
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 12 OCTOBER 2011 COMMENCING AT 5:00:00 PM

PRESENT

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

IN ATTENDANCE

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

Manager Land Use Planning Policy Development, Acting Manager Place Management, Project Director, Principal Transport Engineer and two administration staff.

Councillor Graham announced that following the Mayoral election on the 21 September 2011, he has resumed the chair as Mayor and thanked Councillor Eaton for his contribution during his Mayoral term. Councillor Graham also thanked Councillor Wynn for accepting the position of Deputy Mayor.

Councillor Eaton advised that Council were awarded a Certificate of Appreciation for their generous support of the inaugural Bumble Hill Burn organised by the Yarralong Valley Progress Association.

Councillor Wynn advised;

- she had the pleasure of presenting prizes at the Wyong Shire Garden Competition and as a token of appreciation the Garden Competition Committee presented Council with a small plaque.
- represented the Mayor at the Rugby 7's at Kanwal on Saturday 8 October 2011. Teams in attendance were from Fiji, Samoa and Darwin and Councillor Wynn advised it was a great day for all involved and thanked the main organiser of the event, Mr Craig Morgan.

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

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

APOLOGY

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

An apology for the inability to attend the meeting was received on behalf of Councillors McBride and Symington.

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

AGAINST: NIL

At the commencement of the ordinary meeting report nos 1.1, 1.2, 6.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 4.1, 5.1, 5.4, 5.7, 5.8, 5.9, 6.7, 8.1, 8.2, 8.6, 8.3, 8.4, 8.5, 9.1, U27/11, 10.1 and 10.2 were dealt with first then the remaining reports in order via the exception method. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.1 Mayoral Minute – Recognition of Service – Councillor Doug Eaton

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is the recipient of the proposed recognition, left the chamber at 5.36 pm, took no part in discussion, did not vote and returned to the chamber at 5.46 pm.

4.1 CPA/188604 – Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant

Councillor Wynn declared a pecuniary interest in the matter for the reason that a close family member is an employee of the successful tender bid, left the chamber at 6.00 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

4.2 CPA/196431 – Provision of Security Services at Various Council Facilities and The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant 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.”

5.9 SEGRA Conference 2011

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Board Member of Regional Development Australia Central Coast 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."

U27/11 Improvement of Road Safety in Mannering Park

Councillor Eaton declared a pecuniary interest in the matter for the reason that the family company owns the property, left the chamber at 8.51 pm, took no part in discussion, did not vote and returned to the chamber at 9.28 pm.

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

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

RESOLVED unanimously on the motion of Councillor WYNN 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, MCNAMARA, VINCENT,
WEBSTER AND WYNN

AGAINST: NIL

1.3 Proposed Inspections and Briefings

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

That Council receive the amended report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Session held on 14 September 2011 and Extraordinary Meeting held on 21 September 2011.

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

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 BEST and seconded by Councillor WEBSTER:

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

- ***Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley***
- ***Report No 12.2 – Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay***

2 That Council note:

The reason for considering Report No 12.1 – Iconic Development Site No 16 – 216-222 Main Road and 21 Rowland Terrace, Toukley in confidential session being that it contains information of a confidential nature that would, if disclosed, would confer a commercial advantage on a competitor of the council, and;

The reason for considering Report No 12.2 –Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay in confidential session being that it may confer a commercial advantage should the discussions be held in a non-confidential environment.

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

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

2.1 Mayoral Minute - Recognition of Service - Councillor Doug Eaton

Councillor Eaton declared a non-pecuniary significant interest in the matter for the reason that he is the recipient of the proposed recognition, left the chamber at 5.36 pm, took no part in discussion, did not vote and returned to the chamber at 5.46 pm.

