
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 8 DECEMBER 2010
COMMENCING AT 5:00:00 PM

PRESENT

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

IN ATTENDANCE

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

Manager Place Management, Project Director Mardi to Mangrove Project, Manager Environment and Natural Resources, Manager Land Use Planning and Policy Development, Development Planner, Senior Planning Engineer Hydrology, Senior Planner and Engineer Hydrology and two administration staff.

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

Mr John Hardwick delivered the opening prayer.

Councillor Matthews read an acknowledgment of country statement.

Councillor Graham advised Council on two categories of the LGSA 2010 Excellence in the Environment Awards won by Wyong Shire:

- Winner in the category for Natural Environment Protection and Enhancement: On-Ground Works Award – Division C
- Overall winner in the category for Natural Environment Protection and Enhancement: On-Ground Works Award

Councillor Graham also thanked staff on their dedication and endeavours in this regard.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 2.1, 3.2, 3.1 and 5.10, 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 Disclosure of Interest

3.1 DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road, Hamlyn Terrace

The Project Director Mardi to Mangrove Project declared a non-pecuniary insignificant conflict of interest in the matter for the reason he has a relative speaking against the item and remained in the chamber during consideration of this matter.

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a volunteer collector for the Salvation Army Red Shield Appeal and participated in consideration of this matter.

Councillor Symington stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not an employee and my involvement is only for one day per year."

5.4 Provision of Cleaning Services for The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a 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."

5.10 Update on Developments at Halekulani Quarry and Toukley Closed Landfill

Councillor Wynn declared a pecuniary interest in the matter for the reason that a family member is a resident in the affected area, left the chamber at 7:06 pm took no part in discussion, did not vote and returned to the chamber at 7:21 pm.

7.3 Minutes – Wyong Shire Grants Committee Meetings

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is a performer in an event subject to a grant application, left the chamber at 8:54 pm took no part in discussion, did not vote and returned to the chamber at 8:57 pm.

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in that part of the matter which refers to the Mannering Park Social Club and the Mannering Park Community Festival for the reason that he is a volunteer on the day at the Mannering Park Festival 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 Social Club or the Organising Committee."

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in that part of the matter which refers to the Mannering Park Social Club regarding the Mannering Park Community Festival for the reason that she is a resident of Mannering Park 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.”

U23/10 National Health Agreement and Health Funding

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of Northern Sydney Central Coast Area Health based primarily at Wyong Hospital, left the chamber at 9:50 pm took no part in discussion, did not vote and returned to the chamber at 9:54 pm.

12.1 Contract CPA 187074 Provision of Project Management Services for the Mardi to Mangrove Link Project

Councillor Wynn declared a pecuniary interest in the matter for the reason that a family member is a member of one of the tender teams, left the chamber at 9.59 pm took no part in discussion, did not vote and did not return to the chamber.

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

That Council receive the report on Disclosure of Interest and note advice of disclosures.

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

AGAINST: NIL

1.2 Address by Invited Speakers

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

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 BEST and seconded by Councillor VINCENT:

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 24 November 2010.

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

AGAINST: NIL

Business Arising

Councillor Vincent asked that the Mayor have regard to any late items not listed on the agenda when asking Councillors to call items for consideration when using the exception method to deal with the balance of the Agenda.

2.1 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 Sections 10A(2)(c) of the Local Government Act 1993:

12.1 Contract CPA/187074 Provision of Project Management Services for the Mardi to Mangrove Link Project

2 That Council note its reason for considering Report No 12.1 as it may confer a commercial advantage (Section 10A(2)).

3 That Council request the General Manager to report on this matter in open session of Council.

Note: Explanation - Section 10A of the Local Government Act 1993 states:

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

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

AGAINST: NIL

3.1 DA 711/2009 - Residential Flat Development at 44-46 Minnesota Road, Hamlyn Terrace

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

Councillor Matthews left the meeting at 6:48 pm and returned to the meeting at 6:50 pm during consideration of this item.

Mrs Angela Tibbles, resident of Hamlyn Terrace, against the item, addressed the meeting at 6.49 pm, answered questions and retired at 6.59 pm.

Councillor Matthews left the meeting at 6:54 pm and returned to the meeting at 6:55 pm during consideration of this item.

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

- 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.**

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

AGAINST: COUNCILLOR MCNAMARA

3.2 DA 771/2010 - Proposed Hospital (Rehabilitation Facility) Dooralong Road, Dooralong

Councillor Symington declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a volunteer collector for the Salvation Army Red Shield Appeal and participated in consideration of this matter.

