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**WYONG SHIRE COUNCIL**

MINUTES OF THE  
**ORDINARY MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
WYONG CIVIC CENTRE, HELY STREET, WYONG  
ON 27 July 2011  
COMMENCING AT 5:05 PM

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**PRESENT**

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

**IN ATTENDANCE**

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

Manager Roads and Stormwater, Acting Manager of Estuary Management and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.05 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

**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.

An apology for the inability to attend the meeting was received on behalf of Councillor Best as he is on annual leave.

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

***That Council accept the apologies and grant leave of absence from the meeting.***

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

AGAINST: NIL

All reports were dealt with in their correct agenda sequence.

**1.1 Disclosures of Interest**

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**5.4 - Draft Minutes – Wyong Shire Grants Committee of Council – 29 June 2011**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he may be a volunteer at the Mannering Park Festival Event and participated in consideration of this matter.

Councillor Vincent stated:

*“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the organising committee.”*

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be working at the Women’s Health Baby Expo, left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

**7.10 - Investments for June 2011**

Councillor McBride declared a pecuniary interest in the matter for the reason that she is a Director of Wyong Town Financial Services, left the chamber at 6.25 pm, took no part in discussion, did not vote and returned to the chamber at 6.29 pm.

**7.12 - Process Review of Item 7.2 Commercial Agreements (portion relating to Central Coast Mariners Football Club Pty Ltd) from the Ordinary Meeting of Council of 13 July 2011**

Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Football Club Pty Ltd Board of Directors. This item was resolved by the exception method.

**9.1 Notice of Motion – Registered Clubs**

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer co-ordinator of “2261 Out of the Box” which has received financial support from Community Development Support Expenditure (CDSE) Funds, left the chamber at 6.35 pm, took no part in discussion, did not vote and returned to the chamber at 6.56 pm.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of Budgewoi Scouts which have received financial support from the Community Development Support Expenditure (CDSE) left the chamber at 6.39 pm, during discussion of this item, did not vote and returned to the chamber at 6.56 pm.

**10.1 General Manager’s Performance Appraisal**

The General Manager, Michael Whittaker, declared a pecuniary interest in the matter for the reason that this item relates to his employment contract, left the chamber at 7.58 pm, took no part in discussion and did not return to the Chambers.

The following disclosure was submitted to Council for 13 July 2011 Ordinary Meeting:

**3.5 - Proposed Councillors' Community Improvement Grants (from 13 July 2011 Council Meeting)**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Scouting NSW and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the Tumby Scout Group."*

***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 EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

**1.2 Proposed Inspections and Briefings**

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***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 include inspections of Minnesota, Louisiana and Warnervale Roads in the inspection schedule for 3 August 2011 and commence inspections at 12.00 pm.***
- 3 That Council briefings be held on 3 August 2011 commencing at 3.00pm and concluding at 6.00 pm.***

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

AGAINST: NIL

### **1.3 Address By Invited Speakers**

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

- 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 EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

### **1.4 Confirmation of Minutes of Previous Meeting**

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

**That Council confirm the minutes of the previous Ordinary Meeting held on 13 July 2011 and Extraordinary Meeting held on 22 July 2011.**

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

AGAINST: NIL

### **Business Arising**

There was no business arising out of the minutes.

### **1.5 Notice of Intention to Deal with Matters in Confidential Session**

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**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 (2a) and (2c) of the Local Government Act 1993:**

**10.1 General Manager's Performance Appraisal**

**10.2 Contract Variations and Finalisation – June 2011**

- 2 That Council note its reason for considering the above Items in confidential session are as follows:**

**10.1 - General Manager's Performance Appraisal because it contains information relating to personnel matters concerning a particular individual.**

**10.2 - Contract Variations and Finalisation – June 2011 because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.**

