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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 24 FEBRUARY 2010**  
**COMMENCING AT 5:10:00 PM**

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**PRESENT**

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

**IN ATTENDANCE**

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Acting Manager Future Planning and Acting Manager Development Assessment.

Manager Contracts and Special Projects, Manager Governance and Administration, Sustainability Manager and three administration staff.

The Mayor reported that:

- \* Council has a university scholarship program focusing on the skills shortage areas. The scholarship program offers support for three local first year students including \$2,500 and the opportunity to undertake paid casual employment with council during their university breaks complementary to their studies. The 2010 university scholarships were presented to:
  - Miss Stephanie Lowe – Bachelor of Communications/PR
  - Mr Russell Martin – Bachelor of Engineering
  - Mr Zachariah Arneil – Bachelor of Engineering/Bachelor of Surveying
  
- \* Councillors attended the funeral today of Mr Ralph Bryant who passed away last Thursday at the age of 80. Ralph was a respected and renowned educator, an active member of the Toukley Rotary and was awarded the OAM for his services to the community in 2007.

Council observed a one minute silence in remembrance of Ralph Bryant.
  
- \* He had the honour of attending the Vocational Excellence Awards of the Northlakes Toukley Rotary Club held on Wednesday 17 March 2010 at Halekulani Bowling Club. One of the recipients was Councillor McBride for her commitment to the mental health system.

The Mayor, Councillor Graham, declared the meeting open at 05.10 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

Mr Bob Allen read an acknowledgment of country statement and delivered the opening prayer.

**APOLOGY**

The Mayor advised that Council, at its meeting on 27 January 2010, granted leave of absence to Councillor Wynn for the previous meeting held on 10 February 2010 and this meeting as she is currently on annual leave.

**1.1 Disclosure of Interest**

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**1.2 Proposed Inspections**

Councillor Eaton declared a pecuniary interest in the matter for the reason that his business property is listed therein, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.17 pm.

**2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance**

Councillor Webster, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and chose to remain in the chamber.

Councillor Webster stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because this will have no effect on my decision."

**9.1 Notice of Motion – GOATS Family Festival**

Councillor Vincent, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a volunteer on the organising Committee and chose to remain in the chamber.

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 Director of formal Committee Member of the organisation."

**10.1 Notice of Rescission – Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong**

Councillor Best, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that as General Manager of CCGT, he works with training groups that may be involved in the Samaritans Centre proposed at Wyong and chose to remain in the chamber.

Councillor Best 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 the above will not affect my view on voting".

**10.1 Notice of Rescission – Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong**

Councillor Eaton, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is Chair of CCGT, which operates a group training business locally as does Nova Skills referred to in correspondence associated with this matter and chose to remain in the chamber.

Councillor Eaton 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 conflict is perceived, no actual conflict as use of building has no conflict with CCGT activities".

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

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

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

AGAINST: NIL

## **1.2 Proposed Inspections**

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Councillor Eaton declared a pecuniary interest in the matter for the reason that his business property is listed therein, left the chamber at 5.16 pm, took no part in discussion, did not vote and returned to the chamber at 5.17 pm.

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

***That Council receive the report on Proposed Inspections.***

FOR: COUNCILLORS BEST, 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 MCNAMARA and seconded by Councillor MATTHEWS:**

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

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

FOR: COUNCILLORS BEST, 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 MCBRIDE and seconded by Councillor SYMINGTON:**

**That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 February 2010.**

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**2.1 DA 1301/2009 Proposed Farmer's Market and Bicycle Hire Business at The Entrance**

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Councillor Webster, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and chose to remain in the chamber.

Councillor Webster stated:

“I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because this will have no effect on my decision.”

COUNCILLOR VINCENT LEFT THE MEETING AT 05:25 PM AND RETURNED TO THE MEETING AT 05:29 PM DURING CONSIDERATION OF THIS ITEM.

