

---

---

# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 24 NOVEMBER 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 (arrived 5.11 pm), D P Vincent, L D Webster and S A Wynn.

### IN ATTENDANCE

General Manager, Director Environment and Planning, Acting Director Infrastructure Management, Director Corporate Services, Manager Place Management, Project Director Mardi to Mangrove Project and General Counsel.

Manager Contracts and Special Projects, Senior Project Manager Contracts and Special Projects, Engineer Contracts and Special Projects, Senior Strategic Planner Land Use Planning, Strategic Planner Land Use Planning and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.04 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.

### APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 4.1, 4.2, 4.3, 7.2, 9.11 and 11.3 were dealt with first then the remaining reports in order with reports 3.1, 4.3, 5.1, 7.4, 8.1, 11.1 and 11.2 being called forward during the meeting. However for the sake of clarity the reports are recorded in their correct agenda sequence.

## 1.1 Disclosure of Interest

---

### 3.1 Iconic Development Sites

Councillor Webster declared a non pecuniary insignificant interest in the matter for the reason that the Littlefield family, who own the Dunleith Caravan Park, are family friends who contributed a small amount of money to her campaign 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."*

### 5.2 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point

Councillor Vincent declared a non pecuniary significant interest in the matter for the reason that family members attend the Guides at Narambi Road, Buff Point and advised that he would leave the chamber.

### 7.2 Tuggerawong Retirement Village

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions 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 no longer a member of the Lions."*

### 7.6 Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions 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 no longer a member of the Lions."*

### 11.3 Notice of Motion – Council Calls to Support Local Nurses

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSCCAH, left the meeting at 7.17 pm, took no part in voting and returned to the meeting at 7.33 pm.

### 12.1 General Manager Performance Management

Mr Michael Whittaker declared a pecuniary interest in the matter for the reason that this is a report that affects his employment contract and advised that he would leave the chamber.

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

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

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

AGAINST: NIL

**1.2 Address by Invited Speakers**

---

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

- 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, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**PROCEDURAL MOTION**

**SUSPENSION OF ORDER OF BUSINESS**

At this stage in the meeting, being 5.11 pm, Councillor Symington entered the meeting.

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

**That Council suspend the order of business to allow consideration of Item 7.2 - Tuggerawong Retirement Village before item 4.1 - DA/127/2010 - Section 82A Review for a Proposed Gymnastics and Movement Centre at Berkeley Vale.**

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

AGAINST: COUNCILLOR EATON

**1.3 Confirmation of Minutes of Previous Meeting**

---

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

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 November 2010.**

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**1.4 Tuggerah Lakes Estuary Management Plan - Continuation of Funding**

---

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

- 1 That Council thank Minister Tony Burke for his commitment given during his meeting with the Mayor, Councillor Matthews and General Manager that the Federal Government's previous commitment to the Estuary Management Plan of \$20M will be met.**
- 2 That Council delegate to the General Manager the authority to return to the Department of Sustainability, Environment, Water, Population and Communities (SEWPC) the \$2,051,129.00 saved from the Stage 1 Caring for our Country contract.**
- 3 That Council staff commence urgent negotiations with the relevant officers from SEWPC and Minister Burke's Office to fast track the contract for Stage 2 of the Caring for our Country Federal Government Grant in the amount of \$11,340,000.00.**
- 4 That in respect of the comprehensive schedule of works developed to enable expenditure of the \$2,051,129.00 and already reviewed by an external due diligence expert, staff reformat this schedule to form a Stage 3 funding application to SEWPC.**
- 5 That Council thank the Member for Dobell, Craig Thomson for his assistance in this matter and in facilitating the recent delegation to Canberra.**

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 GRAHAM and seconded by Councillor MCNAMARA:**

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

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

AGAINST: NIL

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

**That with the exception of report numbers 3.1, 4.3, 5.1, 7.4, 8.1, 11.1, 11.2 and 11.2. Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

**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) (a ) and (g) of the Local Government Act 1993:**

**Report no 12.1 General Manager Performance Management Appraisal Process  
Report no 12.2 Expenditure and Information for Legal Advices**