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

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

AGAINST: NIL

## **2.1 Planning Disputes Mediation Committee Trial**

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

- 1 That Council endorse the establishment of an Executive Mediation Panel consisting of the General Manager, Director Environment and Planning Services and Manager of Client Management for the purpose of dispute resolution in respect to significant planning matters.**
- 2 That Council note that an existing Procedure has been formulated by the Environment and Planning Services Department, and that Council Officers are formally accredited to conduct mediations.**
- 3 That Council acknowledge existing participation in two forms of assisted negotiation to assist the development process:**
  - pre-determination facilitation - between applicants, objectors;**
  - post-determination mediation - with applicants, and / or objectors, Council and applicants to enable appropriate development solutions and in an effort to avoid potentially costly legal proceedings.**
- 4 That Council endorse the amendment of the existing procedure to incorporate the Executive Panel and make the amended Procedure available on Council's Internet site.**
- 5 That Council consider the impartiality of the membership of the panel be to include participants who are not affiliated with Wyong Shire Council.**
- 6 That Council call for expressions of interest from members of the community who are suitably qualified to be included on this panel.**

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

AGAINST: NIL

**3.1 Arbitration for access arrangement on Council land for Mandalong South Exploration Drilling Program**

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

- 1 That Council authorise the General Manager or his delegate to negotiate an appropriate outcome of the dispute at the scheduled arbitration with Centennial Coal in respect of its planned coal exploration drilling activities.**
- 2 That Council require that such an outcome must protect the integrity of the Buttonderry Waste Facility and not unreasonably restrict or impact on potential future uses of that facility.**
- 3 That Council note the properties concerned are Lot 5 DP 755271 Buttonderry Waste Management Facility and Lot 9 DP 262720 Buangi Rd Durren Durren owned by Council.**

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

AGAINST: COUNCILLOR VINCENT

**3.2 Lease of Public Road for Vodafone Telecommunications Facility at Wyong Road, Glenning Valley**

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

- 1 That Council approve a lease of Part of Wyong Road, Glenning Valley to Vodafone Network Pty Limited subject to:
  - a development consent being granted for the construction of a telecommunications facility.**
  - b to satisfactory assurance being provided by Vodafone Ltd on the physical health and safety to the local neighbourhood and in particular the nearby school.****
- 2 That Council approve the terms of the lease as:
  - a a period comprising four consecutive five year leases for a period up to 20 years.**
  - b an annual rent commencing at \$25,000 with annual CPI reviews over the period and market reviews (not exceeding 10%) every five years.****
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between wyong Shire Council and Vodafone Network Pty Limited.**
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the lease.**
- 5 That Council endorse, as owner of the land, a development application by Vodafone Network Pty Limited to construct a telecommunication facility on the land.**

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

### **3.3 Sale of Council Land at Gorokan**

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

- 1 That Council authorise the sale of Lot 184 DP 29759 Dudley St Gorokan and Lot 99 DP 28759 Vernon Ave Gorokan for an amount not less than market value for each parcel as determined by an independent registered valuer.**
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for the Sale and Transfer of the land.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents**

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

### **4.1 Outcome of negotiations with Playsafe Fencing Pty Ltd in respect to 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**

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

- 1 That Council accept the negotiated offer of Playsafe Fencing Pty Ltd for contract no. CPA/194920 in the estimated total amount of \$246,972.00 including GST (\$224,520.00 excluding GST).**
- 2 That Council approve a contingency amount of \$25,000.00 including GST (\$22,727.27 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

**5.1 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan**

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**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 funded by the Federal Government's "Caring for our Country" grant:**

- **Lot 49 DP2244, 700 Ourimbah Creek Rd, Palm Grove**
- **Lot 122 DP755249, 351 Ourimbah Creek Rd, Ourimbah**
- **Lot 212 DP 1015281, 12 Wombats End, Palm Grove**
- **Lot 3 DP 843548, 730 Ourimbah Creek Road, Palm Grove**
- **Lot 34 DP123970, 304 Ourimbah Creek Road, Ourimbah**
- **Lot 1 DP 609571, 12 Lyrebird Lane, Palm Grove.**

