shire stroke victims to take part in a stroke event in Forster	\$7,000.00	Ineligible - should apply through CDSE 2.9 is funds to stage or fees to attend seminar, conference, congress

Berkeley Vale Rugby League and Sports Club Inc	Provide updated and sufficient floodlighting at competition standard for Rugby League and Touch Football games	\$10,000.00	Ineligible - 2.6 Capital funds Seek other funding sources
Youth Connections	Contribute to the Cultural and Creative Industry Festival held November 2012, including outdoor staging hire, semi trailer stage, delivery, setup, crash barriers and daytime lighting	\$10,000.00	Not recommended - Project not defined, applicant to re- apply in next round when project scope is clear
Gorokan and The Entrance Village Hub Project - The Benevolent Society	6 Community BBQ's to engage residents in a disadvantaged area from 1 May 2012 to Jan 2013	\$4,700.00	Requirement of State of Federal Government funding

- 4 That Council <u>inform</u> the declined Community Benefit Grant applicants who are eligible for ClubGRANT prior to the closing date for applications.
- 5 That Council <u>allocate</u> \$236,241.00 from the 2011-12 Community Matching Fund Grant program as follows:

Organisation	Category	Project	Conditions	Amount
Toukley & District Senior Citizens Club Inc.	Infrastructure	Replace Roof Tiles - To replace the deteriorating cement tiles on the roof of Toukley Senior Citizens Centre auditorium with color bond metal roofing.	Nil	\$44,000
Wyong Drama Group Inc.	Arts	To enhance the functional capabilities of Wyong Memorial Hall to facilitate increased community use and provide creative arts opportunities for disadvantaged children and to allow youth training in all aspects of Performing Arts	Should be linked to creative enterprise model	\$23,142
Mingara Athletic Club	Celebration	Purchase and implementation of electronic timing equipment for use in running club meets and major events	Sponsorship to be acknowledged via appropriate signage	\$18,250

Tuggerah Lakes Reserve Trust	Environment	Central Coast Wetlands Community Garden Propagation Facility and Site Security	 Review Iinkages with EMP WSC ability to host community education sessions at the site Council to document as a pilot program and use for promotional purposes 	\$47,173
St Vincent de Paul	Capacity Building	To fund commencement of No Interest Loans Scheme (NILS) for loans to underprivileged to purchase essential household goods	Explore links with Council's proposed Hardship Panel	\$15,000
ADSSI Limited	Community Safety	ADSSI ECO & Access Garden Project	 30 gardens or more More partnerships Council to participate in steering committee and determination of sites Program documentation to be available for community use 	\$44,176
Regional Youth Support Services	Youth	Youth Consultants Social Enterprise Wyong Engagement Project	 Program linked to Council's Youth Engagement Strategy Council's Youth Officer to be involved in Youth Steering Group 	\$24,500
Warnervale Rugby Union/Cricket Club Inc	Accessibility	Extend the awning for the full length of the amenities block at Woongarrah	Nil	\$20,000

That Council <u>decline</u> the following Community Matching Fund Grant applications for the reasons as indicated in the table below and <u>advise</u> the applicants, where relevant, of any alternate funding programs:

Organisation	Project	Amount	Reason
The Entrance District Tennis Club	Renewal of Enclosure wiring for 4 Courts	\$20,000	Not recommended - Inadequate application Match and community support not defined
Doyalson - Wyee RSL Youth Club	A youth club complex to facilitate the needs of all the youth groups under the banner of our Youth club	\$20,000	Not recommended - Inadequate application Match and community support not defined
The Entrance Public School Parent and Citizens (P&C) Association	Shelter	\$32,279	Not recommended - Good application, short listed Community benefit was deemed as limited compared to other short listed applications. No contribution from Dept Education
CC Community Council Inc	ARKvan	\$36,045	Not recommended - Inadequate application Whilst concept was identified as beneficial application lacked substance
Wyong Neighbourhood Centre Inc & The Iris Foundation	Wyong Neighbourhood Centre Early Intervention & Crisis Support Project	\$27,800	Not recommended - Project not clearly defined
Men's Sheds Central Coast Inc	Shed speak - a series of informal information sessions at the local Men's Shed facility.	-	Not recommended - Project not clearly defined
SUP Central Inc.	Stand Up - Stand Up Paddle events	\$19,950	Ineligible – Late application
The Scout Association of Australia NSW Branch: 1st Gwandalan Scout Group	1st Gwandalan Scout Hall - Stage 2	\$34,600	Not recommended - Community match was largely retrospective.
Gorokan Pre School	Expand upon our Non profit Community based pre-school building to provide storage for general and specialised equipment	\$57,035	Not recommended - Community benefit was negligible. Only available to school members.
Regional Youth Support Services Inc	Youth Arts and Culture Enterprise	\$21,200	Not recommended - duplicates existing services, no evidence of liason with other service providers or stakeholders in Project Planning