RESOLVED unanimously on the motion of Councillor GRAHAM:

- 1 That Council acknowledge the continuous representation and service to the Wyong Shire by Councillor Doug Eaton in his role as a Councillor of Wyong Shire since 1991, including Mayoral terms in 1997 and 2010.**
- 2 That Council authorise the General Manager to make application to the NSW Local Government Association for the granting of an Outstanding Service Award.**
- 3 That Council authorise the Mayor and the General Manager to arrange an appropriate event to mark this 20 year milestone.**
- 4 That Council authorise the General Manager to request a representative of the NSW Local Government Association to present the award.**

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

2.2 Mayoral Minute - NSW Coastal Conference

RESOLVED unanimously on the motion of Councillor GRAHAM:

- 1 That Council agree to submit a nomination to host the 2012 NSW Coastal Conference.**
- 2 That Council support a delegation to present the nomination at the 2011 Conference in Tweed Heads in November 2011.**
- 3 That Council underwrite the Conference to a maximum of \$10,000 and Council's direct and indirect costs are covered from the proceeds of the conference.**

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

3.1 Wyong Local Environmental Plan - Revised Project Schedule, Format and Disclosure of Pecuniary Interests

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

- 1 That Council endorse the revised Wyong LEP project schedule and 'composite' content of the new LEP instrument.**
- 2 That Council place the draft Settlement Strategy on public exhibition concurrently with the exhibition of the draft Wyong LEP and Wyong DCP 2012.**
- 3 That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister for Local Government under Section 458 of the Local Government Act 1993.**

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

AGAINST: NIL

3.2 Wyong Civic and Cultural Precinct Masterplan

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

- 1 That Council adopt the draft Wyong Civic and Cultural Precinct Masterplan.**
- 2 That Council note relevant Section 149 Certificates.**
- 3 That Council request the GM to advise residents who made submissions to the exhibition of the draft Masterplan of the decision.**
- 4 That Council request the GM to contact the Roads and Traffic Authority seeking an update on the progress of the public exhibition of the proposed Pacific Highway upgrades.**
- 5 That Council request the General Manager to consider future public domain planning for the Future Investigation Area (as identified in Figure 1 of the report) in conjunction with the Roads and Traffic Authority's upgrade plans for the Pacific Highway.**
- 6 That Council consider the forward funding of some of the short term elements of the draft Masterplan as identified in the Implementation Plan as part of the 2012/2013 Wyong Shire Strategic Plan.**

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

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

4.1 CPA/188604 - Concept and Detailed Design for Augmentation of Wyong South Sewage Treatment Plant

Councillor Wynn declared a pecuniary interest in the matter for the reason that a close family member is an employee of the successful tender bid, left the chamber at 6.00 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

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

- 1 That Council accept the tender from Parsons Brinkerhoff for the amount of \$633,830 (excl. GST) for Contract CPA/188604 – Concept and detail design for augmentation of Wyong South Sewage Treatment Works.***
- 2 That for Contract CPA/188604, Council approve a contract budget of \$728,830 (excl. GST) that provides for a contingency amount of \$95,000 (excl. GST), representing approximately 15% of the contract value, to address potential risks that may arise over the course of the project.***

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

AGAINST: NIL

4.2 CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre

Councillor Wynn left the meeting at 6.43 pm and returned to the meeting at 6.46 pm during consideration of this item.

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.***
- 2 That Council defer item 4.2, CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre, to be considered later in the meeting, to enable staff to check the figures.***

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

AGAINST: NIL

Councillor Vincent left the meeting at 9.33 pm and Councillor Vincent returned to the meeting at 9.37 pm during consideration of this item.

Councillor Eaton left the meeting at 9.34 pm and Councillor Vincent returned to the meeting at 9.36 pm during consideration of this item.

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

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

- 1 That Council allow meeting practice to be varied.**

- 2 That Council defer item 4.2, CPA/196431 - Provision of Security Services at various Council Facilities and The Entrance Town Centre, to allow discussions to occur during the Confidential Session.**

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

AGAINST: NIL

Councillor Webster declared a non-pecuniary insignificant 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 BEST and seconded by Councillor WEBSTER:

- 1 That Council accept the tender from Newcastle Security in the estimated total amount of \$410,100.00. (excl. GST) for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities for a period of two years.**

- 2 That Council approve a contract budget for Contract CPA/196431 – Part 1 Provision of Security Services at various Council facilities of \$492,120.00 (excl. GST) that provides for a contingency amount of \$82,020.00 (excl. GST), representing approximately 20% of the contract value, to provide for unscheduled alarm responses and other unforeseen additional services that may become necessary during the two year period of the contract.**

