
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 14 OCTOBER 2009 COMMENCING AT 5:07 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D JEATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, PROJECT DIRECTOR, ACTING MANAGER FUTURE PLANNING, MANAGER DEVELOPMENT ASSESSMENT AND MANAGER FINANCE.

PROJECT DIRECTOR MARDI TO MANGROVE, MANAGER LEGAL & POLICY, SENIOR PLANNER – LEGAL & POLICY, LANDSCAPE ARCHITECT – FUTURE PLANNING, MANAGER CONTRACTS, ACTING MANAGER GOVERNANCE AND ADMINISTRATION, EXECUTIVE MANAGER – SHIRE PLANNING, SOCIAL PLANNER – FUTURE PLANNING, SENIOR CONTRIBUTIONS OFFICER, TEAM CO-ORDINATOR - DEVELOPMENT ASSESSMENT AND TWO ADMINISTRATION STAFF.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.07 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK DELIVERED THE OPENING PRAYER AND READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

- * THE MAYOR REPORTED THAT COUNCILLOR McNAMARA HAD ADVISED THAT DUE TO WORK COMMITMENTS HE WOULD NOT BE ABLE TO ATTEND THE LGSA CONFERENCE BEING HELD IN TAMWORTH FROM 24 – 28 OCTOBER FOR WHICH HE HAS BEEN REGISTERED. AS THE REGISTRATION FEE IS NON-REFUNDABLE THE MAYOR ASKED FOR EXPRESSIONS OF INTEREST FROM ANY OTHER COUNCILLORS WHO WOULD LIKE TO ATTEND IN HIS PLACE.
- * COUNCILLOR MATTHEWS ADVISED THAT COUNCIL HAS NOW RECEIVED A CERTIFICATE IN RECOGNITION OF COUNCIL'S MEMBERSHIP OF THE MAYORS FOR PEACE.
- * COUNCILLOR WYNN REPORTED ON TWO FUNCTIONS WHICH SHE ATTENDED ON BEHALF OF COUNCIL:
 - * WYONG SHIRE GARDEN COMPETITION WHICH WAS THE BEST EVER AND WITH 250 PEOPLE IN ATTENDANCE AT THE AWARDS PRESENTATION. SHE ALSO EXTENDED THANKS TO THE GARDEN COMMITTEE FOR THEIR EFFORTS.
 - * AN OPERATIC CONCERT WHICH WAS HOSTED BY TOUKLEY SENIOR CITIZENS AND WAS ALSO WELL ATTENDED.
- * COUNCILLOR BEST – WYONG SHIRE PET EXPO WAS HELD RECENTLY AT WYONG RACECOURSE WHICH HAD A REALLY GOOD TURNOUT.
- * COUNCILLOR McBRIDE ANNOUNCED THAT THE WYONG NETBALL TEAM WAS SUCCESSFUL IN WINNING THE CENTRAL COAST CHALLENGE TROPHY IN A MATCH AGAINST GOSFORD RECENTLY AND EXTENDED CONGRATULATIONS TO THE TEAM ESPECIALLY SINCE THIS IS THE FIRST TIME WYONG HAS BEEN SUCCESSFUL IN WINNING THIS EVENT.

APOLOGIES

THERE WERE NO APOLOGIES.

1.1 Disclosure of Interest

6.10 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS 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 DID NOT CONTRIBUTE ANY FUNDS."

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

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 Inspections

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

That Council receive the report on Inspections.

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

AGAINST: NIL

1.3 Address by Invited Speakers

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

That Council receive the amended report on Invited Speakers.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 September 2009.

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

AGAINST: NIL

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

2.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

11.1 Proposed Acquisition of Land at Wyong

11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah

11.3 Q54 - Project and Legal Matters

11.4 Performance Review of General Manager

2 That Council note its reason for considering Report No 11.1 in confidential session is that it includes information that could confer a commercial advantage on a person with whom the Council will be conducting business, 11.2 includes advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, 11.3 concerns information that would, if disclosed, prejudice the maintenance of law and 11.4 concerns personnel matters.

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

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

AGAINST: NIL

RESPONSE TO Q45 – CABBAGE TREE HARBOUR SURVEILLANCE TO BE CONSIDERED IN OPEN SESSION.

