

---

---

# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 25 NOVEMBER 2009 COMMENCING AT 5:05:00 PM

---

---

### PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, 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, ACTING MANAGER FUTURE PLANNING, MANAGER DEVELOPMENT ASSESSMENT, PROJECT DIRECTOR AND TWO ADMINISTRATION STAFF.

EXECUTIVE MANAGER SHIRE SERVICES, MANAGER NATURAL RESOURCES, MANAGER ESTUARY MANAGEMENT, ACTING MANAGER GOVERNANCE AND ADMINISTRATION SERVICES, SENIOR STRATEGIC PLANNER, STRATEGIC PLANNER AND SYSTEMS COORDINATOR CONTRACTS.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

THE MAYOR INVITED COUNCILLORS TO REPORT ON;

- COUNCILLOR EATON ON BEHALF OF CENTRAL COAST GROUP TRAINING PRESENTED COUNCIL WITH AN APPRECIATION PLAQUE IN RELATION TO THE ANNUAL EXCELLENCE AWARDS. THE EVENT HELD AT COUNCIL ON 19 NOVEMBER 2009 RECOGNISED LEADING APPRENTICES AND TRAINEES.
- COUNCILLOR WYNN ATTENDED A GOVERNANCE CONFERENCE ON 16 NOVEMBER 2009 AND CO-PRESENTED WITH AN INDEPENDENT MEMBER FROM THE GOVERNANCE COMMITTEE ON 'RUNNING A GREAT AUDIT COMMITTEE'. THE WYONG GOVERNANCE COMMITTEE MODEL WAS REGARDED AS ONE OF THE LEADING MODELS IN THE STATE AND COUNCILLOR WYNN PROPOSED BRIEFING OTHER COUNCILS.
- COUNCILLOR MATTHEWS REPRESENTED THE MAYOR ON 22 NOVEMBER 2009 AT THE EAST COAST SURF FESTIVAL AND SHE COMMENDED SHELLY BEACH ON THE EXCELLENT EVENT AND COUNCIL ON WORK COMPLETED PRIOR TO THE CARNIVAL. COUNCILLOR MATTHEWS SAID SHELLY BEACH PROVED ITSELF TO BE THE APPROPRIATE SITE FOR THE STATE TITLES.

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

### APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR MCNAMARA WHO IS CURRENTLY OVERSEAS ON BUSINESS.

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

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

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

AGAINST: NIL

**1.1 Disclosure of Interest**

---

**5.8 PROPOSED COUNCILLORS COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A VOLUNTARY COORDINATOR OF 2261 OUT OF THE BOX AND NOT PAID AS A RESULT 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 AM NOT PAID NOR AM I ON THE MANAGEMENT COMMITTEE AND MAKE NO DECISIONS FOR THAT GROUP."*

**10.1 UPDATE ON THE LAKE MUNMORAH REZONING REQUEST RZ/7/2004**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A CLIENT HAS A POTENTIAL DISPUTE WITH WOOLWORTHS, LEFT THE CHAMBER AT 09.24 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 09.48 PM.

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

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

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

AGAINST: NIL

**1.2 Proposed Inspections**

---

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

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

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

AGAINST: NIL

**1.3 Address By Invited Speakers**

---

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, 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 11 November 2009.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, 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 MATTHEWS:**

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

**11.1 - Update on the Lake Munmorah Rezoning Request RZ/7/2004**

**11.2 – Joint Notice of Motion – Warnervale Airport Site**

**2 That Council note its reason for considering Report No 11.1 as it concerns commercial information that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)) and Report No 11.2 as it may confer a commercial advantage (Section 10A(2)(c)).**

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

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

AGAINST: NIL

**3.1 DA 3130/2004/A Proposed Industrial Subdivision at Warnervale**

---

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

- 1 That Council approve the application, having regard to the matters for consideration detailed in Section 96 and 79(c) of the Environmental Planning and Assessment Act, and other relevant issues, subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of its decision.**

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

AGAINST: NIL

**3.2 DA 382/2009 - Proposed Boundary Adjustment at Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley**

---

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

- 1 That Council, taking into consideration the decision from Department of Planning (DoP) to not grant concurrence to Development Application No 382/2009, refuse the application noting the following:**
  - Under the EP & A Act Council does not have legal authority to approve the development application without concurrence from the DoP.**
- 2 That Council note that in refusing to grant concurrence, the DoP gave the following reasons:**
  - Varying the development standard to the extent proposed is not supported as the objective of the minimum lot size development standard would be undermined through the cumulative effect of similar approvals.**
  - Any review of the minimum lot size development standard in its 7(a) and 7(c) zones should be strategically based and given effect through an LEP amendment rather than through individual development applications.**

