
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 23 February 2011 COMMENCING AT 5:00:00 PM

PRESENT

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

IN ATTENDANCE

Acting General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Community and Recreation Services, General Counsel, Manager Development Assessment, Chief Financial Officer and two administration staff.

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

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

Councillor McBride advised that the Central Coast Blue Tongues would be competing in Country Energy 19th Annual Local Government Touch Carnival being held in Parkes at the weekend and wished them the best of luck.

The Mayor acknowledged:

- 1 the death of former Councillor Robert Mann, whose funeral would be held on Friday 25 February 2011.
- 2 the devastating earthquake in Christchurch, New Zealand causing many fatalities.

A minutes silence was observed in recognition of both events.

APOLOGIES

There were no apologies.

1.1 Disclosures of Interest

9.3 Request for NSW State Government to Close Aging Munmorah Power Station

Councillor Vincent declared a non pecuniary significant conflict in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7:51 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm

12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Councillor Webster declared a non pecuniary significant conflict in the matter for the reason that she is a Director of The Entrance Town Centre Management and her daughter is a part time employee at The Entrance V.I.C. which comes under the management of the Town Centre Management Manager, left the chamber at 8:43 pm took no part in discussion, did not vote and returned to the chamber at 9:04 pm

12.2 Public Access to the Coast via Shelly Beach Golf Course

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Shelly Beach Golf Club and remained in the chamber during consideration of this matter.

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

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

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

AGAINST: NIL

1.2 Address by Invited Speakers

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm and as a result took no part in voting.

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

1 ***That Council receive the amended report on Invited Speakers.***

2 ***That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.***

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm and as a result took no part in voting.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 February 2011.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Proposed Inspections and Briefings

Councillor Vincent left the chamber at 5.10pm and returned to the meeting at 5.13pm during consideration of this item.

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

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

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

AGAINST: NIL

2.1 Mayoral Minute - Comprehensive Local Environmental Plan

PROCEDURAL MOTION

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

That the motion be put.

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

AGAINST: EATON AND GRAHAM

RESOLVED on the motion of Councillor EATON:

That Council consider as part of its preparation of the Comprehensive Local Environmental Plan an appropriate zoning and flexible controls to enable ancillary residential development to take place on public open space land adjoining sporting fields, golf courses and the like.

That Council note that the objective of this LEP provision would be to provide affordable housing and ensure passive surveillance of sporting facilities and to assist Council in meeting its population targets and also to provide some level of affordable of housing.

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

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

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

3.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

Report No 12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Report No 12.2 Public Access to the Coast via Shelly Beach Golf Course

2 That Council note its reason for considering these reports in confidential session as discussions on Report No 12.1 may confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business also during discussions on Report No 12.1 it is anticipated advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege would be compromised 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, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.1 DA/229/2010 - Proposed 110 Lot Residential Subdivision at Blue Haven

Mr Sean Gordon, CEO of Darkinjung Local Aboriginal Land Council addressed the Chamber at 5.25pm and retired at 5.48pm.

Councillor Vincent left the chamber at 6.23pm and returned to the chamber at 6.25pm during consideration of this item.

Councillor Graham left the chamber at 6.25pm and returned to the chamber at 6.27pm during consideration of this item.

Councillor Wynn left the chamber at 6.34pm and returned to the chamber at 6.36pm during consideration of this item.

PROCEDURAL MOTION

MEETING MOVES TO CONFIDENTIAL SESSION

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

That Council move the Meeting into Confidential session to discuss this item.

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

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

The Public Gallery was cleared at 6.21pm to allow Council to consider this item in Confidential Session.

PROCEDURAL MOTION

MEETING RESUMES IN OPEN SESSION

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

That Council resume in Open Session.

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

AGAINST: NIL

Council resumed in Open Session at 6.45pm and the Public Gallery was re-opened.

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

1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report and including the deletion of the north/south pathway extending from Roper Road to Mogo Close.

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

3 That Council vary Development Control Plan 2005 Chapter 66 – Section 4.1 Lot

Sizes to permit the development.

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

4.2 DA 1353/2010 Proposed Telecommunications Tower at Bateau Bay

Mr John Mills, from Urbis Services on behalf of Telstra, addressed the meeting at 6.45pm and retired at 6.50pm.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***
- 2 That Council advise those who made written submissions of this decision.***

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

4.3 Community Gardens Policy

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

- 1 That Council adopt the Community Gardens policy and that appropriate public notice be given.***
- 2 That Council note that the adopted policy will come into effect following appropriate public notice being given.***
- 3 That Council advertise the adoption of this policy through its usual media channels.***

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

5.1 Proposed Lease to The Entrance Bateau Bay Australian Football Club and Central Coast Softball Association of Part of Lot 1 DP 1132863 at Bateau Bay

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm and as a result was absent during voting.