3.1 Council Policy Review - Keeping of Animals

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

- 1 That Council place on public exhibition draft Council Policy K1 – Keeping of Animals for a period of 28 days for public comment.**
- 2 That Council adopt the policy under delegation of the General Manager should no significant objections be received.**
- 3 That Council update the policy manual and make available to the public and staff via Council's webpage once the policy is adopted.**

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

AGAINST: NIL

3.2 Planning Agreements Policy - Approval for Exhibition and Adoption

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

- 1 That Council place the Draft Planning Agreements Policy on public exhibition for a period of 28 days for public comment.**
- 2 That Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.**
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**

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

AGAINST: NIL

3.3 Draft Development Control Plan 2005: Chapter 65 On-Site Effluent Disposal In Non Sewered Areas

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

- 1 That Council place draft Development Control Plan No. 2005: Chapter 65 – On Site Effluent Disposal in Non Sewered Areas on public exhibition for a period of 28 days for public comment.**
- 2 That Council adopt the policy under the delegation of the General Manager, subject to there being no objections that cannot be resolved by minor amendments to the policy, and that appropriate public notice be given.**
- 3 That Council update the policy manual and the policy be made available to the public and staff via Council's webpage.**

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

AGAINST: COUNCILLOR BEST.

3.4 Wyong Recreation Facilities Strategy

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

- 1 That Council adopt the revised draft as the Wyong Recreation Facilities Strategy.**
- 2 That the Strategy be reviewed within two years from date of the adoption and a report be forwarded to Council for consideration.**
- 3 That Strategic actions be considered for inclusion in the Shire Strategic Vision 4 Year Delivery Plan.**
- 4 That Council advise all stakeholders of the decision and public notice be given.**

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

AGAINST: NIL.

3.5 Draft Development Control Plan 2005: Chapter 14 - Tree Management

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

- 1 That Council adopt Draft Development Control Plan 2005: Chapter 14 - Tree Management with the exception of the changes proposed to Sections 7.1.1.**
- 2 That Council advertise the proposed changes to Section 7.1.1.**
- 3 That Council consider a further report on the re-advertisement.**
- 4 That Council's s.149 Certificates be noted as to the adoption of Chapter 14.**
- 5 That Council include in the definition of Plants with Undesirable Characteristics Generally the species "Pinus Sondereggeri".**

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

AGAINST: NIL.

3.6 DA/2660/2004 - Proposed Managed Resort Facility, The Entrance - Proposed Deferred Commencement Conditions

COUNCILLOR BEST LEFT THE CHAMBER AT 5.57 PM AND RETURNED TO THE CHAMBER AT 5.58 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council grant a "deferred commencement" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act subject to the attached draft deferred commencement conditions, with the time periods amended as follows:

(a) the consent to lapse three years from the date the consent becomes operational.**
- 2 That Council authorise the General Manager to determine any applications for minor modifications to the approved development plans or consent conditions.**
- 3 That Council advise those who made written submissions of the decision.**

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

AGAINST: COUNCILLOR WYNN.

4.1 Proposed Easements for Electricity Purposes over Council land Lot 86A DP 22837 Hakone Rd Woongarrah

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

- 1 That Council authorise the granting of a right of way, an easement for electricity purposes and an easement for electricity substation extending 3.3m into and 5.3m wide over Council's land, Lot 86A DP 22837 Hakone Road Woongarrah to Energy Australia.**
- 2 That Council authorise a Deed of Agreement for Easement with Energy Australia undertaking that Council will grant the easements referred to in Item 1 subsequent to the installation of the Energy Australia infrastructure.**
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer Granting easement and plan between Wyong Shire Council and Energy Australia.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL.