**In issuing the determination, the above reasons be reworded as appropriate reasons for refusal.**

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

AGAINST: COUNCILLOR EATON

**3.3 Update on the Wyong Automotive Racing Precinct (WARP) Project**

---

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

- 1 That Council approach Lower Hunter Local Councils and Gosford City Council to investigate potential sites within these local government areas for an Automotive Racing Precinct.**
- 2 That if the investigations referred to in No 1 above result in a suitable site being identified, Council make available information relating to the research undertaken by staff on this matter.**
- 3 That Council advise those parties that have responded to the questionnaire, provided letters of support or objection of the decision.**
- 4 That with the exception of fulfilling the above recommendations, no further staff resource be utilised in further investigating this project.**

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

AGAINST: COUNCILLOR SYMINGTON

**4.1 Contract Variations and Finalisation - October 2009**

---

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

- 1 That Council note the variations to contracts in Attachment 1.**
- 2 That Council approve increases to the budgets of the following contracts to provide for further, potential variations:**

<b>2a</b>	<b>Stormwater Treatment Works Project #8</b>	<b>CPA/158923</b>	<b>34,000.00</b>
<b>2b</b>	<b>Supply of Bulk Liquid Chlorine</b>	<b>CPA/107736</b>	<b>40,000.00</b>
- 3 That Council note that changes will be made to the Management Plan to reflect revisions to contract budgets.**

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

AGAINST: NIL

**4.2 Contract CPA/138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttoderry**

---

COUNCILLOR BEST LEFT THE MEETING AT 05:45 PM AND RETURNED TO THE MEETING AT 05:49 PM AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council accept Tender No 3 Arup Pty Ltd in the lump sum amount of \$202,200.00 (excl GST).***

***That Council approve a contingency amount of \$40,000 (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 EATON, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.3 Contract CPA/145091 - Hire of Minor Plant & Equipment, Contract CPA/145088 - Hire of Plant & Machinery and Contract CPA/145089 - Hire of Tipping Trucks - Option to Extend Contracts for a Further 12 Months**

---

COUNCILLOR BEST LEFT THE MEETING AT 05:45 PM AND RETURNED TO THE MEETING AT 05:49 PM AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council exercise its option to extend Contract CPA 145091 - Hire of Minor Plant and Equipment for the period 1 February 2010 to 31 January 2011.***
- 2 ***That Council exercise its option to extend Contract CPA 145088 - Hire of Plant and Machinery for the period 1 February 2010 to 31 January 2011.***
- 3 ***That Council exercise its option to extend Contract CPA 145089 - Hire of Tipping Trucks for the period 1 February 2010 to 31 January 2011.***

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

AGAINST: NIL

**5.1 State of the Shire Report 2008/2009**

---

COUNCILLOR BEST LEFT THE MEETING AT 05:45 PM AND RETURNED TO THE MEETING AT 05:49 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM VACATED THE CHAIR AT 05:50 PM AND COUNCILLOR MATTHEWS ASSUMED THE CHAIR.

COUNCILLOR GRAHAM RESUMED THE CHAIR AT 05:51 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council adopt the amended State of the Shire 2008/2009 Report.***

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

AGAINST: NIL

**5.2 Cabbage Tree Harbour Update**

---

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

***That Council defer this matter pending a briefing.***

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

AGAINST: NIL

**5.3 Link Road Southern Section - Timing and Funding from Section 94 Development Contributions**

---

COUNCILLOR MATTHEWS LEFT THE MEETING AT 06:32 PM AND RETURNED TO THE MEETING AT 06:33 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE MEETING AT 06:34 PM AND RETURNED TO THE MEETING AT 06:36 PM DURING CONSIDERATION OF THIS ITEM.

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

*That Council not proceed with the southern section of the link road and alter Section 94 development contribution plans accordingly.*

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

FOR: COUNCILLORS BEST, EATON AND WEBSTER

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

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

- 1 That Council confirm its commitment to proceeding with the southern section of the Link Road, from the Council-owned 'education land' to the roundabout on the Pacific Highway at Watanobbi.**
- 2 That Council seek the support of the member for Wyong, Mr David Harris MP to secure a contribution from the Roads and Traffic Authority (RTA) towards the construction of the Link Road.**
- 3 That the southern section of the Link Road continue to be included in Section 94 development contributions plans.**