**2 That Council note its reason for considering Report No 12.1 in confidential session is because it deals with personnel matters concerning particular individuals and Report No 12.2 in confidential session it concerns legal professional privilege.**

**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(a) personnel matters concerning particular individuals (other than Councillors),*

*2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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

AGAINST: NIL

### 3.1 Iconic Development Sites

---

Councillor Webster declared a non pecuniary insignificant interest in the matter for the reason that the Littlefield family, who own the Dunleith Caravan Park, are family friends who contributed a small amount of money to her campaign 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 Matthews left the chamber at 7.41 pm and returned to the chamber at 7.43 pm during consideration of this item.

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

- 1 ***That Council endorse the Iconic Development Sites as outlined in the report for the purpose of further action by staff in identifying planning controls to facilitate development through the Comprehensive Local Environmental Plan process or subsequent amendment to the Comprehensive Local Environmental Plan.***
- 2 ***That Council move the Long Jetty town centre extension to phase 2 and conduct further studies.***
- 3 ***That Council acknowledge that in general iconic sites may move between phases 1 and 2 or vice versa depending on the proposals and or results of studies.***
- 4 ***That Council include the Warnervale airport site in phase 1.***
- 5 ***That Council seek written confirmation from the Department of Planning of its support for this process.***
- 6 ***That Council commence an engagement process with the owners of properties proposed to be delineated as Iconic Development Site.***

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

AGAINST: NIL

**4.1 DA/127/2010 - Section 82A Review for a Proposed Gymnastics and Movement Centre at Berkeley Vale**

---

Ms Sasha Smith, representing a local business owner, addressed the meeting at 5.49 pm, answered questions and retired at 5.57 pm.

Councillor Matthews left the meeting at 6:05 pm and returned to the meeting at 06:08 pm during consideration of this item.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 82A of the Environmental Planning and Assessment Act, 1979, grant consent for an initial 12 month period, subject to the conditions detailed in the schedule attached to the report.***
- 2 That Council vary Development Control Plan 2005 Chapter 61 to permit the development.***

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

AGAINST: COUNCILLORS MCBRIDE, SYMINGTON AND WYNN

**4.2 DA/36/2010 - Proposed Dwelling-House at Springs Road, Kulnura**

---

Mr Michael Schembri, neighbouring landowner, addressed the meeting at 6.24 pm, answered questions and retired at 6.45 pm.

Councillor Matthews left the meeting at 6:24 pm and returned to the meeting at 6:30 pm during consideration of this item.

Councillor Best left the meeting at 6:24 pm and returned to the meeting at 6:33 pm during consideration of this item.

**PROCEDURAL MOTION:**

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

***That Council consider the item "in camera" to allow consideration of legal advice.***

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

AGAINST: NIL

At this time, being 6.48 pm the public gallery was cleared.

**PROCEDURAL MOTION:**

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

***That Council resume in open session.***

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

AGAINST: NIL

At this stage of the meeting, being 7.07 pm, the public gallery opened.

Councillor Graham left the meeting at 6:50 pm and returned at 6:51 pm during consideration of this item.

Councillor Symington left the meeting at 7:08 pm and returned at 7:09 pm and as a result took no part in voting.

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

***1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions attached to this report.***

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

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN



**PROCEDURAL MOTION**

**SUSPENSION OF ORDER OF BUSINESS**

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

***That Council suspend the order of business to allow consideration of item 9.11 Central Coast Tourism – Update and 11.3 Notice of Motion – Council Calls to Support Local Nurses.***

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

AGAINST: NIL

**4.3 Wyong Shire-wide Heritage Review - Request Endorsement to Proceed to Public Exhibition**

---

Councillor Best left the meeting at 8:20 pm and returned at 8:21 pm during consideration of this item.

Mr David Scobie, Heritage Consultant, addressed the meeting at 8.24 pm to answer questions and retired at 8.26 pm.