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

**1 That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.**

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

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

AGAINST: COUNCILLOR SYMINGTON

**2.2 2009-10 Management Plan - December 2009 Quarter Review**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 05:52 PM AND RETURNED TO THE MEETING AT 05:55 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE MEETING AT 06:24 PM AND RETURNED TO THE MEETING AT 06:25 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council receive the report 2009-10 Management Plan – December 2009 Quarter Review.*
- 2 *That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.*
- 3 *That Council staff urgently research alternate locations for the Warnervale GP Super Clinic.*
- 4 *That Council write to the Minister for Planning and Mr David Harris MP Parliamentary Secretary for the Central Coast expressing Councils' concern at the continuing delay in the release of the Central Coast Regional Conservation Plan (CCRCP) and the North Wyong Shire Structure Plan which in turn impinges Councils ability to progress the Shire Wide LEP and conduct future planning for our shire.*

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

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND SYMINGTON

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

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

- 1 ***That Council receive the report 2009-10 Management Plan – December 2009 Quarter Review.***
- 2 ***That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***
- 3 ***That Council write to the Minister for Planning and Mr David Harris MP Parliamentary Secretary for the Central Coast expressing Councils' concern at the continuing delay in the release of the Central Coast Regional Conservation Plan (CCRCP) and the North Wyong Shire Structure Plan which in turn impinges Councils ability to progress the Shire Wide LEP and conduct future planning for our shire.***

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

AGAINST: NIL

**2.3 Tuggerawong Retirement Village**

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

- 1 That Council extend the time for repayment of loan and accruing interest from the Tuggerawong Retirement Village for a further period of 12 months on the condition that any re-tenanting fees received on units will be fully utilised on repayments.**
- 2 That Council require the loan to continue to accrue interest on the outstanding balance until the loan is extinguished.**
- 3 That Council set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or, at a minimum, equivalent to the 90 day bank bill swap reference rate.**

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

AGAINST: NIL

**3.1 Granting of Easements for Electricity Purposes over Council Land at Berkeley Vale**

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

- 1 That Council grant easements for access over Council land:  
Specifically:-**
  - a Lot 60 DP 818089 1W Enterprise Drive Berkeley Vale**
  - b Lot 110 DP 218003 Albatross Road Berkeley Vale**
  - c Lot 20 DP 262327 Greenwood Avenue Berkeley Vale**
- 2 That Council authorise the Common Seal of 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 easements between Wyong Shire Council and EnergyAustralia.**

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

AGAINST: NIL

**3.2 Classification of Land Lot 1 DP 1113258 Mataram Road, Woongarra**

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

- 1 That Council propose classification of Lot 1 DP 1113258, Mataram Road, Woongarra, as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That, Council adopt the classification, if no adverse submissions are received.**

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

AGAINST: NIL

**3.3 Proposed Easement for Electricity Purposes over Lot 41 DP 1122514 Old Maitland Road, Mardi**

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

- 1 That Council grant an easement for electricity purposes over Lot 41 DP 1122514 Old Maitland Road, Mardi to Energy Australia to accommodate the relocation and installation of high voltage power supply to the Wyong River Pump Station.**
- 2 That Council sign the Energy Australia Agreement to Grant an easement which will allow access to the site for the purpose of relocating and installing the power supply referred to in Item 1 pending the completion of the grant of the easement.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 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 AND WEBSTER

AGAINST: NIL

**3.4 Acquisition of Freehold for the Mardi to Mangrove Link Project**

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

- 1 That Council acquires by agreement with the landholder the freehold title over part of Lot 9 DP 755271, within the Wyong Shire Council area, in the approximate location shown on the plan in Attachment 1.**
- 2 That Council authorises the General Manager to pay compensation in accordance with the Land Acquisition (Just Terms Compensation) Act, 1991 and the compensation elements approved by the General Manager as necessary for the acquisition of the freehold title.**
- 3 That Council authorises the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of the freehold title.**
- 4 That Council authorises the Mayor and the General Manager to execute all documents relevant to the acquisition of the freehold title.**

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

AGAINST: NIL

**4.1 Contract Variations and Finalisation - December 2009 and January 2010**

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

- 1 That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation – December 2009 and January 2010 report.**
- 2 That Council approve increases to the budgets of the following contracts to provide for further, potential variations:**