4.2 Proposed Easements for Drainage over Lot 568 DP 23729 Delia Avenue, Budgewoi, Lot 479 DP 23729 Woolana Avenue, Budgewoi, Lots 520, 521 and 539 DP 23729 Woodlawn Drive, Budgewoi

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

- 1 That Council acquire easements to drain water:**
 - **2m wide over Lot 568 DP 23729**
 - **Variable width over Lot 479 DP 23729**
 - **2m wide over Lot 520 DP 23729**
 - **Variable width over Lot 521 DP 23729**
 - **1.75m and 2m wide over Lot 539 DP 23729.**

- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**

- 3 That Council proceed to compulsorily acquire the easements in the event that negotiations with the property owners cannot be satisfactorily resolved.**

- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfers and/or Plans and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisitions.**

- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.**

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

AGAINST: NIL

4.3 Proposed Easement for Electricity Purposes over Lot 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby

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

- 1 That Council grant an easement for electricity purposes 15m wide and variable over Council's land, Lots 59, 68 & 153 DP 755271 and Lot 1 DP 822126 Buttonderry Waste Management Facility, Hue Hue Road, Jilliby to Energy Australia.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to related documents as required.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL

4.4 Proposed Development Application and Lease of Council Land at Shannon Parade Berkeley Vale to Central Coast Community College

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

- 1 That Council grant owner's consent for the lodgement of a development application by Tuggerah Lakes Community College for erection of an education facility and associated parking on part of Lot 241 DP 755263 and Lot 7026 DP 1030591 Shannon Parade Berkeley Vale.**
- 2 That Council advise Tuggerah Lakes Community College that it is prepared to enter into a 20 year maximum term lease at nominal rent subject to development consent being granted.**

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

AGAINST: NIL

5.1 CPA 154562 - Toukley Sewage Treatment Plant Inlet Works Augmentation

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

- 1 That Council accept Tender no. 9 from Process Engineering Technologies Pty Ltd in the lump sum amount of \$1,640,427.00 (excl GST).**
- 2 That Council approve a contract budget of \$1,886,427.00 (excl GST) that provides for a contingency amount of \$246,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

5.2 CPA 160794 - Construction of Northern Section of Link Road, From Sparks Road to Future Development Area

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

- 1 That Council accept Tender Number 4 from Robson Civil Projects Pty Ltd in the estimated combined Schedule of Rates and Lump Sum total amount of \$7,919,245.88 (excl GST).**
- 2 That Council approve a contract budget of \$8,711,245.88 (excl GST) that provides for a contingency amount of \$792,000.00 (excl 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.**
- 3 That Council support lobbying of the Roads and Traffic Authority to contribute to the cost of the intersection reconstruction works on Sparks Road at its intersection with the Link Road.**
- 4 That Council confirm its intention to use the proceeds, from the sale of Council-owned land located to the south of this section of the Link Road, to bankroll the remaining southern section of the Link Road. This will enable the earliest possible construction of the remainder of the road subject to satisfactory cashflow.**
- 5 That Council consider a report identifying the likelihood of the southern portions of the Link Road being completed within 20 years and whether this section can be justified in the Section 94 Contribution Plan.**

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

AGAINST: NIL

5.3 CPA 164633 Excavation and Lining of Cell 4.2B at Buttonderry Waste Management Facility

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

- 1 That Council accept Schedule of Rates Tender no. 5 from Robson Civil Projects Pty Ltd in the extended Schedule of Rates amount of \$4,198,468.64 (excl GST).**
- 2 That Council approve a contract budget of \$5,000,000.00 (excl GST) that provides for a contingency amount of \$801,531.36 (excl GST), representing approximately 20% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL

6.1 Review of Code of Meeting Practice

COUNCILLOR BEST LEFT THE CHAMBER AT 6.42 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council amend the Code of Meeting Practice as follows:

- a Insert a new Clause 13(6)**
“Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors.”

A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act.
- b Amend Clause 26(1) to**
“Notices of Motion and Notices of Rescission, excluding notices lodged under Clause 39 (2) of the Code of Meeting Practice, shall be lodged in writing with the Supervisor, Councillor Services by 9.30 am on the second Monday preceding a meeting.”
- c Delete Clause 26(6)**
“If a notice of motion is lodged for inclusion in the ordinary meeting business paper, the Mayor may nevertheless determine in the first instance to refer the notice of motion to the General Manager for report and recommendation to Council.”
- d Replace Clause 34 with**
“(a) A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).

- (b) *At Meetings of the Council, Councillors, may choose to:*
- i sit or stand when speaking.*
 - ii read from notes when speaking.”*

When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

e *Delete Clause 22 (1) (q)*

(q) Questions of which due notice has been given

f *Replace Clause 22 (1) (v)*

(v) Questions On Notice - Responses to Questions on Notice may in accordance with the Department of Local Government Practice be a report to Council that may be debated and form the basis for Motions on that topic at that meeting subject to confirmation from Council’s legal advisors as to the permissibility of this amendment.

g *Insert a new Clause 17 (4)*

“In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4 Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.”