Councillor Best left the chambers at 7.05pm and returned to the chamber at 7.06pm and as a result were absent during voting

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

- 1 That Council approve a lease of Part of Crown Reserve R97864, Lot 1 DP 1132863 at Passage Road, Bateau Bay to The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc for five years, plus two consecutive five year options, provided that the parties receive the appropriate authorities to construct a Clubhouse.**
- 2 That Council note that its conditional approval of a lease and the land manager on behalf of the Crown as provided by Resolution (1), is independent of any Development Application process and may not be taken as any indication that such an Application will be approved or denied.**
- 3 That Council endorse, as the Reserve Trust Manager of the Tuggerah Public Recreation Reserve Trust (R97864), Lot 1 DP 1132863 at Passage Road, Bateau Bay, a development application by The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc to construct a clubhouse on the land.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Bateau Bay Australian Football Club Inc and Central Coast Softball Association Inc.**
- 5 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.**
- 6 That Council note the lease will be at a nominal rental.**

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

AGAINST: NIL

5.2 Proposed Sale of Council Land at The Entrance

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm and as a result was absent during voting.

Councillor Best left the chambers at 7.05pm and returned to the chamber at 7.06pm during consideration of this item.

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

- 1 That Council authorise the sale of Lots 24, 36 and 37 DP 14230 Ashton Avenue The Entrance to Stirloch Investments for an amount to be negotiated but not less than the market value as determined by a registered valuer.**
- 2 That Council note the sale of the land will be subject to the contract to construct the Centrelink building being awarded to Stirloch Developments Pty Ltd.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents for the sale and transfer of the land.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**
- 5 That Council direct the proceeds of this sale to the Property Investment Reserve.**

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

Councillor Matthews left the chambers at 7.05pm and returned to the chamber at 7.07pm during consideration of this item.

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

- 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, MCBRIDE, MCNAMARA, SYMINGTON, 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 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 9.3, 9.9, 11.1, 11.2, 12.1 and 12.2, Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

6.1 Contract CPA/187299 Removal and Acquisition of Surplus Materials and Equipment from Ourimbah Water Pump Station (WPS 17)

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

That Council accept the tender from Ampcontrol Service NSW for a lump sum payment of \$16,775.00 (excl GST) for Contract CPA/187299 – Purchase and Removal of surplus materials and equipment from Ourimbah Water Pump Station (WPS17).

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

AGAINST: NIL

6.2 Contract CPA/188197 Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment

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

- 1 That in accordance with sub-clause 178(1)(b), Local Government (General) Regulation 2005, Council decline to accept any of the tenders received for contract CPA/188197 - Streambank Rehabilitation Works for Three Spring Creek Projects in the Tuggerah Lakes Estuary Catchment.***
- 2 That Council invite, in accordance with clause 167 fresh tenders based on the same or different details in accordance with the project budget.***
- 3 That Council pursue preparation of the amended tender documents using funds available from within the Estuary Management Project budget.***
- 4 That Council only invite fresh tenders when sufficient funding for construction of the works is provided to Council.***
- 5 That Council thank the tenderers for their interest and invite them to re-tender when fresh tenders are called.***

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

AGAINST: NIL

7.1 Review of Council and Committee Meeting Structure

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

That Council defer the Review of Council and Committee Meeting Structure until a workshop on the proposal has been conducted with Councillors at the earliest possible convenience.

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

AGAINST: NIL

7.2 E-Waste Collection Update

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

- 1 That Council support the discontinuation of the bi-annual E-Waste collections as of the March 2011 E-waste collection.**
- 2 That Council support future annual budget allocations of \$90,000 to continue the centralised E-Waste collection point beyond WaSIP seed funding.**
- 3 That Council advertise this decision through its usual media channels.**

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

AGAINST: NIL

7.3 Facilities and Expenses Policy for Councillors

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

- 1 That Council adopt the amended Policy on Facilities and Expenses for Councillors for implementation from 1 March 2011.**
- 2 That Council note that Clause E28 will be deleted.**

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

AGAINST: NIL

7.4 2010-11 Annual Plan - December Quarter Review

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

- 1 That Council receive the second Quarterly Review report on progress against the WSC 2010-11 Annual Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**

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

AGAINST: NIL

7.5 Nomination of Delegate and Alternate to the board of Central Coast Tourism Incorporated

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

That Council nominate an alternate delegate to represent Wyong Shire Council on the board of Central Coast Tourism Incorporated in the absence of the General Manager.

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

AGAINST: NIL

The Mayor advised that nominations for the position of alternate delegate to the Board had been received for Councillors Graham and Vincent. Councillors Graham and Vincent had accepted their respective nominations.