Northern Lakes Rugby League Sport and Recreation Club	Complete Clubhouse	\$75,000	Not recommended - Completion of an existing Project
Doylo Senior Touch, Junior Touch, Soccer Club & Cricket Club	7 new light structures.	\$75,000	Not recommended - Volunteer and financial match not clear. Poor application. Potential to be funded elsewhere
The Entrance Surf	Deck	\$25,000	Ineligible – Late Application
WOWGirls Wave Of Wisdom Inc	Womens Community Network	\$62,610	Application for website that is currently supplied by in-kind

- 7 That Council <u>include</u> information to assist applicants to better understand the intent of each category and how to align their proposals to the categories, as part of future Grant information sessions.
- 8 That Council <u>allocate</u> \$18,470.00 from the 2011-12 Cultural Development Grant program as follows:

Organisation	Project	Amount
Regional Youth Support Services	Indigenous art painting project	\$6,000
CC Community Radio Ass Inc (COAST FM)	Expansion of program to one segment per week in Wyong LGA	\$3,660
Wyong Neighbourhood Centre – Nth Wyong Youth Arts Service	Skills and Professional Development Initiative supporting professional development of emerging musicians	\$5,175
Northlakes Toukley Rotary Club on behalf of Sculpture on the Greens (Central Coast Festival of the Arts)		\$3,635

9 That Council <u>allocate</u> \$4,550 from the 2011-12 Cultural Development Grant program to China Australia Friendship Association for their 1 Day China Cultural Festival at The Entrance in June 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.2 Rural Fire Service Budget Submission 2012/13

Councillor Symington left the meeting at 7.40 pm and returned to the meeting at 7.43 pm and as a result took no part in voting on this item.

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

- 1 That Council <u>endorse</u> the proposed Wyong Rural Fire Service's (RRS) proposed budget Bid.
- 2 That Council <u>confirms</u> continuance of financial support of the Wyong Rural Fire Service in accordance with s.111 of the Rural Fires Act 1997.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.3 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scout Group and participated in consideration of this matter.

Councillor Vincent 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 not a member of the Ourimbah Scout Group."

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

That Council <u>allocate</u> an amount of \$9,777.90 from the 2011-12 Councillors' Community Improvement Grants as follows:

Prop	osed Allocations for 26 April 2012	
1st Ourimbah Scout Group	To purchase PFD life jackets for youth	
(\$1200) (\$600 already	members	300.00
allocated) Budgewoi Beach Dune Care	To replace 2 wheels for box trailer owned by	
Inc (\$500)	Budgewoi Beach Dune Care Inc	500.00
	To purchase a bed-bath trolley for people	
Camp Breakaway (\$5225)	with disabilities.	1,300.00
Central Coast CC Australian	Provide assistance of Italian origin who may	
Italian Friendship Society Inc.		
(\$2000) (\$1350 already	financial issues to facilitate recreational and	250.00
allocated)	social activities for the lonely and infirm to	200.00
	help them integrate into the general	
0 1 10 11 111 111	community.	
Central Coast Local Health	To support the dam hotel in their fundraiser	500.00
District (CCLHD) - Wyong	for Wyong Hospital.	500.00
Hospital (\$1200) Central Coast Watercolour	To provide extict explify metaviole for one	
	To provide artist quality materials for one weekend workshop at The Entrance CC for	300.00
Society Inc. (\$1250)	residents of the Wyong Shire.	300.00
Chain Valley Bay Progress	In-kind to pay deposit for key	
Association (\$229.90)	III-killa to pay deposit for key	229.90
EDSACC Croquet Club Inc	To remove several trees whose roots have	
(\$2000)	invaded and are threatening the lawns.	1,550.00
Inner Wheel Club of Wyong	Purchase of a portable public address	
Inc. (\$500)	system for use at fund raising events and	150.00
(,,,,,,	printing of promotional brochures/flyers.	
North Entrance Surf Life	Honour Boards for Executives and Club	4 000 00
Saving Club (\$1000) Razorbacks Junior Rugby	Champions	1,000.00
	Panairs due to flooding of Qurimbah Crook	100.00
Club (Ourimbah) (\$1690.00) Take 3 (\$1000) (\$250 already	Repairs due to flooding of Ourimbah Creek Development of educational resources and	
allocated)	visits to Wyong Shire schools for	500.00
anocateu)	educational activities.	300.00
The Smith Family (\$1500)	Restoration of elevated garden structures	
The elman railing (\$1000)	and plants.	100.00
Toukley & Districts Art	Purchase of a laptop.	
Society Inc. (\$2000) (\$900		300.00
already allocated)		
Tuggerah Lakes Reserve	To purchase a refrigerator for use by Trust	2,100.00
Pioneer Dairy Trust	volunteers & site visitors	2,100.00
Uniting Church Tuggerah	To continue the group's operations - cover	
Lakes South Parish "New	food costs	100.00
Connections" (\$6000)		
Woongarrah Wildcats	To organise an Opening Day for the new	300.00
Football Club (\$2000)	Hamlyn Terrace Complex	
Wyong Amateur Swimming	Presentation night - emergency application	
I IIID - EMBROANCY SNAROVAC	approved by GM 22.3.12	198.00
Club - Emergency approved by GM (\$198)	' '	190.00