Councillor Symington stated:

"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not an employee and my involvement is only for one day per year."

Mr Troy Beaver, resident of Dooralong, against the item, addressed the meeting at 5.11 pm, answered questions and retired at 5.17 pm.

Mr Warwick Benjes, representing Dooralong Valley Residents Association, against the item, addressed the meeting at 5.18 pm, answered questions and retired at 5.25 pm.

Major Kerrie Hoggar, Divisional Commander, representing the Salvation Army, in favour of the item, addressed the meeting at 5.25 pm, answered questions and retired at 5.29 pm.

Mr Ben Moyes, representing the Salvation Army, in favour of the item, addressed the meeting at 5.30 pm, answered questions and retired at 5.35 pm.

Councillor Vincent left the meeting at 6:38 pm and returned to the meeting at 6:39 pm during consideration of this item.

A MOTION was MOVED by Councillor BEST and SECONDED by Councillor MCNAMARA:

That due to the strong community concern Council afford the local residents and ratepayers the assurance of due process and thoroughness through Council deferring this matter until a thorough Council site inspection has taken place and senior independent legal advice has been received.

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

The MOTION was put to the vote and declared LOST.

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

- 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 appropriate conditions.***
- 2 That Council advise those who made written submissions of its decision.***

FOR: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

AGAINST: COUNCILLORS EATON, MCNAMARA AND WEBSTER

The meeting was adjourned for two minutes to clear the gallery.

3.3 Proposed Adoption of Council Policy and Proposed Public Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

A MOTION was MOVED by Councillor GRAHAM and SECONDED by Councillor MCNAMARA:

- 1 That Council adopt the Policy titled "Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council."***
- 2 That Council in principle endorse the draft DCP No 2005 Chapter 97 Water Sensitive Urban Design and the associated Council Policy subject to the DCP containing the appropriate clauses ensuring it is cost neutral compared to traditional engineered solutions.***
- 3 That the General Manager be delegated the power to place on exhibition the amended DCP.***

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

The MOTION was put to the vote and declared LOST.

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

- 1 That Council adopt the Policy titled “Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council.”***
- 2 That Council place the draft Development Control Plan (DCP) No. 2005: Chapter 97 - Water Sensitive Urban Design (WSUD), together with the proposed adoption of an associated Council Policy on public exhibition for a period of 2 months.***
- 3 That Council adopt, the draft Development Control Plan and appropriate public notice be given, subject to there being no significant objections.***

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

At this point in the meeting, the General Manager introduced Maxine Kenyon, Director Community and Recreation.

The Mayor, Councillor Eaton then thanked the departing Director Shire Services, Mr Paul Wise on his 36 years service with Council and wished Paul all the best for the future.

Councillor Vincent thanked Paul Wise on his contribution in the current term of Council.

3.4 Wyong Shire On-Road Bicycle and Shared Pathway Strategy Priority Projects

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council adopt the Wyong Shire On-Road Bicycle and Shared Pathway Strategy, Background Document and Action Plan, incorporating the amendments outlined in this report.

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

3.5 Public exhibition of Tuggerah Lakes Floodplain Risk Management Study

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

- 1 That Council endorse the Tuggerah Lakes Floodplain Risk Management Study for public exhibition.**
- 2 That Council endorse the public exhibition period to extend from 10 December 2010 to 11 April 2011.**

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

AGAINST: NIL

3.6 Development Control Plan 2005 draft Chapter 113 - Flood Prone Land Development

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council defer the matter for a briefing in early 2011.

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF ORDER OF BUSINESS

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

That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: COUNCILLORS SYMINGTON AND VINCENT

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

That with the exception of report numbers 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 7,3 8.2, 8.3, 8.5, 8.6, 8.7, 9.1, 10.1, 10.2, 10.3 and 12.1 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

4.1 Contract CPA/175061 Developing Headworks Database and Water Data Transfer Format (WDTF) Applications

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

- 1 That Council accept the tender from IPower Solutions Pty Ltd for the lump sum amount of \$197,133 (excl GST) for Contract CPA/175061 – Developing Headworks Database and Water Data Transfer Format (WDTF).**
- 2 That Council approve a contract budget of \$237,133 (excl GST) that provides for a contingency amount of \$40,000 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

5.1 Economically and Environmentally Sustainable Living Demonstration House

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

Councillor Vincent left the chamber at 8.11 pm and returned to the chamber at 8.17 pm during consideration of this item and as a result took no part in voting.