The Mayor requested those Councillors supporting the nomination of Councillor Graham to raise their right hand. Councillors voting in support of Councillor Graham were Councillors Best, Eaton, Graham, McNamara, Webster and Wynn.

The Mayor requested those Councillors supporting the nomination of Councillor Vincent to raise their right hand. Councillors voting in support of Councillor Vincent were Councillors Symington, McBride, Matthews and Vincent.

The Mayor advised that as Councillor Graham had a clear majority he was declared elected.

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

That Council appoint Councillor Graham an alternate delegate to represent Wyong Shire Council on the board of Central Coast Tourism Incorporated in the absence of the General Manager.

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

AGAINST: NIL

7.6 Joint Regional Planning Panel Delegation to Council

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

That Council note the response from the Department of Planning.

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

AGAINST: NIL

7.7 Integrated Planning and Reporting Framework - Council Group Nomination

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

That Council amend its nomination from "Group 2" to "Group 3" for phasing in of the new planning and reporting legislation.

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

AGAINST: NIL

8.1 Minutes of the Senior Citizens' Council - 28 October 2010 and Draft Minutes from 27 January 2011

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

- 1 That Council receive the report on Minutes – Wyong Shire Senior Citizens' Council Meeting of 28 October 2010 adopt the recommendations contained therein.**
- 2 That Council receive the report on draft Minutes – Wyong Shire Senior Citizens' of 27 January 2011 adopt the recommendations contained therein.**
- 3 That Council adopt the recommendations 2 and 3 on Item 3.4 – Planning for Seniors Week 2011 as follows:**
 - a Authorise the banner for Senior's Week be displayed along the front banister outside of the Civic Centre Administration Centre at Wyong Council from 20 March 2011 to 26 March 2011.**
 - b Approve the suggested banner to have the Council Logo and Live Life Logo with a slogan "You're never too old" and also "Celebrating NSW Seniors Week".**

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 deal with the following information reports by the Exception Method.

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

AGAINST: NIL

9.2 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

9.3 Request for NSW State Government to Close Aging Munmorah Power Station

Councillor Vincent declared a non pecuniary significant conflict in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 7:51 pm, took no part in discussion, did not vote and returned to the chamber at 7.55 pm.

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

- 1 That, after the State Election in March, Council request the relevant Minister to close the aging Lake Munmorah Power Station.**
- 2 That Council receive the report on Request for NSW State Government to Close Aging Munmorah Power Station.**
- 3 That Council request a full site inspection of both Lake Munmorah and Colongra Power Stations.**

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

AGAINST: COUNCILLORS MCBRIDE AND MATTHEWS.

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 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

9.6 Disclosure of Interest Returns - 1 October to 31 December 2010

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

That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2010.

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

AGAINST: NIL

9.7 Investments for January 2011

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

That Council receive the report on Investments for January 2011.

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

AGAINST: NIL

9.8 Minister's Direction - Coastal Emergency Plans

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

That Council receive the report on the Minister's Direction – Coastal Emergency Plans.

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

AGAINST: NIL

9.9 North Wyong Structure Plan

Cr Vincent left the chamber at 7.51pm and returned to the chamber at 7.55pm during consideration of this item.

Councillor McNamara left the chamber at 7.58pm and returned to the chamber at 8.00pm during consideration of this item.

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

- 1 That Council receive the report on North Wyong Structure Plan.**
- 2 That Council express its deep disappointment at the refusal to extend the time for submissions to the NSW Department of Planning.**

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

AGAINST: COUNCILLORS EATON, MATTHEWS AND MCBRIDE

9.10 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

9.11 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 - Change of LEP Zonings for Schools, Hospitals and Public Facilities

Councillor Graham left the chamber at 8.05pm and returned to the chamber at 8.07pm during consideration of this item.

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

- 1 *That Council express its strong opposition to the directive of the State government to force Council to change the zoning of our schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.*
- 2 *That Council direct the Mayor, on behalf of Council, to write to the Planning Minister calling on him to overturn this short sighted decision.*
- 3 *That Council direct the Mayor to write to the newly elected Planning Minister after the State Election calling on the Minister to commit to removing this requirement.*
- 4 *That Council, in the interim, request the State government to allow Wyong Shire Council to retain the protective "special use" and "special purpose" zonings on its critical public infrastructure by using the SEPP Infrastructure zoning in the standard instrument LEP.*

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

- 1 *That Council express its concern as to the current State Government's policy to force Councils to change the zoning of schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.*
- 2 *That Council's view is that these issues should be dealt with on a case by case basis with community consultation.*

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

AGAINST: COUNCILLORS GRAHAM, SYMINGTON AND WYNN

The AMENDMENT was put to the vote and declared CARRIED

The AMENDMENT then became the MOTION.