- 4 That Council accept the tender from Evolution Security NSW Pty Ltd in the estimated total amount of \$164,450.00 (excl. GST) for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre for a period of two years.**

- 5 That Council approve a contract budget for Contract CPA/196431 – Part 2 Provision of Security Services at The Entrance Town Centre of \$197,340.00 (excl. GST) that provides for a contingency amount of \$32,890.00 (excl. GST), representing approximately 20% of the contract value, to provide for any unforeseen additional services that may become necessary during the two year period of the contract.**

- 6 ***That Council authorise the General Manager to offer Newcastle Security and or Evolution Security NSW Pty Ltd an extension to the contract period for an additional year subject to satisfactory performance by the Contractor during the initial two year contract period.***

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

AGAINST: NIL

4.3 CPA/197481 - Operation and Management of Councils Four Holiday Parks

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

- 1 ***That Council accept the tender from Australian Tourist Park Management (alternative fee proposal 3) as completed in Section 10: THE FEE within Attachment 1 of the tender documents, Returnable Forms and Schedules – Part C for the period of up to three (3) years with an option to extend for an additional two (2) years.***
- 2 ***That Council delegate authority to the General Manager to approve the option to extend the contract period for the additional two years subject to satisfactory performance.***
- 3 ***That Council, in accepting the tender of Australian Tourist Park Management (alternative fee proposal 3) enter into four separate contracts, one for each Holiday Park.***

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

AGAINST: NIL

4.4 Provision of Security and Gate Keeping Services at Buttonderry Waste Management Facility

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

That Council accept tender no. 2 from Business Security Management Solutions Pty Ltd for a period of up to three years commencing on 5 December 2011. The estimated expenditure against this contract is outlined in the Confidential Attachment and includes a 5% contingency. However actual expenditure may vary with fluctuations in demand and annual adjustments for rise and fall.

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

AGAINST: NIL

PROCEDURAL MOTION

RESOLVED 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, MATTHEWS, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLOR VINCENT

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

That with the exception of report numbers 4.2, 5.1, 5.4, 5.7, 5.8, 5.9, 6.7, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 9.1, 10.1 and 10.2 and Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

5.1 Review of the Impacts of Council's Local Preference Policy

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

- 1 That Council receive the report on the impact of Council's Local Preference Policy.**
- 2 That Council adopt Option 1 for the continuation of the Local Preference Policy.**

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

AGAINST: NIL

5.2 Rate Payment Incentive Scheme 2011-12

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

That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2011-12.

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

AGAINST: NIL

The winner of Council's ratepayer incentive scheme for 2011-12 is Mr and Mrs Hardy from Woongarra (subject to verification).

5.3 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$7,040.00 from the 2011-12 Councillors' Community Improvement Grants as follows:

<i>Central Coast Community Chest (\$5,000-\$10,000) (\$500 already allocated)</i>	<i>Expand our existing fundraising initiatives to broaden our revenue base to assist more local organisations.</i>	<i>500</i>
<i>Central Coast Family Support Service - Grandparents raising grandchildren (\$2000) (\$1000 already allocated)</i>	<i>Weekend Getaway (respite) Camp</i>	<i>200</i>
<i>Central Coast Foster Carers Support Group (\$1000) (\$650 already allocated)</i>	<i>Christmas Picnic - hiring entertainers, entertainment and provide the children with a gift from Santa.</i>	<i>200</i>
<i>Central Coast Hash House Harriers (\$2000)</i>	<i>To assist with the administrative costs associated with hosting/organising the Central Coast Half Marathon and 10km Fun Run.</i>	<i>2,000</i>
<i>Northlakes United Junior Rugby Union (\$240) (Emergency approved by GM)</i>	<i>To assist with ground fees incurred for hiring Slade Park on 9 October plus catering arrangements provided to participants and officials involved with the game.</i>	<i>240</i>
<i>Northern Women's Health Centre (\$600) (\$450 already allocated)</i>	<i>To provide a Calmbirth program to pregnant women and their birth partners.</i>	<i>150</i>
<i>The Salvation Army Oasis Youth Support Network (\$2000) (\$1350 already allocated)</i>	<i>Facilitate the workshops at the Salvation Army Oasis Centre</i>	<i>650</i>
<i>Toowoona Bay Ocean Swim 2011 (\$500)</i>	<i>To purchase two shade gazebos and administration costs.</i>	<i>100</i>
<i>Toukley Swimming Club Inc (\$3100)</i>	<i>To purchase electronic timing equipment.</i>	<i>2,000</i>
<i>Toukley Torch Bearers for Legacy (\$1000) (Emergency approved by GM)</i>	<i>To assist with costs/advertising for Harry Moore OAM Memorial Legacy Golf Day</i>	<i>1,000</i>