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

AGAINST: NIL

5.4 Response to Recommendation - Planting Supply Contract - Estuary Management Plan

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

That Council <u>endorse</u> the intention to defer the initiation of a new tender process for provenance planting across Council, until such time as Council's needs are sufficient to justify a new tender process under Section 55 of the Local Government Act (1993).

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.5 Consideration of Proposed Level 1 Water Restrictions

Councillor Symington left the meeting at 7.40 pm and returned to the meeting at 7.43 pm during consideration of this item.

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

- 1 That Council <u>notes</u> the revised Water Restriction Guidelines.
- 2 That Council <u>adopts</u> the Boards recommendations to ease water restrictions from Level 2 to level 1 on 30 April 2012.
- That Council <u>adopts</u> the Boards recommendation to ease the water restrictions from Level 1 to WaterWise rules when the storage level in Mangrove Creek Dam reaches 44%.
- 4 That Council <u>congratulate</u> the community for their ongoing efforts to save water on the Central Coast.
- That Council <u>requests</u> that any resulting communication program ensures that the community is advised that although water restrictions have been relaxed, community support is still required in conserving our precious water supply.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE AND WYNN

6.1 Information Reports

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

That Council receive the report on Information Reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.2 Subsidised Tipping for Residential Ratepayers

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

- 1 That Council <u>receive</u> the report on Subsidised Tipping for Residential Ratepayers.
- 2 That Council <u>implement</u> an education and awareness campaign to further promote Councils kerbside collection service.
- 3 That Council implement an education and awareness campaign through real estate agents to target rental properties and tenants to improve compliance, understanding and utilisation of the service.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,

SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.3 Works in Progress - Water Supply and Sewerage

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

That Council receive the report on Works in Progress - Water Supply and Sewerage.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.4 General Works in Progress

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

That Council receive the report on General Works in Progress.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.5 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

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

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

That Council receive the report on Activities of the Development Assessment and **Building Certification and Health Units**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

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

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, FOR:

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.8 **Investment Report for March 2012**

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

That Council receive the Investment Report for March 2012.

COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, FOR:

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.9 Outstanding Questions on Notice and Notices of Motion

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

That Council <u>receive</u> the report on Outstanding Questions on Notice and Notices of Motion.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON,

VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 Notice of Motion - Opportunities for Trade and Tourism in China

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

- 1 That Council <u>investigate</u> the opportunities for developing direct trading arrangements with specific official entities in China.
- 2 That Council <u>recommend</u> the post 2012 elections incoming Council consider undertaking a study tour of China for the objective of developing trade.
- That Council <u>initiate</u> formal discussions with Pudong district government Shanghai with a view to entering into an alliance agreement focussing on tourism, trade and investment.
- That Council <u>initiate</u> discussions with Zhabei district, Shanghai, Dongying city and other interested Chinese cities to develop tourism cooperation agreements, subject to material progress occurring in respect of the Chinese Theme Park development in Wyong.
- 5 That Council <u>recommends</u> the organizers of Tuggerah Lakes Mardi GRAS to invite Zhabei district to participate in the 2012 event.
- 6 That Council <u>consider</u> an Investments and Promotions Committee when reviewing the Committee Structure late in 2012.