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

AGAINST: NIL

**5.2 Payment of Industrial Special Risk Insurance Policy**

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

**1 That Council approve the renewal of Council's Property insurance policy with Statewide Mutual for the period 30 June 2011 to 30 June 2012.**

**2 That Council approve the premium payment of \$563,764.62 ex GST.**

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

AGAINST: NIL



**5.3 Sponsorship Request - "Coastal Paradise Revealed" photographic competition and book concept**

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

- 1 That Council receive and note the information on the sponsorship of the Ken Duncan Photo Awards competition and "Coastal Paradise Revealed" book.**
- 2 That Council defer this matter to allow staff to enter into discussions with Panographs Publishing Pty Ltd to ascertain what specific benefits would arise to Wyong Shire Council.**

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

AGAINST: NIL

**5.4 Draft Minutes - Wyong Shire Grants Committee Meeting - 21 July 2011**

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Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he may be a volunteer at the Mannering Park Festival Event and participated in consideration of this matter.

Councillor Vincent stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am not a member of the organising committee."*

Councillor Matthews declared a pecuniary interest in the matter for the reason that she will be working at the Women's Health Baby Expo, left the chamber at 5.57 pm, took no part in discussion, did not vote and returned to the chamber at 6.04 pm.

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

- 1 That Council receive the draft minutes of the Wyong Shire Grants Committee Meeting held on 21 July 2011.**
- 2 That Council adopt the recommendations included in the draft minutes of the Wyong Shire Grants Committee Meeting held on 21 July 2011.**
- 3 That Council continue with the current process incorporating the one change of eligibility being confined to groups that can not receive alternative government funding or where their application is the responsibility of another government department.**

**4 That Council allocate \$25,071 from the 2011-12 Community Benefit Grant program as follows:**

Applicant	Project	Amount Recommended
Australian Air League Inc – Doyalson Squadron	To support Compass Award Scheme which is a junior version of the Duke of Edinburgh Award Scheme	\$1,300
Country Women’s Association – Long Jetty / The Entrance Branch	50% of 2011-12 rates	\$1,316
Country Women’s Association – Mannering Park Branch	50% of 2011-12 rates	\$1,074
Lions Club of Wyong Inc	To upgrade undercarriage on catering van to comply with regulations	\$5,000
Mannering Park Community Inc	Mannering Park Community Festival – 25 March 2012	\$4,961
Northern Women’s Health Centre	Multicultural Craft and Conversation Group for 2012	\$6,720
Yarramalong Valley Progress association Inc	“Bumble Hill Burn” -11 September 2011	\$4,700

**5 That Council decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:**

Applicant	Amount Asked	Project	Comments
Central Coast Lapidary Club Inc	\$4,500	Annual Gem Festival – 14, 15 and 16 October 2011	Budget figures indicate if total grant provided there will be a profit of \$2,850. Success of event will be gauged on attendance and sales. Given no details provided of community projects funded by the applicant, Festival appears to benefit Club rather than the community.
Jason Renshaw	\$5,250	Hot Rod, Car and Motor Bike Show – 22 October 2011	Estimated budget figures indicate if total grant provided there will be a profit of \$19,535. No indication of what will happen with that profit.