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

- 1 That Council endorse the Wyong Shire-wide Heritage Review draft report and draft recommendations for the purpose of public exhibition.***
- 2 That Council place the Wyong Shire-wide Heritage Review on public exhibition for a period of eight weeks.***
- 3 That Council consider the funding of the works on Council assets proposed in the draft heritage review in conjunction with the 2011-12 budget.***

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

AGAINST: NIL

**5.1 University of Newcastle Ourimbah Campus - Proposed Extension of Lease for Playing Fields Part Lot 1 DP 837937 Chittaway Road Ourimbah**

---

Councillor Vincent left the meeting at 8.31 pm and returned to the meeting at 8.32 pm during consideration of this item.

Councillor Wynn left the meeting at 8.31 pm and returned to the meeting at 8.35 pm during consideration of this item.

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

***That Council defer this item pending the outcome of a soon to be convened meeting between the Mayor, Deputy Mayor and the Pro Vice Chancellor of the University to discuss the mutual benefits of Council and the University working together to find an outcome suitable to all parties.***

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

AGAINST: NIL

**5.2 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point**

---

Councillor Vincent declared a non pecuniary significant interest in the matter for the reason that family members attend the Guides at Narambi Road, Buff Point and advised that he would leave the chamber.

This item was dealt with by the exception method and therefore Councillor Vincent did not leave the chamber.

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

- 1 That Council endorse, as owner a development application by Girl Guides Australia to extent the Guide Hall for the purpose of including internal toilet facilities.***
- 2 That Council approve, in the event that the development consent is obtained, a lease of the existing Guide Hall building on Lot 38 DP 849208 Narambi Road, Buff Point to Girl Guides Australia for a period of 21 years at nominal rent of \$10 per annum.***
- 3 That Council authorise the Common seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Girl Guides Australia.***
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.***

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

AGAINST: NIL

**6.1 Contract CPA/182955 - Supply and Delivery of Ready Mix Concrete**

---

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

- 1 That Council accept Tender No 1 from Boral Resources (Country) Pty Ltd as the preferred supplier of Ready Mix Concrete for a period of 36 months commencing on 1 December 2010.**
- 2 That Council accept Tender No. 5 from Hanson Construction Materials Pty Ltd as the second ranked supplier of Ready Mix Concrete for a period of 36 months commencing on 1 December 2010.**
- 3 That Council note the estimated annual expenditure against both contracts is \$525,000 excluding GST. Actual expenditure may vary with fluctuations in demand.**

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

AGAINST: NIL

**6.2 Contract CPA/182958 - Supply and Delivery of Unbound and Modified Base and Sub Base for Surfaced Road Pavements**

---

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

- 1 That Council accept the tender from Hanson Construction Materials Pty Ltd at the tendered schedule of rates listed in attachment "A" for the supply and delivery of Unbound and Modified Base and Sub Base materials for a period of 36 months commencing from 1 December 2010.**
- 2 That Council notes annual expenditure against this contract is estimated at \$685,567 ( excl GST). Actual expenditure may vary with fluctuations in demand.**
- 3 That Council accept the tender from Boral Resources (NSW) Pty Ltd at the tendered schedule of rates listed in attachment "A" for the supply and delivery of Unbound and Modified Base and Sub Base materials for a period of 36 months commencing from 1 December 2010.**
- 4 That Council notes annual expenditure against this contract is \$380,846 (excl. GST). Actual expenditure may vary with fluctuations in demand.**