<b>2a</b>	<b>Concept and Detail Design – Water Truck Main for Warnervale Town Centre and WEZ</b>	<b>CPA/130591</b>	<b>30,000.00</b>
<b>2b</b>	<b>Construction of Six Netball Courts – Baker Park</b>	<b>CPA/162813</b>	<b>17,000.00</b>
- 3 That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – December 2009 and January 2010 report.**

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

AGAINST: NIL



**5.1 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$4,427.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**6.1 Minutes - Wyong Shire Governance Committee - 10 February 2010**

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

- 1 That Council receive the minutes of the Wyong Shire Governance Committee Meeting held on 10 February 2010 and adopt the recommendations contained therein.**
- 2 That Council seek the Committee's assistance in providing more detailed minutes including a brief summary to assist Council in reviewing the good work that the committee is achieving.**

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

AGAINST: NIL

**6.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 17 February 2010**

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

- 1 That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 17 February 2010 and adopt the recommendations contained therein.**
- 2 That Council include a review of restrictions as an agenda item at the Joint Meetings of Council given the increased capacity of the system.**

FOR: COUNCILLORS BEST, 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 MCNAMARA:**

**That with the exception of report numbers 7.2 and 7.7 Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

### **7.2 Results of Water Quality Testing for Beaches and Lake Locations**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 06:56 PM AND RETURNED TO THE MEETING AT 06:58 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.**
- 2 That Council urgently seek advice from the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee with regards to the issue of 50% of test sites are now un-swimmable in the Tuggerah Lakes system.**
- 3 That Council also seek advice regarding the three locations on the Lake Macquarie area of Wyong Shire.**

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

AGAINST: NIL

### **7.3 Concept Planning for the Central Coast Highway through Long Jetty and The Entrance**

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

**That Council receive the report on Concept Planning for the Central Coast Highway through Long Jetty and The Entrance.**

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

AGAINST: NIL

**7.4 Mardi to Mangrove Link Project Status**

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**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 AND WEBSTER

AGAINST: NIL

**7.5 General Works in Progress**

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**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 AND WEBSTER

AGAINST: NIL

**7.6 Activities of the Development Assessment Unit**

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**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 AND WEBSTER

AGAINST: NIL

**7.7 Water and Sewerage - Works in Progress**

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

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

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

AGAINST: NIL

## **7.8 Outstanding Questions Without Notice and Notices of Motion**

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

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

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

AGAINST: NIL

## **9.1 Notice of Motion - GOATS Family Festival**

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Councillor Vincent, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is a volunteer on the organising Committee and chose to remain in the chamber.

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 Director of formal Committee Member of the organisation"

COUNCILLOR MCNAMARA LEFT THE MEETING AT 07:14 PM AND RETURNED TO THE MEETING AT 07:15 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE MEETING AT 07:18 PM AND RETURNED TO THE MEETING AT 07:20 PM DURING CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor MATTHEWS and seconded by Councillor VINCENT:*

*That Council allocate \$25,000 from the 2009/2010 Community Benefit Grants Program for the GOATS Family Festival to be held 3 and 4 April 2010.*

*An AMENDMENT was MOVED by Councillor EATON and seconded by MCNAMARA:*

- 1 That Council advise GOATS Council supports funding of its event.*
- 2 That the matter be referred to an extraordinary Grants Panel Meeting to be held on 3 March 2010 at a time to be advised.*
- 3 That the General Manager be delegated authority to enact the decision of the Grants Panel.*

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

FOR: COUNCILLORS BEST, EATON, MCNAMARA AND WEBSTER

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

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

***That Council allocate \$25,000 from the 2009/2010 Community Benefit Grants Program for the GOATS Family Festival to be held 3 and 4 April 2010.***

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

AGAINST: COUNCILLOR EATON

**9.2 Notice of Motion - Economically and Environmentally Sustainable Living - Demonstration House**

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COUNCILLOR VINCENT LEFT THE MEETING AT 07:36 PM AND RETURNED TO THE MEETING AT 07:39 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MCBRIDE LEFT THE MEETING AT 07:46 PM AND RETURNED TO THE MEETING AT 07:49 PM DURING CONSIDERATION OF THIS ITEM.