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

- 1 That Council acknowledge the research undertaken to date to assess the feasibility of developing a Sustainable Living Demonstration House.**

- 2 ***That Council thank Yeramba Estates and McDonald Jones Homes for their assistance and input in the development of the potential framework for establishing a Sustainable Living Demonstration House.***
- 3 ***That Council defer any further action in respect of the project on the basis of Council's current financial limitations.***

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

AGAINST: NIL

5.2 Central Coast Arts and Conference Centre Naming Competition Winner

Councillor Vincent left the chamber at 8.11 pm and returned to the chamber at 8.17 pm during consideration of this item.

Councillor Best returned to the meeting at 8:18 pm during consideration of this item.

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

- 1 ***That Council accept the Central Coast Arts and Conference Centre Naming Competition Judging Panel's recommendation that the winning prize be awarded to Richard Coye for "The Art House" and the two runner up prizes be awarded to Tracy Miller for "Wyong Regional Arts Centre" and Marianne Cowan for "The Anzac Memorial Arts Centre".***
- 2 ***That Council name the Arts Centre "The Art House, Wyong Shire Performing Arts and Conference Centre" and register the name as a Trademark.***
- 3 ***That Council undertake a logo design competition for "The Art House, Wyong Shire Performing Arts and Conference Centre".***

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

AGAINST: NIL

5.3 Status of the Implementation of Cultural Change

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

- 1 That Council receive the Report outlining the status of the implementation of the Cultural Change activities.**
- 2 That the Cultural Change process be incorporated into the integrated planning process.**

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

AGAINST: NIL

5.4 Provision of Cleaning Services for The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a 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."

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

That Council endorse the extension of the existing cleaning contract to 31 March 2011 to allow the tender process to be completed.

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

AGAINST: NIL

5.5 Access to Information Policy

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

That Council adopt the Access to Information Policy presented in this report.

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

AGAINST: NIL

5.6 Formation of New Precinct Committee at Toukley, Noraville and Canton Beach

Councillor Matthews left the chamber at 8.24 pm and returned to the chamber at 8.25 pm during consideration of this item.

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

That Council establish a Precinct Committee at the Toukley, Noraville and Canton Beach Community.

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

AGAINST: NIL

5.7 Amendment to Facilities and Expenses Policy

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

- 1 *That Council approve the draft Policy on Facilities and Expenses for Councillors as amended.***
- 2 *That Council publically exhibit the amended Policy on Facilities and Expenses for Councillors for a period of 8 weeks.***

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

AGAINST: NIL

5.8 Results of Trial Winter Lifeguard Service

A MOTION was MOVED by Councillor SYMINGTON and SECONDED by Councillor MATTHEWS:

- 1 *That Council receive the report on Results of Trial Winter Lifeguard Service.***
- 2 *That given Council's current financial limitations, and the relatively low numbers of winter beach swimmers and surfers Council not introduce a recurrent lifeguard service at this time.***
- 3 *That Council receive a report on a possible Lifeguard Service at Soldiers and Shelly Beaches on Monday to Friday for four weeks after official close of the current season utilising Council's permanent lifeguards and liaise with Surf Life Saving Central Coast to provide a volunteer service on the weekends for that period.***

AN AMENDMENT was MOVED by Councillor BEST:

That Council receive a report on deploying permanent lifeguards at no net cost to provide optimum service to selected high frequency beaches ie. Soldiers and Shelly Beaches.

The AMENDMENT lapsed for want of a seconder.

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

- 1 That Council receive the report on Results of Trial Winter Lifeguard Service.**
- 2 That given Council's current financial limitations, and the relatively low numbers of winter beach swimmers and surfers Council not introduce a recurrent lifeguard service at this time.**
- 3 That Council receive a report on a possible Lifeguard Service at Soldiers and Shelly Beaches on Monday to Friday for four weeks after official close of the current season utilising Council's permanent lifeguards and liaise with Surf Life Saving Central Coast to provide a volunteer service on the weekends for that period.**

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

AGAINST: COUNCILLOR BEST

5.9 Update on Central Coast Water Corporation formation

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

- 1 That Council receive the report on the Central Coast Water Corporation formation.**
- 2 That a joint meeting of Gosford and Wyong Councils be scheduled for the 17 February 2011 to consider the Constitution and the Voting Shareholders Agreement.**
- 3 That Council endorse the Project Control Group study tour in January 2011.**

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

AGAINST: NIL

5.10 Update on Developments at Halekulani Quarry and Toukley Closed Landfill

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

Councillor Wynn declared a pecuniary interest in the matter for the reason that a family member is a resident in the affected area, left the chamber at 7:06 pm took no part in discussion, did not vote and returned to the chamber at 7:21 pm.