**6 That Council allocate \$4,210 from the 2011-12 Cultural Development Grant for the following program as follows:**

Applicant	Project	Amount Recommended	Committee Recommendation
Youthconnections.com.au	To provide an opportunity for young people to have a voice in their community through participation in an Australian wide PhotoVoice model program	\$4,000 and \$210 in kind	In kind work of \$70 for the cost of venue at The Entrance Community Centre to showcase the program with an additional amount of \$140 for the gallery promotion pack

- 7 ***That Council defer the application from Bungaree Aboriginal Association Inc for \$5,000 to the next round of the Cultural Development Grants in order to consider additional documentation on financial statements and more detailed information on the proposal.***
- 8 ***That Council decline applications as indicated in the table below and the applicants advised and where relevant, directed to alternate funding programs:***

<b>Applicant</b>	<b>Amount Asked</b>	<b>Project</b>	<b>Comments</b>
Wyong Family History Group Inc	\$4,000	Purchase Scanlab X-D Microfiche reader / copier including software and training together with purpose built work table / security cover	Has not demonstrated why funds already held cannot be expended on this equipment

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

AGAINST: NIL

#### **5.5 Draft Minutes - Gosford-Wyong Councils' Water Authority Board Meeting held on 14 July 2011**

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Councillor Matthews left the meeting at 5.57 pm and returned to the meeting at 6:04 pm and as a result took no part in voting.

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

- 1 ***That Council receive the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 14 July 2011.***
- 2 ***That Council adopt the recommendations included in the draft minutes of the Gosford-Wyong Councils' Water Authority Board Meeting conducted on 14 July 2011.***
- 3 ***That Council, in regards to Water Restrictions, endorse the following:***
  - a ***That no action be taken at this time to change the current restriction levels and the new Central Coast Water Corporation Board consider the proposed water restriction triggers and restriction rules at its first meeting.***
  - b ***That, following consideration by the Central Coast Water Corporation Board of the triggers and rules, a report be presented to both Gosford and Wyong Councils advising of their considerations.***
- 4 ***That Council enter into a MoU for the Porters Creek Catchment Stormwater Harvesting Scheme.***

5 ***That Council, in regards to the Mardi to Mangrove Link Project, endorse the following:***

- a ***That the Board recognise the efforts of existing and previous Board members, Councillors and staff involved in this project and thank them for their efforts in bringing this major piece of infrastructure to completion.***
- b ***That the Board recognise the Yarramalong Valley community for their involvement, patience, and tolerance and support for Project while the works were being undertaken.***
- c ***That the Board recognise the Federal Government for its financial support.***

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

AGAINST: NIL

#### **5.6 Minutes of Wyong Shire Governance Committee of Council - 29 June 2011**

Councillor Matthews left the meeting at 5.57 pm and returned to the meeting at 6:04 pm and as a result took no part in voting.

Councillor McNamara left the meeting at 6.03 pm and returned to the meeting at 6.04pm and as a result took no part in voting.

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

***That the Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 29 June 2011.***

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

AGAINST: NIL

#### **6.1 Minutes - Central Coast Regional Organisation of Councils Meeting Minutes - 30 June 2011**

Councillor Matthews left the meeting at 5.57 pm and returned to the meeting at 6:04 pm during consideration of this item.

Councillor McNamara left the meeting at 6.03 pm and returned to the meeting at 6.04pm during consideration of this item.

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

***That Council note the minutes of the Central Coast Regional Organisation of Councils Meeting held on 30 June 2011.***

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

### **7.1 Information Reports**

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

***That with the exception of report numbers 7.5, 7.8 and 7.10, Council receive the information reports and adopt the recommendations.***

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

### **7.2 Disclosure of Interest Returns - 1 April to 30 June 2011**

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

***That Council receive the report on Disclosure of Interest Returns - 1 April to 30 June 2011.***

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

### **7.3 Works in Progress - Water Supply and Sewerage**

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

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

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

### **7.4 Changes to Solar Bonus Schemes**

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

***That Council receive the report on Changes to Solar Bonus Schemes.***

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

AGAINST: NIL

**7.5 Activities of the Building Certification and Health Unit and Development  
Assessment Unit**

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

***That Council receive the report on Activities of the Building Certification and Health  
Unit and Development Assessment Unit.***