MR PHIL HEATON, COMMUNITY REPRESENTATIVE, ADDRESSED THE MEETING AT 07.35 PM, ANSWERED QUESTIONS AND RETIRED AT 07.46 PM.

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

***That staff provide an integrated report on the extent of possibilities and overall feasibility of developing a Sustainable Living Demonstration House located in one of the developing areas of the Shire. The Demonstration house would include smart, sustainable technologies and be as close to self sustaining as possible. The House would be used to educate the community on Sustainable Living and to promote the use of innovative and cost effective sustainable features to the local development industry. Further Council recognises any such initiative must also be in clear partnership with the broader community and its peak community organisations while leveraging off existing highly successful sustainability programs such as Council's Sustainability Street.***

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

AGAINST: NIL

**9.3 Notice of Motion - Proposed liquor outlet Norah Head and Toukley**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 08:13 PM AND RETURNED TO THE MEETING AT 08:14 PM DURING CONSIDERATION OF THIS ITEM.

MR GARY DEAN, SECRETARY, REPRESENTING NORAH HEAD RATEPAYERS RESIDENTS AND COASTCARE ASSOCIATION INC, ADDRESSED THE MEETING AT 08.01 PM, ANSWERED QUESTIONS AND RETIRED AT 08.09 PM.

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

- 1 That Council support the residents and ratepayers in Norah Head and Toukley in their campaign opposing further liquor outlets in these areas, where such proposals are not subject to Council scrutiny.**
- 2 That Council note any such application (ie any change of use of a retail premises to another retail premises within a General Business zone) will be determined exclusively through the State Government's authority Casino, Liquor and Gaming Control Authority (CLGCA).**
- 3 That having regard to 2 above, Council recognise its role as an advocate / peak body on behalf of the local community.**
- 4 That Council develop a submission in preparation to the pending formal request by the CLGCA for public comment.**
- 5 That Council approach the Minister for Planning, the Hon Tony Kelly, the Minister for the Central Coast, the Hon Ian Macdonald and Local Members of State Parliament and the Parliamentary Secretary for the Central Coast to consider amending the SEPP - Exempt and Complying Development 2008 in order that any change of use of retail premises to a liquor retail premises requires the consent of Council.**

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

AGAINST: NIL

**9.4 Notice of Motion - "Cabbage Tree Bay" Coastline Management and Climate Change Discussion Paper**

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COUNCILLOR WEBSTER LEFT THE MEETING AT 08:33 PM AND RETURNED TO THE MEETING AT 08:34 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That further to the continuing deterioration of the Cabbage Tree Bay foreshore area in particular as a result of the weather events of the week of the 8 February 2010. Staff urgently report on the status of works and funding attached to the proposed bay restoration works.***
- 2 ***That staff also provide an analysis and likely benefits/disbenefits that may affect Cabbage Tree Bay, Council's Coastline Management and the proposed climate change initiative arising from the recent findings in the NSW Land and Environment Court regarding the Byron Bay Councils versus Bellongil resident's action.***

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

AGAINST: NIL

**9.5 Notice of Motion - Sea Level Rise Notification**

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COUNCILLOR BEST LEFT THE MEETING AT 08:40 PM AND RETURNED TO THE MEETING AT 08:42 PM DURING CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor EATON and seconded by Councillor GRAHAM:*

- 1 *That Council write to all property owners affected by the State Governments sea level rise policies (ie 40 cm by 2050 and 90 cm by 2100).*
- 2 *That the text of the letter be endorsed by Council.*

*An AMENDMENT was moved by Councillor SYMINGTON and seconded by Councillor MATTHEWS:*

*That Council defer this matter until a draft climate change policy is in place which has been discussed with the community.*

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

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

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

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

- 1 That Council write to all property owners affected by the State Governments sea level rise policies (ie 40 cm by 2050 and 90 cm by 2100).**
- 2 That the text of the letter be endorsed by Council.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

#### **9.6 Notice of Motion - Wyong Freeway Connection**

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

***That staff report on the feasibility of converting the new emergency access from the Hue Hue Road, Alison to the Freeway to permanent left in left out access.***

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

AGAINST: NIL

#### **10.1 Notice of Rescission - Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong**

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Councillor Best, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that as General Manager of CCGT, he works with training groups that may be involved in the Samaritans Centre proposed at Wyong and chose to remain in the chamber.

