
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 13 July 2011 COMMENCING AT 5:00 PM

PRESENT

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

IN ATTENDANCE

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

Manager Development Assessment, Manager Place Management, Manager Land Use Planning and Policy Development, Senior Planner Land Use Planning, Strategic Planner Place Management, Engineer Contract Project Management and two administration staff.

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

Councillor Graham delivered the opening prayer and Councillor McBride read the acknowledgment of country statement.

Councillor McBride advised that during the first week of the July 2011 school holidays, Wyong District Netball Association competed in the State Championships for Netball where the Under 12's placed 8th, Under 14's 7th, Under 15's 5th and the Under 13's went through undefeated and claimed the State Title. Councillor McBride commented that this is a significant achievement for Wyong District Netball Association and Wyong Shire and also advised that Wyong Netball will be hosting the State Championships next year at Baker Park.

APOLOGIES

At its meeting on 8 June 2011, Council granted leave of absence to Councillor Wynn until 8 August 2011 as she is currently on annual leave and Councillor Matthews for this meeting, 13 July 2011, as she is currently on leave.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 1.5, 2.2, 3.8, 6.2, 3.1 and 6.4 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

2.2 Wyong Shire-Wide Heritage Review – in relation to Vales Point Power Station

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, which is the owner of one of the properties under discussion, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.57pm.

2.2 Wyong Shire-Wide Heritage Review – in relation to Ruttleys Road Bulk Shed

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is the owner of Ruttleys Road Bulk Shed which is one of the properties under discussion, left the chamber at 5.57pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

6.4 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 NSW Health Central Coast Local Health Division (CCLHD), left the chamber at 6.39pm, took no part in discussion, did not vote and returned to the chamber at 7.36pm.

7.2 Commercial Agreements

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter of the Central Coast Mariners Football Club the Mariners for the reason that he is a member of the Central Coast Mariners Board of Directors left the chamber at 9.48 pm, took no part in discussion, did not vote and did not return to the chamber.

7.2 Commercial Agreements

Councillor Webster declared a non-pecuniary insignificant interest in the matter in relation to the The Entrance town Centre Management Corporation for the reason that she is a member of the Board of Management 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 GRAHAM and seconded by Councillor MCNAMARA:

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

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

- 1 That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.**
- 2 That Council schedule an additional briefing session after inspections on an ongoing basis subject to Councillor attendance.**
- 3 That Council report on flexible options for engaging Councillors e.g. online data, after hours briefings and voice conferences.**

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

AGAINST: NIL

1.3 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.**
- 3 That Council vary meeting practice to allow item 6.4, Notice of Motion – Council Calls to Support Local Nurses, to be considered following item 3.8, to enable Ms Michelle Cashman to speak on this item.**

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting held on 22 June 2011 and the Extraordinary Meeting held on 30 June 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

1 That Council consider the following matters in Confidential Session, pursuant to Section 10A(2c) and (2g) of the Local Government Act 1993:

7.1 Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex

7.2 Commercial Agreements

7.3 Contract CPA/115479 – Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill – Status of Court Proceedings and Negotiations

2 That Council note its reasons for considering Items 7.1, 7.2 and 7.3 in confidential session are because items 7.1 and 7.2 contain information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business and item 7.3 contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

3 That Council request the General Manager to report on these matters in open session of Council.

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

1 That Council allow meeting practice to be varied.

2 That Council separate item 2.2, Wyong Shire-wide Heritage Review, to allow for individual discussions relating Vales Point Power Station and Ruttleys Road Bulk Shed.

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

AGAINST: NIL

2.1 Adoption of Development Control Plan 2005, Chapter 14 - Tree Management

Councillor McBride left the meeting at 6.39pm and returned to the meeting at 7:36pm during consideration of this item.