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

AGAINST: NIL

5.4 Representation by Councillors on Committees and External Organisations

Councillor Matthews left the meeting at 6.19 pm and as a result did not take part in voting on items 1 - 4.

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

- 1 That Council classify the Beach Liaison Committee as a staff committee with no Councillor delegates.**

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

AGAINST: COUNCILLOR VINCENT

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

- 2 That Council appoint three Councillors delegates to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee, these being Councillors Graham, Wynn and Webster.**

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

AGAINST: NIL

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

- 3 That Council appoint two Councillor delegates and one alternate to the Governance Committee, these delegates being Councillors Graham and Wynn, and Councillor Vincent as the alternate.**

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

AGAINST: NIL

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

- 4 That Council classify the Consultative Committee as a staff committee with no Councillor delegates.**

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

AGAINST: COUNCILLOR VINCENT

Councillor Matthews returned to the chamber at 6.24 pm.

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

5 That Council provide for the General Manager's Performance Review Panel to be made up of ten Councillors.

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

AGAINST: NIL

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

6 That Council appoint three Councillor delegates to the Wyong Shire Grants Committee, these being Councillors Eaton, Matthews and Wynn.

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

AGAINST: NIL

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

7 That Council classify the Senior Citizen's Council as a staff committee with all Councillors invited to attend as observers.

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

AGAINST: COUNCILLOR VINCENT

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

8 That Council appoint three Councillor delegates to the Wyong Shire Sports Committee Charter, these being Councillors McBride, McNamara and Symington.

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

AGAINST: NIL

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

9 That Council appoint a minimum of three Councillors to the Strategic Finance Committee, with Councillor McBride as the Chairperson and Councillors Wynn and Vincent as standing Councillor delegates.

MINUTES OF THE Ordinary Meeting OF COUNCIL 12 October 2011 contd

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

AGAINST: NIL

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

- 10 That Council advise the Central Coast Regional Organisation of Councils (CCROC) Executive Committee that Wyong Shire Council delegates will be made up of the Mayor, Deputy Mayor, Councillor Eaton and the General Manager.**

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

AGAINST: COUNCILLOR VINCENT

5.5 2011 Wyong Regional Chamber of Commerce Annual Business Awards

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

- 1 That Council authorise any interested Councillor/s to attend the 2011 Wyong Regional Chamber of Commerce Annual Business Awards function.**
- 2 That Council meet reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

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

AGAINST: NIL

5.6 2011 Tuggerah Lakes Mardi Gras Black Tie Ball

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

- 1 That Council authorise any interested Councillor/s to attend the 2011 Tuggerah Lakes Mardi Gras Black Tie Ball.**
- 2 That Council meet any reasonable expenses incurred by Councillors and their partners attending the above function in accordance with Council's Facilities and Expenses Policy For Councillors.**

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

5.7 Draft Minutes of 29 June 2011 (reconvened on 31 August 2011) Governance Committee Meeting and confirmed Minutes of 16 March 2011 Governance Committee Meeting

Councillor Best left the meeting at 6.39 pm and Councillor Vincent returned to the meeting at 6.41 pm during consideration of this item.