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

AGAINST: NIL

6.2 Proposal to establish a Strategic Finance Committee

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

- 1** *That Council note the report on establishing a Strategic Finance Committee (SFC).*
- 2** *That Council establish a Strategic Finance Committee in accordance with the attached proposed Charter.*
- 3** *That all interested Councillors be members of the Committee with a quorum of three required for any meeting.*
- 4** *That Council appoint Councillor McBride as Deputy Chairperson of the Committee.*

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

AGAINST: NIL

6.3 Reviews Required Under Local Government Act 1993

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

- 1 That Council confirm the current delegations to the General Manager as listed in the attached document.**
- 2 That Council determine the existing organisational structure is appropriate for the time being.**
- 3 That Council reconsider the organisational structure as part of determining the four year delivery plan.**

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

AGAINST: NIL

6.4 Rate Payment Incentive Scheme

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

That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2009-10.

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

AGAINST: NIL

THE WINNER OF COUNCIL'S RATEPAYER INCENTIVE SCHEME FOR 2009-10 IS MR A CLARKE AND MS J A CLARKE (SUBJECT TO VERIFICATION).

6.5 2008-09 Annual Financial Reports

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.13 PM AND RETURNED TO THE CHAMBER AT 7.15 PM DURING CONSIDERATION OF THIS ITEM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 7 October 2009 and adopt the recommendations contained therein.**
- 2 That Council adopt the Draft 2008-09 Financial Reports with amendments as per Attachment 5.**
- 3 That Council refer the Draft 2008-09 Financial Reports to External Audit.**
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute the required Certificates in relation to the Draft 2008-09 Financial Reports as required by relevant legislation.**
- 5 That Council provide a copy of the Financial Reports and Audit Opinion to the Department of Local Government and the Australian Bureau of Statistics in accordance with Sections 417(4) and (5) of the Local Government Act 1993.**
- 6 That Council fix 11 November 2009 as the date for the presentation of the audited 2008-09 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.**

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

AGAINST: NIL.

6.6 Membership - General Manager Performance Review Panel

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.13 PM AND RETURNED TO THE CHAMBER AT 7.15 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council elect a delegate to the General Manager – Performance Review Panel for the term of Council.

COUNCILLOR VINCENT WAS ELECTED AS THE DELEGATE.

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

AGAINST: NIL

6.7 Proposed Dissolution of Mardi Community Nursery and Associated Section 355 Committee

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

- 1 That Council approve the dissolution of Mardi Community Nursery Section 355 Committee.**
- 2 That Council approve the Mardi Community Nursery resources being distributed for use at other Landcare Community Nurseries through a merits based expression of interest process.**
- 3 That Council send letters to the Committee members and volunteers who have participated in the project, thanking them for their time and contribution.**

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

AGAINST: NIL

6.8 Fleet Replacement Program for 2009-2010

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

- 1 That Council approve the Fleet Replacement Program for 2009/2010.**
- 2 That Council source its Fleet Replacement from local dealerships where possible.**

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

AGAINST: NIL

6.9 Alternatives to Fund the Planned Soldier's Point Foreshore Improvement Works in the 2009-2010 Management Plan

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.23 PM AND RETURNED TO THE CHAMBER AT 7.24 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council note that no additional funds are required to meet the proposed work schedule at Soldier's Point Foreshore and alternate funding will not be required.

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

AGAINST: NIL.

6.10 Proposed Councillors' Community Improvement Grants

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF WYONG PUBIC SCHOOL, LEFT THE CHAMBER AT 7.23 PM RETURNED TO THE CHAMBER AT 7.24 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS 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 DID NOT CONTRIBUTE ANY FUNDS."