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

- 1 That Council adopt revised Draft Development Control Plan 2005: Chapter 14 - Tree Management and direct the General Manager to provide appropriate public notice within 28 days that the draft Chapter will come into effect as Chapter 14 within DCP 2005 on 3 August, 2011.
- 2 That Council direct the General Manager to provide in the notice advice that the provisions of the adopted Chapter 14 will also be adopted as a Council Policy and will be applied to all new Applications from 3 August, 2011.
- 3 That Council direct the General Manager to forward a copy of DCP 2005 containing the amended Chapter 14 to the Director General of the NSW Department of Planning and Infrastructure within 28 days of the making of the Plan on 3 August, 2011.
- 4 That Council direct the General Manager to include a notation on Council's Section 149 Certificates as to the adoption of Chapter 14.
- 5 That Council direct the General Manager, as part of the review of the tree management provisions of the Wyong DCP 2005 in support of the Comprehensive LEP / DCP, to direct staff to investigate the following enhancements, with a view to presenting options to Council, subject to a briefing being held, by end August 2011:
 - A focus on resident safety and preservation of Assets.
 - An acknowledgement of the significance of perceived safety to residents; and
 - Options for streamlining approval procedures.
 - Disputes resolution procedure when there is conflicting advice from experts
 - Replanting of additional trees if trees are removed

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

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

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

AGAINST: NIL

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

That with the exception of report numbers 3.2, 3.3, 3.7, 6.1, 6.3, 6.5, 6.6, 6.7, 7.2 and 7.3 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council consider Item no 2.2 - Wyong Shire-wide Heritage Review in three separate parts

2..2.1 Vales Point Power Station

2.2.2 Ruttleys Road Bulk Shed

2.2.3 All other properties excluding Vales Point Power Station and Ruttleys Road Bulk Shed.

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

AGAINST: NIL

2.2 Wyong Shire-wide Heritage Review

Ms Dawn Rutley, representing Warnervale Uniting Church, addressed the meeting at 5.30pm answered questions and retired at 5.37pm.

Ms Dianne Bell, owner of 54-56 Buff Point Avenue Buff Point, addressed the meeting at 5.44pm answered questions and retired at 5.45pm.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, which is the owner of one of the properties under discussion, left the chamber at 5.55pm, took no part in discussion, did not vote and returned to the chamber at 5.57pm.

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

That Council adopt that part of the Wyong Shire-wide Heritage Review final report in relation to Vales Point Power Station, as amended via the schedule tabled at the meeting, and final recommendations with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.

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

AGAINST: NIL

Councillor Eaton declared a pecuniary interest in the matter for the reason that his family company is the owner of Ruttleys Road Bulk Shed which is one of the properties under discussion, left the chamber at 5.57pm, took no part in discussion, did not vote and returned to the chamber at 5.59pm.

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

That Council adopt that part of the Wyong Shire-wide Heritage Review final report in relation to Ruttleys Road Bulk Shed, as amended via the schedule tabled at the meeting, and final recommendations with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.

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

AGAINST: NIL

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

- 1 That Council adopt the Wyong Shire-wide Heritage Review final report as amended via the schedule tabled at the meeting, and final recommendations with the exception of Vales Point Power Station and Ruttleys Road Bulk Shed and with the exception of the recommendation to establish conservation areas at South Tacoma and Wyong.**
- 2 That Council defer the recommendation to establish conservation areas at South Tacoma and Wyong to enable a Councillor inspection.**
- 3 That Council incorporate the final recommendations into Wyong Local Environmental Plan, 2012 and Wyong Development Control Plan, 2012;**
- 4 That Council consider the funding of the works on Council assets proposed in the Wyong Shire-wide Heritage Review in conjunction with future budgets.**
- 5 That Council accept the NSW Heritage Branch grant offer for the Heritage Advisor Service subject to funding being identified in the 2011/2012 first quarter review of the Strategic Plan.**
- 6 That Council include the following properties on the proposed Heritage Items List:
 - a Ferry Master's Cottage, The Entrance Road, The Entrance;**
 - b Edith Ring Rest, overlooking The Entrance Baths, Ocean Parade, The Entrance****

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council allow item 3.1, Deferred Notice of Motion - Council Calls to Support Public Sector Workers, to be subsumed by item 6.4, Notice of Motion - Council Calls to Support Local Nurses.**

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

AGAINST: COUNCILLOR MCBRIDE

3.1 Deferred Notice of Motion - Council Calls to Support Public Sector Workers

This item was subsumed by item 6.4, Notice of Motion - Council Calls to Support Local Nurses.