Mr Thomas Punton, resident of Budgewoi, against the item addressed the meeting at 7.09 pm, answered questions and retired at 7.11 pm.

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

That Council defer this matter for further information as to the proposed consultation; trucking routes, frequency and times; construction period; and as to Halekulani the end result in terms of community amenity and recreation facilities.

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

AGAINST: NIL

5.11 Proposed Councillors' Community Improvement Grants

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council allocate an amount of \$1,300.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

6.1 Internal Audit Plan

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council adopt the Internal Audit plan for the period 1 January 2011 to 31 December 2012.

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

AGAINST: NIL

7.1 Minutes - Central Coast Regional Organisation of Councils Meeting Minutes - 11 November 2010

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council receive the minutes of the Central Coast Regional Organisation of Councils Meeting held on 11 November 2010 and adopt the recommendations contained therein.

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

AGAINST: NIL

7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 November 2010

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 17 November 2010 and adopt the recommendations contained therein.

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

AGAINST: NIL

7.3 Minutes - Wyong Shire Grants Committee Meetings - 22 October 2010 and 17 November 2010

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his wife is a performer in an event subject to a grant application, left the chamber at 8:54 pm took no part in discussion, did not vote and returned to the chamber at 8:57 pm.

Councillor Eaton vacated the chair and Councillor Graham assumed the chair.

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in that part of the matter which refers to the Mannering Park Social Club and the Mannering Park Community Festival for the reason that he is a volunteer on the day at the Mannering Park Festival 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 Social Club or the Organising Committee."

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in that part of the matter which refers to the Mannering Park Social Club regarding the Mannering Park Community Festival for the reason that she is a resident of Mannering Park 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 MATTHEWS and seconded by Councillor MCNAMARA:

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 22 October 2010 and 17 November 2010 and adopt the recommendations contained therein.

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

AGAINST: NIL

Councillor Eaton resumed the chair at 8.57 pm.

8.1 Information Reports

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council deal with the following Information Reports by the Exception Method.

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

AGAINST: NIL

8.2 Draft Central Coast Regional Transport Strategy

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

That Council receive the report on Draft Central Coast Regional Transport Strategy and note the submission prepared by Staff in response to the Draft Strategy.

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

AGAINST: NIL

8.3 Warnervale Town Centre Progress Report

Councillor Graham left the meeting at 9:00 pm and returned to the meeting at 9:01 pm during consideration of this item.

Councillor Webster left the meeting at 9:03 pm and returned to the meeting at 9:04 pm during consideration of this item.

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

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

8.4 Completion of Two Major Contracts for the Mardi Suite of Works

Councillor Best left the meeting at 5.47 pm and returned to the meeting at 8.18 pm and as a result took no part in voting.

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

That Council note the report on Completion of Two Major Contracts for the Mardi Suite of Works.

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

AGAINST: NIL

8.5 Mardi to Mangrove Link Project Status

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

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

8.6 ESD and Architectural Improvements - Shelly Beach and Soldiers Beach Surf Life Saving Clubs

MOVED on the motion of Councillor WYNN and seconded by Councillor BEST:

- 1 ***That Council approve the environmental enhancements for \$142,000 (Shelly and Soldiers Beaches) and adjust the other three clubs' funding for refurbishments down to \$608,000.***
- 2 ***That Council accept the relocation of the distribution board cupboard door at Soldiers Beach Surf Life Saving Club at nil cost.***

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

That Council receive the report on ESD and Architectural Improvements – Shelly Beach and Soldiers Beach Surf Life Saving Clubs.

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

AGAINST: COUNCILLORS BEST AND WYNN

The AMENDMENT was put to the vote and declared CARRIED. The AMENDMENT became the MOTION.

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

That Council receive the report on ESD and Architectural Improvements – Shelly Beach and Soldiers Beach Surf Life Saving Clubs.

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

AGAINST: COUNCILLORS BEST AND WYNN

8.7 Outstanding Questions without Notice and Notice of Motions

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

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 ORDER OF BUSINESS

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

That Council adopt Notice of Motions 10.1, 10.2 and 10.3 on the motion of each Councillor who submitted them.