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

That Council allocate an amount of \$9,498 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

6.11 Waste and Sustainability Improvement Payments

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

- 1 ***That Council endorse the following high priority projects to the value of \$550,000.00 (excl GST) to be developed and submitted to DECCW by 30 October 2009 as part of the Sustainability Action Plan:***
 - a) ***Provision of high risk waste collection service for e-waste, batteries and fluorescent light bulb and tubes.(\$110,000.00 excl GST)***
 - b) ***Replacement of air-conditioning units in buildings C and D of the Civic Centre.(\$240,000.00 excl GST)***
 - c) ***Temporary engagement of a Waste and Sustainability Improvement Officer. (\$100,000.00 excl GST)***
 - d) ***Increase purchase of Green Energy for the Civic Centre from a current level of 25% to 50%. (\$100,000.00 excl GST)***
- 2 ***That the shortfall of \$550,000.00 (excl GST) in funding for Waste programs as a result of re-directing these funds to sustainability projects be addressed by reviewing future waste projects and revenue from tipping fees and the Domestic Waste Management Charge.***

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

AGAINST: COUNCILLOR BEST, EATON AND MCNAMARA.

6.12 Bid to Host the NSW Surf Lifesaving Championships 2011-2013

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

- 1 That Council receive the report on the Bid to Host the NSW Surf Lifesaving Championships.
- 2 That Council endorse the actions of the Mayor and General Manager regarding this issue.

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

AGAINST: NIL

7.1 Minutes - Wyong Shire Grants Committee Meeting - 30 September 2009

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

That Council receive the minutes of the Wyong Shire Grants Committee Meeting held on 30 September 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

7.2 Minutes - Central Coast Regional Organisation of Councils - 16 September 2009

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.49 PM AND RETURNED TO THE CHAMBER AT 7.50 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive the minutes of the Central Coast Regional Organisation of Councils meeting held on 16 September 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL

8.1 Information Reports

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

That with the exception of report number 8.2, 8.3, 8.4, 8.5, and 8.7 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

8.2 Disclosure of Interest Returns

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

That Council receive the report on Disclosure of Interest Returns.

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

AGAINST: NIL

8.3 Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season

COUNCILLOR MCNAMARA LEFT THE CHAMBER AT 7.57 PM AND RETURNED TO THE CHAMBER AT 7.58 PM DURING CONSIDERATION OF THIS ITEM .

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

1 *That Council receive the report on Activities of the Rural Fire Service and its Preparedness to Respond to the 2009-2010 Bushfire Season.*

2 *That further to report 8.3 Council recognise the outstanding efforts of Council's staff, Rural Fire Service staff and volunteers in their endeavours to prepare the Shire's bushfire fighting resources for the upcoming summer season.*

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

AGAINST: NIL

8.4 Mardi to Mangrove Link Project Status

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

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

8.5 Minutes of the Wyong Shire Senior Citizens' Council Meeting of 27 August 2009

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

That Council receive the report on Minutes of the Wyong Shire Senior Citizens' Council Meeting of 27 August 2009.

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

AGAINST: NIL

8.6 Investments for August 2009

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

That Council receive the report on Investments for August 2009.

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

AGAINST: NIL

8.7 Outstanding Questions Without Notice and Notices of Motion

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 8.28 PM AND RETURNED TO THE CHAMBER AT 8.29 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

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

AGAINST: NIL

SUSPENSION OF STANDING ORDERS

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

That Council suspend standing orders to allow Item 10.2 Notice of Motion – Woolworths Lake Munmorah and District Medical Centre to be dealt with next as Mr Stuart Durie, Chairman Of The Lake Munmorah Chain Valley Bay Community Precinct Committee is in attendance as a speaker on this item.

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

AGAINST: NIL.

THE MEETING ADJOURNED AT 8.34 PM AND RESUMED AT 8.37 PM.

FOR THE SAKE OF CLARITY THE MINUTES INCLUDE CONSIDERATION OF ITEM 10.2 NOTICE OF MOTION – WOOLWORTHS LAKE MUNMORAH AND DISTRICT MEDICAL CENTRE IN THE CORRECT AGENDA SEQUENCE.

10.1 Notice of Motion - Geotextile Bag Sand Dune Stabilisation Trial

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

That further to Council's initial resolution of 27 February 2008 on Item 194 – Geotextile Bag Investigations and Council's subsequent unanimous resolution on Item 343 – Geotextile Bag Investigations on 23 July 2008, staff now report as to what state this matter is now at as at this date (14/09/09).