3.2 Works on Private Land as Part of the Tuggerah lakes Estuary Management Plan

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

That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan at no cost to the property owner:

- Lots 110 -112 DP 567333, 986 Ourimbah Creek Road, Palm Grove**
- Lot 27, 38, 65, 80 DP 755261, 227 Brush Creek Road, Cedar Brush Creek**

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

AGAINST: NIL

3.3 Wyong Shire Council Graffiti Management Strategy

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

- 1 That Council receive the report on a Wyong Shire Council's Graffiti Management Strategy.**

- 2 That Council adopt the Graffiti Management Strategy.
- 3 That consideration is given to ongoing funding for Graffiti Management in future budget planning.
- 4 That Council congratulate the Northern Graffiti Forum for their contribution to developing successful graffiti management pilot programs that can be utilised across the Shire.

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

AGAINST: NIL

3.4 Draft Minutes - Gosford-Wyong Councils' Water Authority Board Meeting held on 16 June 2011

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

- 1 That Council receive the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 16 June 2011.
- 2 That Council adopt the recommendations included in the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 16 June 2011.
- 3 That Council recommend to the Central Coast Regional Organisation of Councils (CCROC):
 - a The dissolution of the Joint Water Authority on the 14 July 2011 followed by the Central Coast Water Corporation's (CCWC) inaugural Board meeting subject to the Director's appointment;
 - b The adoption of the Strategic Project Management Plan as the framework for the implementation of the CCWC; and
 - c That the Plan evolve over the life of the project as issues emerge and decisions are made under a 'best value' approach.
- 4 That Council endorse the preparation of an induction/information package for the CCWC Board of Directors.
- 5 That Council recommend to the CCROC:
 - a Remuneration for the external Director be \$30,000 per annum
 - b Remuneration for the external Chairperson be \$45,000 per annum
- 6 That Council endorse the following:
 - a That a \$10,000 (plus GST) sponsorship contribution be made towards the provision of the Central Coast Waterwatch Program for the 2011-12 financial year
 - b That the sponsorship be provided with a requirement that the recipient submit to the Board an annual report on expenditure and results.
 - c That the Recipient enter into a sponsorship agreement.

7 That Council request the Technical Advisory Group (TAG) provide a report on water restrictions given the recent rains and increase in water storages.

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

AGAINST: NIL

3.5 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$3,757 from the 2011-12 Councillors' Community Improvement Grants as follows:

1st Tumbi Scout Group (\$1,000) (\$500 already allocated)	To assist with purchase of two new tents	200
Bateau Bay Men's Shed Inc (\$1,700) (\$700 already allocated)	Contribution to materials / plants / tools for landscaping / improvements around gardens and carpark of Tuggerah Lakes Community Centre Inc including replacement of rusted fencing and repainting of lines for carparking spaces	200
Berkeley Vale Soccer Club (\$1,500) (\$1,000 already allocated)	To assist with costs of sporting equipment for juniors club members	200
GATS Committee, Northlakes High School (\$500)	Subsidise students for attendance at a Regional High Achievers Camp	200
Greek (Hellenic) Community of Central Coast Inc (\$2,750) (\$650 already allocated)	To assist with funding of works and upgrade of property grounds	250
Gwandalan and Summerland Point Active and Healthy Society (\$1,105)	Purchase of exercise equipment	1,007
Marine Rescue NSW - The Entrance (\$2,400)	To assist with purchase of radar for installation on CP007	250
North Lakes United Junior Rugby Union (\$2,500)	To assist with payment of affiliation fees and insurance for junior teams	250
The Entrance Cricket Club (\$2,000) (\$600 already allocated)	To assist with costs of training equipment and preparation of turf pitch	200
Wyong Drama Group	Assistance with costs associated with hosting Theatrefest - 24 - 26 June 2011	1,000

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

AGAINST: NIL

3.6 Delegates Report - 2011 National General Assembly of Local Government - Canberra

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

That Council receive the Delegates Report – 2011 National General Assembly of Local Government Canberra.

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

AGAINST: NIL

3.7 Ourimbah Enhanced Community, Education and Sporting Hub

Councillor Webster left the meeting at 8.11pm and returned to the meeting at 8.12pm during consideration of this item.

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

That Council receive and note the report on the Ourimbah Enhanced Community, Education and Sporting Hub.

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council allow items 3.8, Council's New Automated Parking Fine System, and 6.2, Notice of Motion - Council's New Automated Parking Fine System, to be considered in conjunction with each other.***

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

AGAINST: NIL

3.8 Council's New Automated Parking Fine System

Mr Wes Newman, representing The Entrance Chamber of Commerce, addressed the meeting at 5.58pm and retired at 6.12pm.