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

AGAINST: NIL

**7.6 Results Of Water Quality Testing for Beaches and Lake Swimming  
Locations**

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

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

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

AGAINST: NIL

**7.7 General Works in Progress**

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

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

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

AGAINST: NIL

**7.8 Warnervale Town Centre June 2011 Progress Report**

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

***That Council receive the report on Warnervale Town Centre June 2011 Progress Report.***

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

AGAINST: NIL

**7.9 Mardi to Mangrove Link Project Status**

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

***That Council receive the report on Mardi to Mangrove Link Project Status.***

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

AGAINST: NIL

**7.10 Investments For June 2011**

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At this stage of the meeting Councillor McBride declared a pecuniary interest in the matter for the reason that she is a Director of Wyong Town Financial Services, left the chamber at 6.25 pm, did not vote and returned to the chamber at 6.29 pm.

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

***That Council receive the report on Investments For June 2011.***

## **Minutes of the Ordinary Meeting of Council - 27 July 2011 (contd)**

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

### **7.11 Outstanding Questions without Notice and Notice of Motions**

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

***That Council receive the report on Outstanding Questions without Notice and Notice of Motions.***

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

### **7.12 Process Review of Item 7.2 Commercial Agreements (portion relating to Central Coast Mariners Football Club Pty Ltd) from the Ordinary Meeting of Council of 13 July 2011**

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Councillor Graham declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of the Central Coast Mariners Football Club Pty Ltd Board of Directors. This item was resolved by the exception method.

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

***That Council receive the report on Process Review of Item 7.2 Commercial Agreements (portion relating to Central Coast Mariners Football Club Pty Ltd) from the Ordinary Meeting of Council of 13 July 2011.***

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

### **9.1 Notice of Motion - Registered Clubs**

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Mr Paul Barnett, Chief Executive Officer representing Mingara Recreation Club, addressed the meeting at 6.30 pm, answered questions and retired at 6.42 pm.

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she is a volunteer co-ordinator of "2261 Out of the Box" which has received financial support from Community Development Support Expenditure (CDSE) Funds, left the chamber at 6.35 pm, took no part in discussion, did not vote and returned to the chamber at 6.56 pm.



Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a member of Budgewoi Scouts which have received financial support from the Community Development Support Expenditure (CDSE) left the chamber at 6.39 pm, during discussion of this item, did not vote and returned to the chamber at 6.56 pm.

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

- 1 That Council support the local registered clubs on the Central Coast in their debate over proposed new poker machine regulations.**
- 2 That Council provide a letter of support which outlines the important role played by clubs in our community.**
- 3 That Council formally advise the local Federal Members of Parliament of Council's concerns about the loss of local funding that would result from the Government's proposed reforms.**

FOR: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE AND SYMINGTON

## **9.2 Notice of Motion - Council Calls to Support Local Fire Fighters**

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Councillor Webster left the meeting at 6:58 pm and returned to the meeting at 6:59 pm during consideration of this item.

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

- 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 local Fire Fighters and Fire Fighting services to Central Coast residents.
- 2 That Council, in an advocacy role, support the Central Coast Fire Fighters 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 NSW Industrial Relations Commission, determine wages and working conditions.
- 3 That Council formally express 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 Fire Fighters and the long term impacts to Fire Fighting services on the Central Coast.
- 4 That Council applaud the outstanding contributions made by our local Fire Fighters to 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 local Fire Fighters and acknowledge that they should be paid appropriately by their employer.*

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

FOR: COUNCILLORS EATON, MCNAMARA AND WEBSTER

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

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

- 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 local Fire Fighters and Fire Fighting services to Central Coast residents.***
- 2 That Council, in an advocacy role, support the Central Coast Fire Fighters 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 NSW Industrial Relations Commission, determine wages and working conditions.***
- 3 That Council formally express 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 Fire Fighters and the long term impacts to Fire Fighting services on the Central Coast.***
- 4 That Council applaud the outstanding contributions made by our local Fire Fighters to the Central Coast community.***

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

AGAINST: COUNCILLORS EATON AND MCNAMARA

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

**PROCEDURAL MOTION**

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

***That Council adjourn the Ordinary Meeting at 7.21 pm to consider the Extraordinary Meeting of Council and reconvene at 7.35 pm.***

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

AGAINST: NIL

At 7.35pm Councillors Eaton, Graham, McBride, Symington and Webster were present in the chamber.