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

AGAINST: NIL

10.2 Notice of Motion - Woolworths Lake Munmorah and District Medical Centre

COUNCILLOR BEST LEFT THE CHAMBER AT 8.36 PM AND RETURNED TO THE CHAMBER AT 8.37 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.54 PM AND RETURNED TO THE CHAMBER AT 8.58 PM DURING CONSIDERATION OF THIS ITEM

MR STUART DURIE, CHAIRPERSON OF THE LAKE MUNMORAH CHAIN VALLEY BAY COMMUNITY PRECINCT COMMITTEE, ADDRESSED THE MEETING AT 8:37 PM, ANSWERED QUESTIONS AND RETIRED AT 9.00 PM.

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

- 1 That further to Council's undertaking to assist in expediting this much needed community infrastructure and employment opportunities in line with Council's strategic retail strategy, staff now report what progress has been made, outlining key issues for resolution and indicative timeframes.**
- 2 That the report should also explore with the applicant and the medical fraternity as to the prospect of also establishing a district community medical Centre on the site in question (Cnr Pacific Highway and Tall Timbers Road, Lake Munmorah).**
- 3 That Council formally thank the Lake Munmorah Chain Valley Bay Precinct Committee for their strong interest and support for this important community infrastructure.**
- 4 That Council formally seek assistance from the State Member for Swansea, Mr Robert Coombs and the Parliamentary Secretary for the Central Coast, Mr David Harris MP Member for Wyong to expedite this matter.**

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

AGAINST: NIL

10.3 Notice of Motion - Popularly Elected Mayor

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

That staff report on the process and indicative costs associated with Council conducting a referendum at the next Local Government elections, to establish the level of support for a community/popularly elected Mayor for the four year term of the Council.

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

AGAINST: NIL

10.4 Notice of Motion - Rezoning of Land at Lot 3 Kanangra Drive, Gwandalan

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 9.34 PM AND RETURNED TO THE CHAMBER AT 9.35 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor SYMINGTON and SECONDED by Councillor WYNN:

- 1 *That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.*
- 2 *That Council include this rezoning, if it occurs, as part of the revised LEP for 2011.*

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

- 1 *That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.*
- 2 *That Council include, in the Draft Settlement Strategy, the appropriate part of this land as proposed Low Density Residential R2.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST AND EATON

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

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

- 1 ***That Council support efforts to rezone land at Lot 3 Kanangra Drive, Gwandalan back to 7B Scenic Protection.***
- 2 ***That Council include this rezoning, if it occurs, as part of the revised LEP for 2011.***

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

AGAINST: COUNCILLORS BEST AND EATON

10.5 Notice of Motion - Grants Submissions

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

- 1 That a Councillor briefing be conducted on Grants Submissions; considering but not limited to the status of current Federal Infrastructure Grants.**
- 2 That Council establish a register of available grant opportunities to external bodies. That this register indicate the current status of applications (ie submitted, pending, successful, unsuccessful) and the grant submission.**
- 3 That Council establish a protocol for informing Councillors and the Community, in a timely manner, of potential grants available.**

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

AGAINST: NIL

10.6 Notice of Motion - Discontinuation of Supply of Bottled Water to Council

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

- 1 That Council stop purchasing bottled water and instead investigate alternatives.**
- 2 That Council investigate and report on the access for refilling water containers from public drinking fountains to encourage recycling, decrease landfill and reduce the Shire's carbon footprint.**

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

AGAINST: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

10.7 Notice of Motion - Public Relations Costs Review

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

- 1 That Council consider a report on current costs of public relations/communication and dedicated staff resources, efficiency and potential savings.**
- 2 That the report also address the linkages between the communications section and the Shire Strategic Vision and Management Plan.**

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

AGAINST: NIL

10.8 Notice of Motion - Request for Minister for Community Services to Review Decision Regarding Age of Child Care Trainees

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

That Council write to the Minister for Community Services, the Hon Linda Burney requesting the Minister to seek advice on the Department of Community Services' decision to restrict child care trainees to over 18 years, discriminating against Year 10 and 11 potential trainees.