Councillor McNamara left the meeting at 6.26pm and Councillor McNamara returned to the meeting at 6.28pm during consideration of this item.

Councillor Vincent left the meeting at 6.36pm and returned to the meeting at 6.37pm during consideration of this item.

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

- 1 That Council receive the report on Council's New Automated Parking Fine System .***
- 2 That Council adopt a "grace period" of 5 minutes for all parking spaces that are fitted with in-ground sensors.***
- 3 That Council recognise the professional efforts of the frontline compliance officers ably led by Mr Jody Hinds, Chief Ranger.***
- 4 That Council support and endorse a thorough consultation and education process with the broader community and key stakeholder groups prior to the go live date of 1 October 2011.***
- 5 That Council display prominent and unique signage to announce the new system, including further signage highlighting Council's free Coral Street and Marine Parade car parks.***
- 6 That Council acknowledge that it does not support the concept of metered parking.***

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

AGAINST: NIL

4.1 Information Reports

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 BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

4.2 Investments For May 2011

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

That Council receive the report on Investments For May 2011.

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

AGAINST: NIL

4.3 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - Control of Rabbits with the Shire

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

That Council note the recommendations of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - Control of Rabbits with the Shire being:

- 1 That Council receive the report on Responsibilities Regarding the Control of Rabbits within the Shire.***

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

AGAINST: NIL

4.4 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, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT AND WEBSTER

AGAINST: NIL

4.5 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.

MINUTES OF THE Ordinary Meeting OF COUNCIL 13 July 2011 contd

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

AGAINST: NIL

6.1 Notice of Motion - Request to Premier to transfer responsibility for Surf Lifesaving to include it in the portfolio for the Minister for Police and Emergency Services

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

That Council lobby the Premier, the Minister for Sport, the Minister for Emergency Services, the Minister for the Central Coast and Local State Members of Parliament to strongly consider moving Surf Lifesaving from Sport and Recreation to Emergency Services, to give this great organisation the due recognition that they deserve as an Emergency Service saving lives and keeping our Beaches safe for all users.

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

AGAINST: NIL

6.2 Notice of Motion - Council's New Automated Parking Fine System

Meeting practice was suspended to allow consideration of this item in conjunction with Item 3.8.

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

That Council adopt the recommendation in Item No 3.8.

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

AGAINST: NIL

6.3 Notice of Motion - Road Works on The Entrance Road Through Long Jetty and the Pacific Highway Through Wyong

Councillor Best left the meeting at 8.27pm and returned to the meeting at 8.28pm during consideration of this item.

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

1 That Council formally approach the Minister for Roads and Ports and the Minister for Transport, seeking continuation of funding for the planning of the Central Coast Highway through Long Jetty in the 2011/12 State Budget, for it to go to the community consultation and determination of the ultimate road boundaries stage.

- 2 ***That Council formally approach the Minister for the Central Coast and Member for The Entrance seeking their support for Council's action in relation to Recommendation 1 above.***
- 3 ***That Council formally approach the Minister for Roads and Ports, requesting that the work on the upgrading of the Pacific Highway through Wyong be expedited and that the RTA's preferred option be immediately exhibited for public comment.***
- 4 ***That Council formally approach the Minister for the Central Coast and Member for Wyong seeking their support for the Council's action in relation to Recommendation 3 above.***

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

AGAINST: NIL

6.4 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 NSW Health Central Coast Local Health Division (CCLHD), left the chamber at 6.39pm, took no part in discussion, did not vote and returned to the chamber at 7.36pm.

Ms Michelle Cashman, a Registered Nurse, addressed the meeting at 6.41pm answered questions and retired at 7.01pm.