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

AGAINST: NIL

**6.3 Contract CPA/182963 - Supply and Delivery of General Bulk Garden Materials**

---

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

- 1 That Council decline to accept all tenders for the supply and delivery of Hardwood Chip and Hardwood Fines (Category 1 and 2), in accordance with the Local Government (General) Regulation 2005 Clause 178 (1) (b).**
- 2 That Council cancel the proposal for the contract for the supply and delivery of Hardwood Chip and Hardwood Fines (Category 1 and 2), in accordance with the Local Government (General) Regulation 2005 Clause 178 (3) (a).**
- 3 That Council accept the tender from Australian Native Landscape Pty Ltd for the supply and delivery of Soft fall for a period of three years (Category 3).**
- 4 That Council note annual expenditure against this contract is \$39,432- excluding GST. Actual expenditure may vary with fluctuations in demand.**
- 5 That Council accept the tender from Australian Native Landscape Pty Ltd for the supply and delivery of Organic Garden Mix for a period of three years (Category 4).**
- 6 That Council notes annual expenditure against this contract is \$7,662- excluding GST. Actual expenditure may vary with fluctuations in demand.**
- 7 That Council accept the tender from Riverbend Quarry Pty Ltd for the supply and delivery of Course Washed River Sand for a period of three years (Category 5).**
- 8 That Council notes annual expenditure against this contract is \$6,400- excluding GST. Actual expenditure may vary with fluctuations in demand.**

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

AGAINST: NIL

**7.1 Annual Report 2009-10**

---

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

- 1 That Council adopt the 2009-10 Annual Report (including enclosures).**
- 2 That Council post a copy of the 2009-10 Annual Report (including enclosures) on Council's website.**
- 3 That Council advise the Minister for Local Government of Council's URL link to access the report.**

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

AGAINST: NIL

**7.2 Tuggerawong Retirement Village**

---

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions 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 he is no longer a member of the Lions."*

Mr George Kinealy, administrator for the Tuggerawong Retirement Village, addressed the meeting at 5.22 pm, answered questions and retired at 5.33 pm.

*It was MOVED by Councillor VINCENT and seconded by Councillor MATTHEWS:*

- 1 *That Council acknowledge the valuable contribution that the Village has provided the community for the past 33 years.*
- 2 *That Council waive the outstanding payment and interest so that additional income can be used for general maintenance to improve Council assets.*

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

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

***The MOTION was put to the vote and declared LOST.***

*It was MOVED by Councillor EATON and SECONDED by Councillor WYNN:*

*That Council:*

- 1 *Postpone the repayment of the loan and accruing interest from the Tuggerawong Retirement Village for a period of two years on the condition that any re-tenanting fees are utilised on repayments.*
- 2 *Continue to accrue interest on the outstanding balance until the loan is extinguished.*
- 3 *Set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or at a minimum equivalent to the 90 day bank bill swap reference rate.*

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

AGAINST: NIL

An AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MCBRIDE:

That Council obligate the 355 committee to pay instalments after the cost of any additional maintenance has been taken from income.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

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

**The AMENDMENT was put to the vote and declared LOST.**

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

**That Council:**

- 1 **Postpone the repayment of the loan and accruing interest from the Tuggerawong Retirement Village for a period of two years on the condition that any re-tenancing fees are utilised on repayments.**
- 2 **Continue to accrue interest on the outstanding balance until the loan is extinguished.**
- 3 **Set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or at a minimum equivalent to the 90 day bank bill swap reference rate.**

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

AGAINST: NIL

### **7.3 Alcohol Free Zone - The Entrance North**

---

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

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

**The Entrance North: To include Hutton Road, The Entrance North and all roads leading to it from Wilfred Barrett Drive (Central Coast Highway) - Hargraves Street, Roberts Street, Stewart Street, Florida Street, Manly Parade, Bondi Road, Coogee Avenue, Simpson Street and Scribbly Gum Close**

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

AGAINST: NIL

#### **7.4 Funding and Cost of Link Road Construction**

---

Councillor McNamara left the meeting at 8.38 pm and returned to the meeting at 8.40 pm during consideration of this item.

Councillor Webster left the meeting at 8.45 pm and returned to the meeting at 8.46 pm during consideration of this item.

Councillor Graham left the meeting at 9.37 pm and returned to the meeting at 9.38 pm during consideration of this item.