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

AGAINST: COUNCILLORS BEST, EATON AND WEBSTER

#### **5.4 Adoption of Three Environmental Operational Policies**

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

- 1 That Council approve the following three attached Environmental Operational Policies:**
  - a Policy for the Management of Excavated Material.**
  - b Policy for the Storage of Bulk or Excavated Materials at Council Depots and Permanently Nominated Sites.**
  - c Environmental Incident Notification Policy.**
- 2 That the environmental impacts and financial implications be reported to the foreshadowed Environment Committee as part of the annual review of the Policies.**

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

AGAINST: NIL

**5.5 Works on Private Land as Part of the Tuggerah Lakes Estuary Management Plan**

---

**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:**

- **Lot 102 DP 793943 Kangy Angy**
- **Lot 1 DP 112609 Mardi**

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

AGAINST: NIL

**5.6 Annual Report to Minister for Local Government**

---

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

**That Council adopt the Annual Report for 2008-09.**

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

AGAINST: NIL

**5.7 Local Preference Policy - Procurement**

---

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

- 1 That Council adopt the draft Local Preference Policy - Procurement (as per Attachment 1).**
- 2 That subject to adoption of Recommendation 1, the Local Preference Policy - Procurement commence from 1 March 2010.**

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

AGAINST: NIL

### **5.8 Proposed Councillors' Community Improvement Grants**

---

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A VOLUNTARY COORDINATOR OF 2261 OUT OF THE BOX AND NOT PAID AS A RESULT 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 AM NOT PAID NOR AM I ON THE MANAGEMENT COMMITTEE AND MAKE NO DECISIONS FOR THAT GROUP."*

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

***That Council allocate an amount of \$5,600 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.***

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

AGAINST: NIL

### **5.9 2009-10 Management Plan - September 2009 Quarter Review**

---

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

- 1 *That Council receive the report 2009-10 Management Plan – September 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 staff report by way of a business update on the timing for recommencement of the Ourimbah Town Centre Strategy.***

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

AGAINST: NIL

**6.1 Minutes of the Wyong Shire Governance Meeting - 4 November 2009**

---

COUNCILLOR MCBRIDE LEFT THE MEETING AT 07:13 PM AND RETURNED TO THE MEETING AT 07:14 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 4 November 2009 and the recommendations contained therein be adopted.***

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

AGAINST: NIL

**6.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 18 November 2009**

---

COUNCILLOR BEST LEFT THE MEETING AT 07:23 PM AND RETURNED TO THE MEETING AT 07:24 PM AS A RESULT TOOK NO PART IN VOTING.

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

***That Council receive the amended minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 18 November 2009 and adopt the recommendations contained therein.***

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

AGAINST: NIL

**7.1 Information Reports**

---

COUNCILLOR BEST LEFT THE MEETING AT 07:23 PM AND RETURNED TO THE MEETING AT 07:24 PM DURING CONSIDERATION OF THIS ITEM.

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

***That with the exception of report numbers 7.2, 7.4, 7.5 and 7.7 Council receive the information reports and adopt the recommendations.***

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

AGAINST: NIL

## **7.2 Results of Coal Mining Survey**

---

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

- 1 That Council receive the report on Results of Coal Mining Survey.**
- 2 That Council forward copies of the report to all local State and Federal Members of Parliament.**

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

AGAINST: NIL

## **7.3 Report on the Activities of the Development Assessment Unit**

---

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

**That Council receive the report on the Activities of the Development Assessment Unit.**

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

AGAINST: NIL

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

---

COUNCILLOR VINCENT LEFT THE MEETING AT 07:39 PM AND RETURNED TO THE MEETING AT 07:42 PM AS A RESULT TOOK NO PART IN VOTING.

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

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

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

AGAINST: NIL

**7.5 Popularly Elected Mayor**

---

COUNCILLOR VINCENT LEFT THE MEETING AT 07:39 PM AND RETURNED TO THE MEETING AT 07:42 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE MEETING AT 07:47 PM AND RETURNED TO THE MEETING AT 07:49 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on Popularly Elected Mayor.***
- 2 That Council hold a referendum at the next Council elections, subject to Council establishing an agreed representation model.***
- 3 That this matter be further considered at the 2010 Councillor Weekend Workshop.***

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

AGAINST: COUNCILLOR SYMINGTON

**7.6 Mardi to Mangrove Link Project Status**

---

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

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

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

AGAINST: NIL

**7.7 General Works in Progress**

---

COUNCILLOR SYMINGTON LEFT THE MEETING AT 07:57 PM AND RETURNED TO THE MEETING AT 08:00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE MEETING AT 07:59 PM AND RETURNED TO THE MEETING AT 08:01 PM DURING CONSIDERATION OF THIS ITEM.