It was MOVED by Councillor VINCENT and seconded by Councillor SYMINGTON:

- 1 *That Council note with concern the Industrial Relations Amendment (Public Sector Conditions of Employment Bill 2011), which is likely to severely and negatively impact Nurses and Nursing services to Central Coast residents, with the long term impact being the decline in quality and increase of costs for Nursing services to Central Coast residents.*
- 2 *That Council, in an advocacy role, support the Central Coast Nurses in their efforts to:*
 - a *Achieve pay rises in line with increases in the cost of living without slashing jobs and services.*
 - b *Have an independent arbitrator, such as the NSW Industrial Relations Commission, determine wages and working conditions.*
- 3 *That Council formally expresses its concern to the Premier, Minister for the Central Coast and all Local Members at the introduction of the legislation and the likely impacts to Nurses and the long term impacts to Nursing services on the Central Coast.*
- 4 *That Council establish a prominent website link to the Nurses campaign on Council's website homepage.*
- 5 *That Council applaud the outstanding contributions made by our local Nurses to the healthcare of the Central Coast community.*

An AMENDMENT was MOVED by Councillor MCNAMARA and SECONDED by Councillor WEBSTER :

That Council support and applaud the outstanding contributions to our local community made by all hospital workers and acknowledge that they should be paid appropriately by their employer.

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

AGAINST: COUNCILLORS SYMINGTON AND VINCENT

The AMENDMENT was put to the VOTE and declared CARRIED.

The AMENDMENT became the MOTION.

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

That Council support and applaud the outstanding contributions to our local community made by all hospital workers and acknowledge that they should be paid appropriately by their employer.

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

AGAINST: COUNCILLORS SYMINGTON AND VINCENT

The MOTION was put to the VOTE and declared CARRIED.

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

That Wyong Shire's Code of Meeting Practice be amended to allow a Councillor to withdraw a Notice of Motion in writing at any time prior to said motion being put.

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

AGAINST: NIL

6.5 Notice of Motion - Destruction of Natural Environment and Indigenous Heritage at Norah Head

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

- 1 That Council acknowledge the community groups that contribute to the highly successful phenomena of whale watching at Norah Head.***
- 2 That Council request the General Manager to provide a staff report on the resultant human impact on the natural environment around Soldiers Beach at Norah Head and the report should cover preliminary details of current and proposed initiatives available for Council's consideration in managing the escalating damage to the natural and indigenous heritage.***

- 3 ***That Council request the report be prepared in partnership with the appropriate agencies and indigenous community.***
- 4 ***That, upon consideration of the requested report, the local land council be invited to address the Council meeting.***

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

AGAINST: COUNCILLOR SYMINGTON

6.6 Notice of Motion - Failure to Commence GP Superclinic

Mr Tony Sweetman, Project Manager of Warnervale GP Super Clinic, answered questions at 8.51pm and retired at 9.09pm.

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

- 1 ***That Council note with concern that despite the undertaking of the applicant to commence the Warnervale GP Super Clinic by "June 2011 end month" that this project has not commenced and is now some four years in the making.***
- 2 ***That Council request the General Manager to urgently report on the current status of this vital community medical facility. The report should include:***
 - a ***a chronological history of the initiative/application up until the most recent Section 96 DA Variation request by the applicant (lodged late June).***
 - b ***likely timelines for completion of all stages of the originally proposed Super Clinic.***
- 3 ***That Council acknowledge the efforts of staff in facilitating and fast-tracking the numerous applications to assist in delivering this complex.***
- 4 ***That Council acknowledge the initiatives and support of both State and Federal Governments in their endeavours to facilitate the GP Super Clinic.***

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

AGAINST: NIL

6.7 Notice of Motion - Council Calls to be Classified as a "Regional Area" to Access new \$7,000 Grant

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

That Council call on the NSW Government to classify Wyong Shire as a "Regional Area" to enable access to the \$7,000 Regional Relocation Grant that will boost economic activity in the local building industry. Wyong Shire needs a strong building industry that supports jobs. The new "Regional Relocation Grant", which came into

effect on the 1 July 2011, now lists Wyong Shire as a Metropolitan area. Unless Wyong Shire is classified as a "Regional Area" new residents to the Shire will not be eligible for the Regional Relocation Grant. While Wyong Shire Council are determined to progress new development such as Warnervale and the Warnervale Town Centre, the new \$7,000 grant encourages people to bypass or move out of the area to place such as Lake Macquarie and Maitland.

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

AGAINST: COUNCILLOR BEST

QUESTIONS ON NOTICE

Q20/11 The Entrance Visitor Information Centre

Councillor Greg Best

F2004/12356

" Mr Mayor,

I recently had the pleasure to inspect The Entrance Visitor Information Centre that collocates with Town Centre Management. I would like to take this opportunity, and I believe on behalf of my Council colleagues, to publicly recognise and extend our appreciation for the outstanding revitalisation that this facility has undergone under the current Management. The whole facility and its surrounding elements are representative of the professionalism that Council is aspiring to. Would you please pass on Council's sincere appreciation of these organisations' contribution."