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

- 1 **That Council express its concern as to the current State Government's policy to force Councils to change the zoning of schools, hospitals, and public facilities from the protective zoning of 'Special Use' or 'Special Purpose' to new zonings that match the surrounding area, normally allowing for residential or commercial development.**
- 2 **That Council's view is that these issues should be dealt with on a case by case basis with community consultation.**

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

AGAINST: COUNCILLORS GRAHAM, SYMINGTON AND WYNN

11.2 Notice of Motion - Improved Taxi Services

Councillor Matthews left the chamber at 8.32pm and returned to the chamber at 8.35 pm during consideration of this item.

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

- 1 *That Council note the Community's concerns as to the apparent lack of taxi availability.*
- 2 *That Council invite both the NSW Taxi Council and the Central Coast Taxis to brief Council on their service delivery model and plans for future improvement and expansion.*

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

That Council note the Community's concerns as to the apparent lack of taxi availability.

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

- 1 **That Council note the Community's concerns as to the apparent lack of taxi availability.**

- 2 That Council *invite* both the NSW Taxi Council and the Central Coast Taxis to brief Council on their service delivery model and plans for future improvement and expansion.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

QUESTIONS WITHOUT NOTICE

**Q114/11 Memorandum of Understanding with Department of Housing
Councillor Best
F2004/06900**

“In the last quarter of 2010, Council resolved to receive a briefing from the NSW Department of Housing Central Coast division. The briefing, in my view, was most productive and the Area Director, Donna Hinchcliff, in partnership with Council staff undertook to enter into an MOU between the organisations to further foster working relationships when delivering much needed housing services. To the best of my recollection the MOU was to be developed by the end of 2010. Could staff please report on the progress with regard to this important affordable housing undertaking / initiative?”

**Q115/11 Increase in Traffic due to Disability Facility on Louisiana Road
Councillor Best
DA/953/2008/A**

“I have received representation from local residents in and around the Hamlyn Terrace area who are seeking clarity as to how the Casurina Grove \$35m (Disability Facility) has been constructed with neither little to no road improvements to Louisiana Road nor any upgrade to the Pacific Highway intersection. Understandably, traffic volumes must be affected by such an establishment and as safety is a priority why have no upgrades occurred? I trust safety has not taken second place with the approval allowing a retrospective traffic upgrade.”

CONFIDENTIAL SESSION

At this stage of the meeting being 8.38pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

OPEN SESSION

Council resumed in open session at 9.30 pm and the Acting General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

12.1 Contract CPA/184906 Provision of Cleaning Services to The Entrance Town Centre

Councillor Webster declared a non pecuniary significant conflict in the matter for the reason that she is a Director of The Entrance Town Centre Management and her daughter is a part time employee at The Entrance V.I.C. which comes under the management of the Town Centre Management Manager, left the chamber at 8:43 pm took no part in discussion, did not vote and returned to the chamber at 9:04 pm

RECOMMENDATION

- 1 That Council accept the tender from Amazon Cleaning & Security Pty Ltd in the estimated total amount of \$864,901.53 (excl GST) for Contract CPA/184906 – Provision of Cleaning Services to The Entrance Town Centre for the initial two year period of the contract.**
- 2 That for Contract CPA/184906, Council delegate authority to The Entrance Town Centre Management for the sum of \$10,000 (excl GST) per annum representing 2.3% of the estimated total amount to provide for additional cleaning services associated with events held annually during the contract.**
- 3 That subject to satisfactory performance by Amazon Cleaning & Security Pty Ltd, the General Manager be authorised to extend this contract in one year increments up to a further period of two years, at a total estimated cost (including CPI but excluding GST) of \$945,000 over the two extra years.**

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

AGAINST: COUNCILLORS SYMINGTON AND WYNN

12.2 Public Access to the Coast via Shelly Beach Golf Course

The Director Corporate Services declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a member of the Shelly Beach Golf Club and remained in the chamber during consideration of this matter.

Councillor Webster returned to the Chamber at 9.04pm.during consideration of this item.

Councillor Best left the chamber at 9.05pm, took no part in voting, and did not return.

RECOMMENDATION

- 1 That Council receive the report on Public Access to the Coast via Shelly Beach Golf Course.**
- 2 That Council note the arrangement between the Tuggerah Lakes Golf Cub and the Shelly Beach Recreation and Flora (R73287) Reserve Trust**
- 3 That Council endorse the improvement work to the road shoulder area on the road leading to the North Shelly car park as outlined in option 2 under Proposal.**

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

AGAINST: NIL

THE MEETING closed at 9.31pm.