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

- 1 That Council endorse payment of variations approved to date under the contract for CPA/160794 – Construction of Northern Section of Link Road.***
- 2 That Council approve additional funding to increase the construction contract amount for CPA/160794 from \$8,711,245.88 (including contingency amount and excl GST) to \$10,800,000.00 (excl GST).***
- 3 That Council approve additional funding to increase the amount required for all project activities, including the construction contract, in the amount of \$3,600,000.00 (excl GST), with this funding to be provided as detailed in this report.***
- 4 That Council review the feasibility of the concept to complete the whole of the Link Road Project.***
- 5 That Council consider a report on a comprehensive audit of the link road project covering issues such as:***
  - a the business case to establish the needs of the road***
  - b the design brief and resulting specifications***
  - c the budget development process including the estimates and funding sources***
  - d the project management framework***
  - e the reporting and approvals process.***

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

AGAINST: NIL

## **7.5 Bicycle Racks on Buses**

---

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

- 1 That Council receive the report on Bicycle Racks on Buses.**
- 2 That Council staff liaise and negotiate with local bus operators and their Unions to identify possible barriers and identify solutions to trialling a Bike 'n Ride program.**
- 3 That Council forward a letter to the Minister for Transport and the Local Member for Wyong and Secretary to the Minister for the Central Coast requesting Transport NSW agree to and fund a trial Bike 'n Ride scheme in Wyong Shire.**
- 4 That Council request grant funding from Transport NSW, in the order of \$30,000, to fund a Bike 'n Ride trial program.**

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

AGAINST: NIL

## **7.6 Proposed Councillors' Community Improvement Grants**

---

Councillor Vincent declared a non pecuniary insignificant interest in the matter for the reason that he is a past member of the Lions 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 he is no longer a member of the Lions."*

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

**That Council allocate an amount of \$8,374.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL



**7.7 Staff Contract Management**

---

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

- 1 That Council declare that all managers earning more than the Total Remuneration Package (TRP) threshold of \$150,000 be employed as Senior Staff as defined by the Local Government Act 1993 s.332.**
- 2 That Council confirm the General Manager employs senior staff on the terms of the Senior Designated Officer contract as determined by the Division of Local Government.**

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

AGAINST: NIL

**7.8 Christmas Leave Arrangements**

---

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

- 1 That Council endorse that between 29 December 2010 to 31 December 2010 inclusive, Council only operate with minimum staff required to meet essential services over the period.**
- 2 That Council endorse the General Manager directing:**
  - i That discussions continue in 2011 to extend planned Christmas Leave further into January where it is logical to do so.**
  - ii That discussion is extended to include other work arrangements that cover the scope of works within WSC whereby resources could be planned differently.**

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

AGAINST: NIL

**8.1 2010-11 Annual Plan - September Quarter Review**

---

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

- 1 That Council receive the report 2010-11 Annual Plan – September 2010 Quarter Review.**
- 2 That Council note that Council’s Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**  
(NB This declaration is a statutory requirement made in accordance with the Local Government (General) Regulation 2005 s.203).

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

AGAINST: NIL

**9.1 Information Reports**

---

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

**That Council receive the report on Information Reports.**

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

AGAINST: NIL

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

---

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

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

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

AGAINST: NIL

**9.3 Ourimbah Campus Parking**

---

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

**That Council receive the report on the Ourimbah Campus Parking.**

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

AGAINST: NIL

**9.4 General Works in Progress**

---

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

***That Council receive the report on General Works in Progress.***

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

AGAINST: NIL

**9.5 Mardi to Mangrove Link Project Status**

---

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

***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

**9.6 Activities of the Development Assessment Unit**

---

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

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

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

AGAINST: NIL

**9.7 Investments for October 2010**

---

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

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

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

AGAINST: NIL

**9.8 Water Supply Authority - Statutory Audit for the year ended 30 June 2010**

---

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

***That Council receive the reports on Water Supply Authority - Statutory Audit for the year ended 30 June 2010.***

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

AGAINST: NIL

**9.9 Results on Water Quality Testing for Beaches and Lake Swimming Locations**

---

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

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

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

AGAINST: NIL

**9.10 Central Coast Region of Councils Meeting**

---

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

***That Council note the report and the resolutions made at the Central Coast Region of Councils Meeting.***

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

AGAINST: NIL

**9.11 Central Coast Tourism - Update**

---

Mr Ollie Philpott, from Central Coast Tourism , addressed the meeting at 7.11 pm, answered questions and retired at 7.17 pm.