The Mayor, Councillor Eaton declared the meeting adjourned to 7.38pm due to a lack of a quorum.

Councillors Matthews and McNamara returned to the meeting at 7:36 pm.

Councillor Vincent returned to the meeting at 7:37 pm.

The Ordinary Meeting was reconvened at 7.38 pm and all Councillors were present.

**9.3 Notice of Motion - Council Calls for the NSW State Government to Legislate to Stop Coal Mining Beneath the Central Coast's Water Catchment in Dooralong and Yarramalong Valleys**

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

- 1 That Council call on the NSW State Government to reaffirm its opposition to coal mining beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.***
- 2 That Council support residents on the Central Coast by requesting the NSW State Government to legislate, without further delay, to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.***
- 3 That Council direct the General Manager to write to the Minister for Planning and the State Member for Wyong (Darren Webber) expressing the Council's and community's concerns regarding the lack of legislation to reject any future applications to mine coal beneath the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.***
- 4 That Council commend the Australian Coal Alliance for their ongoing efforts to save the Central Coast's water catchment in the Dooralong and Yarramalong Valleys.***

**5 That Council direct the General Manager also write to the Member for Dobell on the status of the his proposed private members bill.**

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

AGAINST: NIL

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

Councillor Graham sought leave to introduce a motion of urgency regarding the removal of litter bins on Council beaches. Urgency is sought because the bins are being removed at this point in time

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

***That Council consider a Motion of Urgency regarding the removal of litter bins on Council beaches.***

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

AGAINST: NIL

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MOTION OF URGENCY

**U25/11 Motion of Urgency - Removal of Litter Bins on beaches within Wyong Shire**

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

***That Council direct the Director Community and Recreation Services to provide a report to the Ordinary Meeting of Council to be held on 10 August 2011 on the removal of litter bins on beaches within Wyong Shire.***

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

AGAINST: NIL

**QUESTIONS ON NOTICE**

There were no Questions on Notice.

**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 EATON, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WEBSTER

AGAINST: NIL

At this stage of the meeting being 7.59 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

10.1 - General Manager's Performance Appraisal

It contains information relating to personnel matters concerning a particular individual.

10.2 - Contract Variations and Finalisation – June 2011

It contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**PROCEDURAL MOTION**

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

***That Council consider item 10.2 - Contract Variations and Finalisation - June 2011 prior to item 10.1 General Manager's Performance Appraisal.***

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

AGAINST: NIL

**OPEN SESSION**

Council resumed in open session at 8.12 pm and the Mayor reported on proceedings of the confidential session of the ordinary meeting of council as follows:

**10.1 General Manager's Performance Appraisal**

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**1 *That Council endorse the new proposed format for the General Manager's performance appraisal.***

**2 *That Council endorse the General Manager's performance appraisal content for 2011/12.***

- 3 That Council endorse the proposed review schedule.

**10.2 Contract Variations and Finalisation - June 2011**

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- 1 That Council receive the Contract Variations and Finalisation June 2011 report (Attachment 1 and 2).
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:

<b>Contract Title</b>	<b>Contract No</b>	<b>Adjusted Contract Value (excl GST)</b>	<b>Additional Budget Approval</b>
<b>Provision of Environmental Management Services – Mardi to Mangrove Link Project</b>	<b>CPA/173398</b>	<b>\$186,909.00</b>	<b>\$36,909.00</b>

- 3 That Council note the additional expenditures requested are within approved program budgets.

**THE MEETING** closed at 8.12 pm.