CONFIDENTIAL SESSION

The time being 9.35 pm Council moved into Confidential Session.

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

That Council move into Confidential Session with the members of the press and public excluded.

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

AGAINST: NIL

OPEN SESSION

At 9.58pm the Mayor declared that the meeting was back in Open Session.

The Mayor reported that the recommendations on the items considered in Confidential Session were carried.

The following resolutions are hereby made public in accordance with Regulation 253 of the Local Government (General) Regulation 2005:

Note: Explanation – Regulation 253 of the Local Government (General) Regulations 2005 states:

“253 Resolutions passed at closed meetings to be made public:

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.”

* Note Items below have been listed in order of discussion

7.1 Contract CPA/194920 - Construction of Two Chain Wire Mesh Softball Cages and Other Miscellaneous Chain Wire Mesh and Balustrade Fencing at the Bateau Bay Sports Complex

- 1 That Council, for the reasons set out in this report, decline to accept any of the tenders received.**
- 2 That Council, for the reasons set out in this report, decline to invite fresh tenders.**
- 3 That Council enter into negotiations with Playsafe Fencing Pty Ltd with a view of entering into a contract for the works.**

7.3 Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill - Status of Court Proceedings and Negotiations

- 1 That Council note the report on Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill - Status of Court Proceedings and Negotiations.**
- 2 That Council reject the “without prejudice” offer described on Page 9 of the report.**
- 3 That Council endorse the making of a counter-offer to Neumanns by the General Manager to the following effect:**
 - a that the 2007 SOP proceedings be resolved by the payment of the following to Council by Neumanns:**
 - (i) a further sum of \$200,000; and**
 - (ii) Council’s costs of the proceedings, as agreed or assessed.**
 - b that the 2009 repudiation proceedings be resolved by the payment of \$350,000 to Neumanns by Council, with Council and Neumanns to bear their own costs of those proceedings.**
 - c That upon payment of the sums in (a) and (b) above, Council and Neumanns release each other in respect to any matter arising from Contract CPA/115479. This resolution does not affect the ability to recover legal costs payable in respect to the 2007 SOP Proceedings or the 2008 Gravel Proceedings.**

7.2 Commercial Agreements

7.2.1 Town Centre Agreements for *Wyong Regional Chamber of Commerce, Greater Toukley Vision* and *The Entrance Town Centre Management Corporation*:

- a That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.*
- b That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.*

7.2.2 Business Enterprise Agreement:

- a That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.*
- b That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.*

7.2.3 Central Coast Tourism Inc Agreement:

- a That Council endorse the financial support strategy for the nominated organisations that receive economic development funding from Council under a formalised commercial agreement.*
- b That Council authorise the General Manager or his Delegate to negotiate, complete and execute the proposed formal agreements.*

7.2.4 Central Coast Mariners Football Club Agreement:

- a That Council endorse funding for the Central Coast Mariners generally as set out in report 7.2 under a formalised commercial agreement and authorise the General Manager to negotiate, complete and execute the proposed agreement.*
- b That Council express its support and commitment for our only national and international sporting team representing our region but note its disappointment that Wyong Council's financial support is not reciprocated by Gosford City Council and that our regional team's ability to more fully represent our region is impaired accordingly and that this lack of regional perspective is unfortunately expressed in many other areas to the detriment of our region as a whole.*
- c That, in view of the unanimous support of both Wyong and Gosford Councils to consider consolidation as expressed in the two Mayoral Minutes and in light of the CCROC's support for this process, mirrored by Wyong Council's continued support at its extraordinary meeting of 30 June 2011 and noting that the creation and roll out of the Central Coast Water Corporation will significantly further deteriorate Wyong Council's financial sustainability by some \$9m per annum, then Council formally advise Mr Page, the Minister for Local Government, that it proposes an amalgamation with Gosford City Council and this advice is given pursuant to S.218E of the Local Government Act.*

- d That, given the significance of this decision, it be implemented immediately by the Mayor advising the Minister with all such supporting documentation as the Mayor believes appropriate but including all relevant Council resolutions.*

The Mayor declared the meeting closed at 9.59pm.