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

WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

8.2 Notice of Motion - Jilliby Stage 2

Councillor Matthews left the meeting at 5.54 pm and returned to the meeting at 5.56 pm during consideration of this item.

Councillor Best left the meeting at 6.05 pm and returned to the meeting at 6.06 pm during consideration of this item.

Councillor Vincent left the meeting at 6.26 pm and returned to the meeting at 6.27 pm during consideration of this item.

Mr Paul Levick, speaking in favour of the recommendation, addressed the meeting at 5.54 pm, answered questions and retired at 6.04 pm.

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

- That Council <u>recognise</u> the shortage in the Shire of the type of residential land proposed in the Jilliby Stage 2 rezoning proposal, the need to provide a variety of housing choice and the employment and economic benefits that purchasers of such housing types generally bring to the area.
- That Council <u>includes</u> the rezoning of the Jilliby Stage 2 lands to R5 large lot residential zoning as detailed in planning proposal RZ/2/2012, into the draft LEP to enable it to be exhibited for public comment.

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

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

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

8.3 Notice of Motion - Tuggerah Lakes Unsustainable Fishery

Councillor Wynn declared a pecuniary interest in the matter for the reason that her husband (Kelvin) and both sons (Benjamin and Jarrod) are commercial fishers, holding commercial fishing licences in zone 4, left the chamber at 6.32 pm, took no part in discussion, did not vote and returned to the chamber at 7.23 pm.

Councillor Vincent left the meeting at 6.54 pm and returned to the meeting at 6.57 pm during consideration of this item.

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

Mr Allan Reed, Professional Fisherman, speaking against the recommendation, addressed the meeting at 6.32 pm, answered questions and retired at 6.54 pm.

Mr Laurie Littlefield, Community Representative, speaking in favour of the recommendation, addressed the meeting at 6.54 pm, answered questions and retired at 7.02 pm.

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

- 1 That Council <u>note</u> with great concern that a large number of professional fishermen are legally able to access Tuggerah Lakes as a consequence of some two decades of licensing restructure, waterways closures and unsuccessful buy back programs.
- 2 That Council <u>seek</u> confirmation from Department of Primary Industries Fisheries NSW as to the exact number of licences that allow access to Tuggerah Lakes and what current initiatives are in place to guarantee the fishery and environmental sustainability of the Lakes.

- That Council <u>note</u> that angling nationally is a billion dollar per annum industry and a major employer of Central Coast residents.
- 4 That Council <u>seek</u> guidance from Central Coast Tourism Inc. and the Professional Fishing Association (PFA) as to the potential tourism and local lifestyle benefits that would flow from more recreational sustainable fishery.
- Council <u>notes</u> that Australian Tourism groups have found there to be a high level of interest in watching Commercial Fishers ply their time honored traditional methods which involve no high tech aids and are based on the same methods used on Tuggerah Lakes for the last 150 years.
- That Council <u>note</u> there is a growing trend in Australians consumer behaviour to demand local fish and crustacean supplies from a trusted Australian controlled source to ensure quality and food safety. In fact, the mullet fishery was named only last week as one of the most sustainable fisheries and hence people should be eating this fish. Mullet is one of the major fish catches by Commercial Fishers in the Tuggerah Lake system and is not targeted by recreational anglers.
- 7 That Council <u>note</u> that the Tuggerah Lakes are owned and controlled by the NSW state government.
- 8 That Council <u>lobby</u> its local members to request a report from the Minister for Primary Industries with regard to the current sustainability of the fishery, around issues of licensing proliferation with access to Tuggerah Lakes also as to what further initiatives are available to better manage the environment such as but not limited to a voluntary buy back scheme or licence limiting over geographic boundaries.
- 9 That Wyong Shire Council, through its Tuggerah Lakes Estuary and Coastal Management Committee and Tuggerah Lakes Estuary Plan is continually working to improve the water quality and habitat of the Tuggerah Lakes and its environs which will also enhance sustainability of this fishery.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,

SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

CONFIDENTIAL SESSION

At this stage of the meeting being 8.13 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.