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

AGAINST: NIL

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST LEFT THE CHAMBER AT 10.09 PM AND RETURNED TO THE CHAMBER AT 10.15 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR VINCENT SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSED SALE OF LOT 83 DP 27286 CHARMHAVEN AVENUE AND LOT 94 SECTION 1 DP 11824 MOALA PARADE, CHARMHAVEN AND DUE TO THE COUNCIL MEETING OF 28 OCTOBER BEING CANCELLED THIS MATTER NOW NEEDED TO BE CONSIDERED.

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

That Council consider a Motion of Urgency regarding the Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven.

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

AGAINST: COUNCILLOR EATON.

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

U17/09 Motion of Urgency - Proposed Sale Of Lot 83 DP 27286 Charmhaven Avenue And Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 10.13 PM AND RETURNED TO THE CHAMBER AT 10.15 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 10.09 PM AND RETURNED TO THE CHAMBER AT 10.15 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 10.17 PM AND RETURNED TO THE CHAMBER AT 10.18 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council defer the sale of Lot 83 DP27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven pending;

- a the submission of a report by local residents regarding the use of these two blocks;**
- b an opportunity being given to the local residents to address Councillors at a future resident's forum;**
- c a report from staff in regard to the submission by local residents. This report is also to include a list (developed in consultation with the broader community of Charmhaven and Lake Haven) of potential projects that could be funded from the proceeds of the sale if it proceeds.**
- d a report about alternative uses of the land such as the path combined with a park or community garden retaining as much of the old growth as possible.**

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

AGAINST: COUNCILLORS EATON AND MCNAMARA

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR WYNN SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE SELECTION OF A NEW GENERAL MANAGER.

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

That Council consider a Motion of Urgency regarding selection of a new General Manager

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

FOR: COUNCILLORS BEST, EATON, MCNAMARA, VINCENT AND WYNN.

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON AND WEBSTER.

THE MAYOR RULED THAT THE MATTER WAS NOT OF GREAT URGENCY

QUESTIONS WITHOUT NOTICE ASKED

Q55/09 Directional Signage Cobbs Road
Councillor Doug Eaton
C2009/05502

“Could Council liaise with the Roads and Traffic Authority as to placing directional signage on the Cobbs Road/ North F3 exit indicating turn left for Wyong CBD and adding Tuggerah to existing signage?”

Q56/09 Applications for Federal Government Jobs Funds
Councillor Doug Eaton
F2009/00960

“Could Council advise by way of an information report its applications for Federal Government funding job funds, its success and any funds granted to Wyong Shire based on projects?”

Q57/09 Coles Intersection at Blue Haven
Councillor Doug Vincent
F2007/00257

“Could Council staff please advise on the status of upgrading the Coles intersection at Blue Haven with the view of alleviating the congestion of traffic travelling north through the intersection?”

It is noted that Council were involved in the original survey undertaken in conjunction with the Roads and Traffic Authority.”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.38 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:-

- “2(a) personnel matters concerning particular individuals (other than councillors).*
- 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(e) information that would, if disclosed, prejudice the maintenance of law.*
- 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 10.52 PM AND THE ACTING GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

11.1 Proposed Acquisition of Land at Wyong

- 1 *That Council authorise the General Manager to purchase the former Tennis Club site located at Lot 4 DP 614523, Ithome Street, Wyong for \$800,000 plus GST*
- 2 *That Council propose classification of Lot 4 DP 614523 as Operational Land.*
- 3 *That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.*
- 4 *That Council adopt the classification if no adverse submissions are received.*
- 5 *That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the purchase of the land in Item 1 by Wyong Shire Council.*
- 6 *That Council authorise the execution by Mayor and the General Manager of all documents relating to the purchase of the land in Item 1 by Wyong Shire Council*

11.2 Cancellation of Contract CPA 161651 Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah

- 1 *That Council cancel the Contract CPA/161651 Construction of 300mm Diameter Gravity Sewer main – Gavenlock Rd, Tuggerah formed with Kilbraney Civil Pty Ltd.*
- 2 *That Council delegate to the General Manager and the Mayor the authority to determine whether to seek damages from Kilbraney Civil.*
- 3 *That Council proceed to re-tender the above contract.*

11.4 General Manager's Performance Review

RECOMMENDATION

That Council receive the report on the General Manager's Performance Review and the information be noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.52 PM.

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CHAIRPERSON