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

- 1 That Council receive the draft minutes of open and confidential sessions of the Wyong Shire Governance Committee Meeting held on 29 June 2011 (reconvened on 31 August 2011) and adopt the recommendations contained therein.**
- 2 That Council endorse the amended format for reporting of items to the Governance Committee to include the following:**

	Title of Report	Responsible Officer	Indicative Timeframes
1	Disclosure of Interest	Procedural Item	2 mins
2	Confirmation of Previous Minutes	Procedural Item	5 mins
3	Status Report on Outstanding Actions	Chairman	5 mins
4	Enterprise Risk Management Strategy	Project Manager	10 mins
5	Major Projects <ul style="list-style-type: none"> • Probity Reports • Major Project Risk Updates • Upcoming High Risk Procurement 	Manager Major Projects	20 mins
6	Financial Overview	General Manager	15 mins
7	Information Management Status Report	Chief Information Officer	10 mins

8	Special Investigations	Appointed Investigators	10 mins
9	Report from Internal Ombudsman	Internal Ombudsman	10 mins
10	Compliance Reviews	General Counsel	5 mins
11	Legal Matters/Issues Report	General Counsel	10 mins
12	Risk Register Report	Director Corporate Services	10 mins
13	Internal Audit <ul style="list-style-type: none"> • Balanced Score Card • Internal Audit Reports Issued • Other Matters 	Internal Auditor (JS) Internal Auditor (JS) Senior Internal Auditor (TB) Internal Auditor (JS)	15 mins
14	Status Report on Outstanding Internal Audit agreed actions	Internal Auditor (JS)	5 mins
15	External Audit Report	External Auditor	5 mins
16	Other Matters	Chairman	5 mins

- 3 **That Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 16 March 2011 and confirmed by the Committee on 29 June 2011.**
- 4 **That Council endorse the change of Chairperson of the Governance Committee from Mr David Holmes to Mr Bruce Turner.**
- 5 **That Council acknowledge the contributions of the inaugural external member, Mr David Holmes in his role as Chair for the Governance Committee.**
- 6 **That Council recommends to the Governance Committee to alternate the start times of its meetings to allow full time working Councillors to attend.**
- 7 **That Council investigate and report on appropriate technology to allow a voice or video real time participation by Councillors at Committee meetings.**
- 8 **That Council authorise the Mayor and the GM to discuss with Mr Holmes his date of retirement from the Governance Committee.**

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

AGAINST: NIL

5.8 2010-11 Annual Financial Reports

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

- 1 That Council adopt the draft Wyong Shire Council financial statements for 2010/11 as presented.**
- 2 That Council refer the draft Wyong Shire Council financial statements for 2010/11 (as presented) to external audit.**
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2010/11 financial reports as required by legislation.**
- 5 That Council fix 26 October 2011 as the date for the presentation of the audited 2010/11 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.**

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

AGAINST: NIL

5.9 SEGRA Conference 2012

Councillor Webster declared a non-pecuniary insignificant interest in the matter for the reason that she is a Board Member of Regional Development Australia Central Coast 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 EATON and seconded by Councillor WEBSTER:

- 1 That Council provide funding of \$10,000 including GST to Regional Development Australia to support their bid to secure the 2012 SEGRA Conference.**
- 2 That Regional Development Australia be requested to enter into a sponsorship agreement with Council prior to payment of the funding.**

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

AGAINST: NIL

6.1 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, MATTHEWS, MCNAMARA, VINCENT,
WEBSTER AND WYNN

AGAINST: NIL

**6.2 Submission on Proposal to Upgrade Existing Warnervale Railway Station
by Hannan Pty Ltd**

Mr David Hannan addressed the meeting at 5.11 pm, answered questions and retired at 5.18 pm.

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

- 1 That Council endorse the attached submission to the NSW State Government supporting the offer to fund the extension to the existing Warnervale Railway Station.**
- 2 That Council reiterate to the Member for Wyong and to The Premier of NSW that North Warnervale railway station must also be constructed as a matter of urgency.**

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

AGAINST: NIL

6.3 Investments Report for August 2011

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

That Council receive the report on Investments Report for August 2011.

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

AGAINST: NIL

6.4 Annual Disclosure of Interest Returns 2010-11

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

That Council receive the report on Annual Disclosure of Interest Returns 2010-11.

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

AGAINST: NIL

6.5 Information Concerning Rates and Charges Written Off 2010-11

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

That Council receive the report on Information Concerning Rates and Charges Written Off 2010-11.