Councillor Best 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 the above will not affect my view on voting”.

Councillor Eaton, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is Chair of CCGT, which operates a group training business locally as does Nova Skills referred to in correspondence associated with this matter and chose to remain in the chamber.

Councillor Eaton 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 conflict is perceived, no actual conflict as use of building has no conflict with CCGT activities”.

COUNCILLOR VINCENT LEFT THE MEETING AT 09:28 PM AND RETURNED TO THE MEETING AT 09:30 PM DURING CONSIDERATION OF THIS ITEM.



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

***That the following resolution carried at the Ordinary Meeting of Council held on 27 January 2010 be rescinded:***

- 1** ***That Council decline the application from the Samaritans Foundation, noting that it did not comply with the terms of the Expressions Of Interest.***
- 2** ***That Council demolish the building and replace it with a temporary gravel carpark.***
- 3** ***That Council direct staff to assist the Samaritans Foundation in locating suitable alternative accommodation.***

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

AGAINST: NIL

*It was MOVED by Councillor MCBRIDE and seconded by Councillor MATTHEWS:*

- 1** ***That subject to staff jointly determining with the Samaritans Foundation that it is viable to establish and operate the former Wyong Tennis Club in accordance with the lease, Council:***
  - a** ***approve a lease of Lot 4 DP 614523, 6 Ithome Street Wyong, to Samaritans Foundation for a period of 5 years for an annual rent of \$5,000 and;***
  - b** ***authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and the Samaritans Foundation;***
  - c** ***authorise the Mayor and the General Manager to execute all documents relating to the Lease.***
- 2** ***That Council authorise staff to expend between \$10k - \$20k to bring the exterior and existing electrical components into compliance with the relevant regulation.***

*An AMENDMENT was moved by Councillor EATON and seconded by Councillor BEST:*

*That this matter be further investigated in the following areas and reported back to Council as soon as possible;*

- *Cost of external rectification and electrical components*
- *Hygienist report into the asbestos contamination*
- *Legal advice as to Council's exposure*
- *Confirmation of the zoning compliance*

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

FOR: COUNCILLORS BEST, EATON AND MCNAMARA

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

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

- 1 ***That subject to staff jointly determining with the Samaritans Foundation that it is viable to establish and operate the former Wyong Tennis Club in accordance with the lease, Council:***
  - a ***approve a lease of Lot 4 DP 614523, 6 Ithome Street Wyong, to Samaritans Foundation for a period of 5 years for an annual rent of \$5,000 and;***
  - b ***authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and the Samaritans Foundation;***
  - c ***authorise the Mayor and the General Manager to execute all documents relating to the Lease.***
  
- 2 ***That Council authorise staff to expend between \$10k - \$20k to bring the exterior and existing electrical components into compliance with the relevant regulation.***

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

AGAINST: COUNCILLORS BEST AND EATON

#### **QUESTIONS WITHOUT NOTICE**

**Q66/10 Sea Level Rise Paper from Intergovernmental Panel on Climate Change (IPCC)**  
**Councillor John McNamara**  
F2009/00067

*“Could staff please ask the CSIRO representative for Climate Change to forward the requested Sea Level Rise Paper from IPCC as soon as possible?”*

**Q67/10 Residential Parking Margaret Street, Wyong**  
**Councillor Doug Vincent**  
F2004/06687

*“Could staff please advise on the feasibility of providing resident only street parking in front of residential housing in Margaret Street, Wyong near the Council Chambers?”*

**THE MEETING** closed at 9.59 pm.