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

***That Council receive the report on Central Coast Tourism - Update.***

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

AGAINST: NIL

**9.12 Outstanding Questions without Notice and Notice of Motions**

---

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

**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

**11.1 Notice of Motion - Old Sailing Club Building at Tuggerah Parade, Long Jetty**

---

Councillor McBride left the meeting at 10:25 pm and did not return

Councillor Best left the meeting at 10:26 pm and returned to the meeting at 10:30 pm during consideration of this item.

Councillor Matthews left the meeting at 10:28 pm and returned to the meeting at 10:32 pm during consideration of this item.

Mr Doug Darlington, representing The Entrance Peninsula Community Precinct Committee, addressed the meeting at 10.26 pm, answered questions and retired at 10.36 pm.

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

- 1 That Council write to the Land and Property Management Authority and to the Minister for Lands the Hon Tony Kelly MLC seeking their immediate attention to the state of disrepair of their property at Tuggerah Parade Long Jetty.**
- 2 That Council staff seek agreement of the LPMA to reimbursement of Council costs in undertaking rapid graffiti removal on the facility on an ongoing basis.**
- 3 That Council thank The Entrance Precinct Committee for its ongoing advocacy in the rectification of graffiti in the local area.**

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

AGAINST: NIL

**11.2 Notice of Motion - Drains along Long Jetty Foreshore**

---

Mr Doug Darlington remained in the chamber and was available to answer questions.

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

- 1 ***That Council research the potential to develop a program similar to "Adopt a Road" to be applied to specific stormwater drains within the Shire.***
- 2 ***That Council refer the issue to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for consideration, should such a program be feasible from an environmental, social and financial perspective.***
- 3 ***That Council express its thanks to Messrs Darlington, Bond and Bevege for their initiative in suggesting the scheme.***

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

AGAINST: NIL

**11.3 Notice of Motion - Council calls to Support Local Nurses**

---

Councillor McBride declared a pecuniary interest in the matter for the reason that she is an employee of NSCCAH, left the meeting at 7.17 pm, took no part in voting and returned to the meeting at 7.33 pm.

Ms Michelle Cashman, local nurse from Long Jetty hospital, addressed the meeting at 7.17 pm, answered questions and retired at 7.29 pm.

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

- 1 ***That Council in an advocacy role support the Central Coast nursing association's call for a safer and more appropriate nurse to patient ratio in our local hospitals.***
- 2 ***That Council formally make representation on behalf of our local nurses to the State health minister & all local members.***
- 3 ***That Council establish a prominent link to Nurse's website on Council's homepage.***
- 4 ***That Council recognise the outstanding contributions made by our local health professionals.***

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

AGAINST: NIL

Confidential items 12.1 - General Manager Performance Management Appraisal Process and 12.2 - Expenditure and Information for Legal Advices were dealt with via the exception method in open session and the recommendations are as follows:

**12.1 General Manager Performance Management Appraisal Process**

---

- 1 That Council approve the General Manager's performance management appraisal methodology as attached.**
- 2 That Council approve the General Manager's performance appraisal content and GM development plan for 2010/11 as attached.**
- 3 That Council approve the inclusion of a motor vehicle (full private use) as attached in the total remuneration package for the General Manager.**

**12.2 Expenditure and Information for Legal Advices**

---

***That Council receive the report on Expenditure and Information for Legal Advices.***

**QUESTIONS WITHOUT NOTICE**

**Q111/10 Customer Service**

**Councillor Greg Best**

C2010/05339

*"Mr General Manager,*

*Further to my QWN 14 July 2010 regarding the efforts of our customer service section, I note in recent media reports Wyong Shire Council has achieved an outstanding result being ranked first out of 39 Councils in Australia in regard to customer service delivery. This is an outstanding on-going achievement and again I would like to take this opportunity to request that you formally thank on behalf of Council the front-line staff and indeed their Management Team for this tremendous outcome."*

**THE MEETING** closed at 10.46 pm.