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

AGAINST: NIL

10.1 Notice of Motion - Extension of Exhibition Period for the North Wyong Structure Plan

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

- 1 That Council urgently write to the Premier, Kristina Keneally, the Minister for Planning, Tony Kelly and the Secretary for the Central Coast and Member for Wyong, David Harris requesting an extension for the exhibition period for the North Wyong Structure Plan to the end of February, 2011.**
- 2 That Council simultaneously request the exhibition period for Central Coast Conservation Strategy also close at the end of February 2011.**
- 3 That Council also request that submissions to both the North Wyong Structure Plan and the Central Coast Conservation Strategy be viewed in conjunction with the submissions for the Central Coast Transport Strategy.**
- 4 That Council alert the public through its media sources to these proposed Plans and exhibition timeframes and urge them, if they wish, to also protest the piecemeal approach taken by the government to these plans and strategies that form an holistic approach to development, conservation and transport for the Wyong Shire and similarly express their desire for an extension of the time so that their exhibitions coincide.**
- 5 That Council thank the efforts of Kevin Armstrong and the Lakes Precinct Committee in bringing these issues to the attention of Council.**

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

AGAINST: NIL

10.2 Notice of Motion - GIPA Submission

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

That Council make a submission to the consultation process currently being undertaken in relation to GIPA. Submission to reflect the views of Councillors in relation to the mandatory publishing of personal details on Council website.

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

AGAINST: NIL

10.3 Notice of Motion - Discussions on Previous Minutes

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

That Council allow the reopening of, and discussion in relation to the minutes and business arising from the Ordinary Meeting of Council on Wednesday 13 October 2010.

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Vincent sought leave to introduce a motion of urgency regarding the National Health Agreement and health funding.

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

That Council consider a motion of Urgency regarding the National Health Agreement and health funding.

FOR: COUNCILLORS GRAHAM, MCBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

U23/10 National Health Agreement and Health Funding

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of Northern Sydney Central Coast Area Health based primarily at Wyong Hospital, left the chamber at 9:50 pm took no part in discussion, did not vote and returned to the chamber at 9:54 pm.

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

- 1 *That Council note with concern the promise by NSW Opposition Leader, Barry O'Farrell to withdraw from the National Health Agreement if elected in March.*
- 2 *That Council note with concern that \$3m for "Acute Care Beds" and \$960,000 for new medical equipment including an ECG machine, a defibrillator and IT equipment for the Emergency Department would be lost from Wyong Hospital.*
- 3 *That Council write to Shadow Minister for the Central Coast Chris Hartcher, and Liberal Candidates for Wyong and The Entrance seeking an assurance that the Opposition, if elected in March, will support the national Health Agreement and not reduce funding and services at Wyong Hospital.*

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

The MOTION was put to the vote and declared LOST.

QUESTIONS WITHOUT NOTICE

Q112/10 Vandalism Cost to Ratepayers Councillor Best

The continuing escalation of anti social behaviour, malicious damage and graffiti spraying is taking a heavy toll on our residents and indeed our public property. Could you please advise our residents and ratepayers an indicative cost to them over the last four years to clean, repair and replace public property damaged by these vandals?

Q113/10 Policing Resources Councillor Best

As you would be aware, many residents have highlighted the urgent need for further Police. Unquestionably, our local Police are doing a good job with limited resources. Could you please advise in the most recent graduation and distribution of new police officers across NSW, how many were allocated to the Central Coast and in particular to the northern command?

PROCEDURAL MOTION

SUSPENSION OF ORDER OF BUSINESS

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

That Council suspend the order of business to discuss Item 10.3 – Notice of Motion – Discussions on Previous Minutes.

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

Item 10.3 was then discussed.

CONFIDENTIAL SESSION

At this stage of the meeting being 9.59 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

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

OPEN SESSION

Council resumed in open session at 10.09 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

12.1 Contract CPA/187074 Provision of Project Management Services for the Mardi to Mangrove Link Project

Councillor Wynn declared a pecuniary interest in the matter for the reason that a family member is a member of one of the tender teams, left the chamber at 9.59 pm took no part in discussion, did not vote and did not return to the chamber.

- 1 That Council defer its decision to award a contract until it next meets in February 2011 to allow time to consider alternative options.**
- 2 That Council endorse the continuation of the current project management arrangements due to the material public benefit.**

The Mayor, Councillor Eaton wished everyone the Compliments of the Season and thanked Councillors and staff for their effort over the past year.

The General Manager also thanked Councillors for their support over the past year.

THE MEETING closed at 10.13 pm.