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

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

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

AGAINST: NIL

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

---

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

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

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

AGAINST: NIL

**7.9 Outstanding Questions Without Notice and Notices of Motion**

---

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

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

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

AGAINST: NIL

**9.1 Joint Notice of Motion - Trial Year Round Life Guard Services**

---

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

**1 *That having regard to similar such initiatives in other developing regional areas and the broad range of local emerging issues such as population growth, climate change, employment trends, ie part time and shift working and the need for greater coastal environs education, Council in principle support the concept of a trial year round life guard deployment at two selected Shire beaches, subject to a final report of operational and budgetary issues.***

**2 *That this matter be reported on and / or briefed in a timeline that is consistent with achieving inclusion in the draft 2010 budgetary process.***

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

AGAINST: NIL

**9.2 Joint Notice of Motion - Climate Change / Coastal Development Policies**

---

**THIS ITEM HAS BEEN WITHDRAWN BY COUNCILLOR WYNN AND COUNCILLOR BEST.**

**9.3 Notice of Motion - Multicultural Committee**

---

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

- 1 *That Council establish a Multi Cultural Committee to assist residents from non English speaking backgrounds.*
- 2 *That a charter for such a Committee be reported to Council for adoption.*
- 3 *That the Committee consist of all interested Councillors.*

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

FOR: COUNCILLORS BEST AND EATON

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

**9.4 Joint Notice of Motion - Shire Native Botanic Garden**

---

MS MARLENE PENNINGS, TREASURER REPRESENTING TUGGERAH LAKES RESERVE – PIONEER DAIRY TRUST, ADDRESSED THE MEETING AT 8.02 PM, ANSWERED QUESTIONS AND RETIRED AT 8.18 PM.

MR ADRIAN GALE, CHAIRPERSON REPRESENTING TUGGERAH LAKES RESERVE – PIONEER DAIRY TRUST, ADDRESSED THE MEETING AT 8.08 PM, ANSWERED QUESTIONS AND RETIRED AT 8.09 PM.

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

- 1 *That Council consider the development of a native botanic garden within the Shire.*
- 2 *That staff report on appropriate sites, costing and community engagement.*

*An AMENDMENT was MOVED by Councillor WYNN and SECONDED by Councillor EATON:*

*That Council reconfirm its support for a Native Botanical Garden at the Pioneer Dairy.*

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

FOR: COUNCILLORS BEST, EATON, WEBSTER AND WYNN

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

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

*That this matter be deferred pending a briefing and site inspection on the Pioneer Dairy.*

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

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

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT

***The AMENDMENT became the MOTION.***

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

***That this matter be deferred pending a briefing and site inspection on the Pioneer Dairy.***

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

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE AND VINCENT

## **CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 9.26 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(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(d) commercial information of a confidential nature that would, if disclosed;*

*(i) prejudice the commercial position of the person who supplied it, or*

*(ii) confer a commercial advantage on a competitor of the Council, or*

*(iii) reveal a trade secret.”*

## **OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 10.22 PM AND THE ACTING GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**10.1 Update on the Lake Munmorah Rezoning Request RZ/7/2004**

---

- 1 *That Council receive and note the report on the progress of the Lake Munmorah rezoning request.*
- 2 *That Council thank the applicant for the current offer to contribute to the provision of a shared pathway network to provide safe pedestrian and cycle connections to the site from the existing residential areas of Lake Munmorah and Chain Valley Bay, and advise the applicant that Council considers that a more reasonable contribution would be a minimum amount of \$1,250,000 for this essential link.*
- 3 *That the applicant be requested to consider the provision of a medical centre as part of Stage 1 of the proposal.*
- 4 *That Council pursue other funding sources to fund the construction of the remainder of the shared pathway scheme in the area.*
- 5 *That Council consider including the cost of the remaining unfunded section of the shared pathway in a future contributions plan if the North Wyong Shire Structure Plan identifies further residential opportunities in the area to be serviced by the shared pathway.*

**10.2 Joint Notice of Motion - Warnervale Airport Site**

---

- 1 *[Confidential Resolution – see note below].*
- 2 *That Council endorse the actions of the Mayor and General Manager in dealing with Mirvac's offers in line with the Councillor update in regard to Warnervale Airport.*
- 3 *That Council obtain an independent valuation of the site and report back to Councillors at a confidential briefing.*
- 4 *That Council convene a confidential briefing as soon as possible on issues associated with the Warnervale Airport Site and also receive briefings from Mirvac, Aldi, Warnervale Aero Club, Terrace Towers and any other relevant parties or advisors.*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.23 PM.

.....  
CHAIRPERSON