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

AGAINST: NIL

6.6 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, MCNAMARA, VINCENT,
WEBSTER AND WYNN

AGAINST: NIL

6.7 Central Coast Water Corporation Update

Councillor McNamara left the meeting at 6.55 pm and returned to the meeting at 6.57 pm during consideration of this item.

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

That Council receive the report on Central Coast Water Corporation Update.

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

AGAINST: NIL

6.8 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, MCNAMARA, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 Notice of Motion - Tidy Towns

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

- 1 That WSC report to Council on the interface between WSC, the community and Tidy Towns.**
- 2 That WSC look at the current model used with our Landcare volunteers to see if a similarly designed policy would achieve the right outcome for Council and the community.**
- 3 That a cost benefits analysis of supporting this program be considered as part of the report.**

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

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 merge items 8.2, Notice of Motion - Development Applications for Retail Liquor Outlets, and 8.6, Notice of Motion - Proliferation of Alcohol Outlets, to be considered in conjunction with each other.**

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

AGAINST: NIL

8.2 Notice of Motion - Development Applications for Retail Liquor Outlets

Constable Andrew Cooper addressed the meeting at 7.08pm, answered questions and retired at 7.25 pm

Councillor Vincent left the meeting at 7.15 pm and returned to the meeting at 7.17 pm during consideration of this item.

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

- 1 That Wyong Shire Council make representation to the Crime Prevention Partnership Committee to establish a working party of this group to provide advice on any Development Application submitted for a Retail Liquor Outlet.**
- 2 If the Crime Prevention partnership Committee group can not form a working party then Council will establish a licensed premises reference group comprising of:
 - a) Council Officers, including Rangers**
 - b) NSW Police Local Area Commander**
 - c) A NSW Office of Liquor and Gaming Representative**
 - d) Central Coast Area Health Representative****
- 3 That Council reject the further proliferation of alcohol availabilities through the recent push by the Australian Association of Convenience Stores to sell alcohol in local petrol stations.**
- 4 That Council make formal representation on behalf of its residents and ratepayers to the current Productivity Commission's Inquiry into the industry's proposal with the grounds for objection to include but not limited to:
 - **the escalation of binge drinking**
 - **anti social behaviour**
 - **alcohol related violence**
 - **hospitalizations**
 - **consumptions of police and custodial resources**
 - **millions of dollars of damage to public and private property**
 - **domestic violence**
 - **motor vehicle abuse**
 - **addictions**
 - **the cost to society of managing the resultant chronic life issues****
- 5 That Council seek to move urgency at the upcoming Local Government and Shires Association Conference seeking to reject this proposal.**
- 6 That Council inform all fellow NSW Councils of its intention to reject this push to escalate the sale of alcohol through local service stations and urge all sister Councils to make similar formal representations.**
- 7 That Council inform all fellow NSW Councils of its opposition to the proposal for the sale of alcohol in convenience stores and urge other Councils to make similar representations.**

- 8** *That Council advocate to the Minister for Planning and the Honourable Tim Moore, who is currently leading the review of the Planning Legislation, regarding Council's serious concerns around the exempt and comply provisions that enable a change of use to a liquor shop without Council consent.*

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

AGAINST: COUNCILLOR EATON

8.3 Notice of Motion - Diamond Jubilee Queen Elizabeth II

It was MOVED Councillor EATON and seconded by Councillor MCNAMARA:

- 1 *That Council formally approach the Federal and State Governments, via its local members, to obtain details of the Governments' proposed celebrations to mark the Diamond Jubilee for Queen Elizabeth II which will be celebrated on 6 February 2012.*
- 2 *That Council note the correspondence received from the Australian Monarchist League requesting Council consider "doing something in its own right to mark the diamond Jubilee.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS BEST, GRAHAM, MATTHEWS, VINCENT AND WYNN

8.4 Notice of Motion - Joint Regional Planning Panel Representation

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

- 1 *That Council recognises that its representatives to the Joint Regional Planning Panel (JRPP) should be Councillors as they are the elected representatives of the community and changes its current representation to reflect this principle such that Councillor Symington be appointed its other delegate replacing Ms Vereker.*
- 2 *That Council appoint a Councillor as an alternate delegate to the JRPP.*
- 3 *That Council advise the secretariat of JRPP of these changes to its representation.*
- 4 *That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.*

An AMENDMENT was moved by Councillor WYNN and seconded by Councillor GRAHAM:

- 1 *That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.*

- 2 That Council advise the secretariat of the JRPP of those changes to its representation.
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.