OPEN SESSION

Council resumed in open session at 8.24 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 Cost Benefit Analysis

- 1 That Council receive and note the PwC CBA report.
- 2 That Council <u>endorse</u> the Option N Integrated CCWC (Long term lease) + Joint Services Business as Wyong Shire Council's preferred operating model for the CCROC meeting of 31 May 2012.
- In the event that Option N is agreed to by Gosford City Council and Wyong Shire Council, then the Councils' endorse:
 - a An Implementation Plan be developed in consultation with the Corporation Board for the preferred operating model and presented to the Councils at a meeting of the Central Coast Regional Organisation of Councils in June 2012.
 - b That the Asset Management and Regulatory Services functions and associated staff from each Council transfer to the Central Coast Water Corporation from 1 July 2014.
 - c The General Managers be delegated the power to transfer functions, people and assets to the Central Coast Water Corporation as required to test and trial management systems and processes prior to 1 July 2014 and up to 30 June 2017.
 - d That all remaining water and sewer staff be transferred to the Central Coast Water Corporation as soon as practically possible, but no later than 1 July 2017.
 - e That a Joint Services Business providing corporate services to the Councils and Central Coast Water Corporation be established and functional by 1 July 2017.
 - f An Implementation Plan be developed for the Joint Services Business and be presented to the Councils at the December 2012 meeting of the Central Coast Regional Organisation of Councils.
 - g That both Councils continue to work together to provide corporate services to the Corporation until the JSB is established.
 - That any changes/amendments/definitions/inclusions to the Central Coast Water Corporation Act, MOU with the Minister of Water, Constitution, Shareholders Agreement, Funding and Services Agreement and Statement of Corporate Intent to support this business model be progressed with the relevant stakeholders and that these changes be presented to the Central Coast Regional organisation of Councils meeting of June 2012.

- i That the Act be amended to allow Gosford City Council and Wyong Shire Council to appoint 2 Directors each to the Central Coast Water Corporation (CCWC) Board. This proposal would establish a Board of 7 Directors on the CCWC Board, made up of 4 Council appointed Directors and 3 independent Directors.
- 4 Council note that the preferred business model ensures:
 - a Job security for staff.
 - b Maintains ownership of the assets with the Central Coast Community.
 - c Provides a net benefit to the three entities (WSC, GCC & CCWC).
 - d Delivers a coordinated regional approach for the Central Coast Community for the essential services of water and wastewater.
- 9.2 Re-appointment of General Manager as Wyong Shire Council's appointed Director of Central Coast Water Corporation

That Council <u>submit</u> a report for discussion with Gosford City Council at a meeting of the Central Coast Regional Organisation of Councils on the re-appointment of the General Manager, Mr Michael Whittaker as Director of the Central Coast Water Corporation until 30 September 2014.

9.3 Sale of Land at 31 Palmdale Road, Palmdale

- 1 That Council <u>authorise</u> the sale of Lot 1 DP 1012816, No 31 Palmdale Road Palmdale for the sale price of \$705,000.00
- 2 That Council <u>authorise</u> the Common Seal of the Wyong Shire Council to be affixed to the formal documents for Sale and Transfer of the land.
- 3 That Council <u>authorise</u> the Mayor and the General Manager to execute all documents.

QUESTIONS ON NOTICE

Q13/12 8 Bush Road, Norah Head Councillor William Symington F2004/07718

"Can staff please provide an urgent status report regarding the use of the property at 8 Bush Road Norah Head, which is allegedly operating as a 60 seat restaurant from premises that have only been approved for use as "Residential/General Store?"

Q14/12 Graffiti in Woodward Avenue, Wyong Councillor Doug Eaton F2004/07718

"I recently received a complaint as to graffiti on fences in Woodward Avenue Wyong. On inspection there is significant graffiti on fences surrounding the park. Can Council investigate hedge or other appropriate plantings to screen the fences around the park to prevent/deter graffiti?"

Q15/12 Progress on Iconic Sites Councillor Doug Eaton F2010/02196

"Can staff send out a business update (confidential if necessary) outlining progress on all of the iconic sites?"

Q16/12 Audit Tender CCWC Councillor Greg Best CPA/209893

"Mr General Manager with the audit tenders now closed on the 19 April 2012, could you please advise is the CCWA indentified as a PIE (Public Interest Entity) and if so was this part of the audit tender process? Further with regard to existing JWA assets when is it proposed that these assets will be valued for financial reporting purposes and do they include the water stock/inventory in the dams?"

THE MEETING closed at 8.28 pm.