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

The AMENDMENT became the MOTION.

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

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

- 1 That Council, noting its commitment to engaging the community in the development process and having regard to the State Government selection criteria applicable to all Panel members, proceed to invite expressions of interest from appropriately experienced and qualified members of the Community to be appointed as Council representatives and alternative representatives on the Hunter/Central Coast JRPP. That Council note that the community representatives will replace the current Councillor and staff and Councillor Panel members.
- 2 That Council advise the secretariat of the JRPP of those changes to its representation.
- 3 That Council remunerate its delegates to JRPP meetings at the rate paid in most other Councils of \$650 per meeting.

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

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

8.5 Notice of Motion - Vales Point Reserve

Mr Andrew Whitbourne addressed the meeting at 8.14 pm answered questions and retired at 8.30 pm.

Councillor Webster left the meeting at 8.15 pm and returned to the meeting at 8.16 pm during consideration of this item.

Councillor Eaton left the meeting at 8.27 pm and returned to the meeting at 8.29 pm during consideration of this item.

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

- 1 That Council declares the works at Vales Point Reserve, Mannering Park to be of significant priority and importance.**
- 2 That Council requests the General Manager to ensure that the State Government Grant funds are fully utilised (in accordance with the grant conditions).**
- 3 That Council requires a Part 5 Environmental Assessment be undertaken to address the migration of foreshore stabilisation stones into the pool.**
- 4 That Council provide monthly progress reports in respect of the project and the Part 5 Assessment process, to the Mannering Park Community Precinct Committee, prior to its meetings until the project is completed.**

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

AGAINST: NIL

8.6 Notice of Motion - Proliferation of Alcohol Outlets

Meeting practice was suspended to allow consideration of this item in conjunction with Item 8.2 Notice of Motion - Development Applications for Retail Liquor Outlets.

9.1 Rescission Motion - Eco Tourism Park Proposal

It was MOVED by Councillor BEST and seconded by Councillor MCNAMARA:

That the following resolution carried at the Ordinary Meeting of Council held on 26 June 2011 be rescinded, in part, as follows:

- 2 That Council defer any decision regarding its support or opposition to the proposal pending completion of all relevant ecological studies due October 2011.*
- 3 That Council consider a report on the ecological studies.*

The MOTION was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, MCNAMARA AND VINCENT

AGAINST: COUNCILLORS EATON, GRAHAM, MATTHEWS, WEBSTER AND WYNN

CONFIDENTIAL SESSION

At this stage of the meeting being 8.50 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.

OPEN SESSION

Council resumed in open session at 9.39 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

U27/11 Motion of Urgency – Improvement of Road Safety in Mannering Park

That Council request staff to undertake and report on a traffic risk assessment at 464 Ruttleys Road, Mannering Park.

10.1 Iconic Development Site No 16 - 216-222 Main Road and 21 Rowland Terrace, Toukley

That Council defer determination of the request from Rustrum Pty Ltd Pending:

- 1 An inspection of the subject foreshore area by Councillors during the next Councillor inspections to be held on 2 November 2011;***
- 2 A review by Council's Valuers of the valuation report prepared by Coleman Estate Agents; and***
- 3 A staff report on alternative options for the achievement of significant public benefit relevant to this development, should Council determine to revise its requirement for public ownership of the foreshore.***

10.2 Lease of former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay

- 1 That Council approve a call for Expressions of Interest to the lease of the former Child Care Centre Building located on Lot 2 DP 1154356 No 10 Bay Village Road Bateau Bay.**
- 2 That Council receive a recommendation from staff following evaluation of the proposals receive through the expressions of interest process. The recommendation report to Council should detail the essence of each proposal.**

THE MEETING closed at 9.43 pm.