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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 26 AUGUST 2009**  
**COMMENCING AT 5:15:00 PM**

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, 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 THREE ADMINISTRATION STAFF.

MANAGER CONTRACTS AND SPECIAL PROJECTS, MANAGER ESTUARY MANAGEMENT AND TEAM COORDINATOR – LAND USE PLANNING.

THE MAYOR REPORTED THAT IT WAS WITH REGRET THAT LAST THURSDAY WE SAID GOODBYE TO MR HARRY MOORE OAM. HE SERVED AS A WYONG SHIRE COUNCILLOR FROM 1974 TO 1983, STATE MEMBER OF PARLIAMENT FROM 1981 TO 1991 AND WAS AWARDED THE OAM FOR HIS COMMUNITY SERVICE. COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF MR HARRY MOORE OAM.

THE MAYOR INVITED COUNCILLORS TO REPORT ON UPCOMING EVENTS:

- \* COUNCILLOR VINCENT ADVISED THAT THE GATHERING OF THE CLANS EVENT WILL BE HELD AT THE HARRY MOORE OVAL, TOUKLEY ON SATURDAY 29 AUGUST 2009.
- \* COUNCILLOR WYNN ADVISED THAT THE CENTRAL COAST FOOD FORUM EVENT WILL BE HELD AT THE WYONG MEMORIAL HALL ON SATURDAY 29 AUGUST 2009.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 05:15 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

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

**APOLOGIES**

THERE WERE NO APOLOGIES.

**1.1 Disclosure of Interest**

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**1.2 PROPOSED INSPECTIONS**

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE HARDWARE STORE NAMED IN THE REPORT IS HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 05:20 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 05:22 PM.

**5.2 2008-09 MANAGEMENT PLAN – JUNE 2009 QUARTER REVIEW**

COUNCILLOR GRAHAM DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 05:40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 06:07 PM.

**5.5 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS A CUB AND HIS GROUP MAY USE THE TRAILER 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 THERE IS NO CONFLICT OF INTEREST BECAUSE IT IS A DISTRICT TRAILER, NOT A GROUP ONE."*

**5.5 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR VINCENT DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE AND HIS CHILDREN ARE MEMBERS OF THE BUDGEWOI SCOUT GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE PROPOSED SCOUT TRAILER IS FOR THE CENTRAL COAST LAKES DISTRICT SCOUTS AND NOT A GROUP TRAILER."*

**10.3 BUSINESS ENTERPRISE CENTRE**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE DEPUTY CHAIR OF BUSINESS ENTERPRISE CENTRE LEFT THE CHAMBER AT 08:27 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND DID NOT RETURN TO THE CHAMBER.

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

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

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

AGAINST: NIL

## **1.2 Proposed Inspections**

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COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE HARDWARE STORE NAMED IN THE REPORT IS HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 05:20 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 05:22 PM.

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

***That Council receive the report on Proposed Inspections with the inclusion of the Lakes Anglican Grammar School Gwandalan and Lot 2 Macleay Drive, Halekulani.***

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

AGAINST: NIL

## **1.3 Address By Invited Speakers**

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COUNCILLOR EATON LEFT THE MEETING AT 05:21 PM AND RETURNED TO THE MEETING AT 05:23 PM DURING CONSIDERATION OF THIS ITEM.

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

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

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

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

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 MATTHEWS:***

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 12 August 2009 and the Extraordinary Meeting held on 19 August 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**

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

- 1 ***That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(d), 10A(2)(c), 10A(2)(a) and 10A(2)(g) of the Local Government Act 1993:***
  - 10.1 ***Participation in Gosford City Council's Tender Process for Proposed Alternate Waste Technology at Woy Woy Landfill***
  - 10.2 ***Extension of Operation and Management Contracts of the Central Coast Holiday Parks***
  - 10.3 ***Business Enterprise Centre***
- 2 ***That Council note its reason for considering Report No 10.1 as it may prejudice the commercial position of the person who supplied the tender (Section 10A(2)(d)), Report 10.2 as it may confer a commercial advantage (Section 10A(2)(c)), Report 10.3 is that discussion is anticipated which concerns the rights of individuals (Section 10A(2)(a)) and Council's legal privilege (Section 10A(2)(g)) should the discussions be held in a non-confidential environment.***
- 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

**3.1 Annual Rent Review of Council Cottages**

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

- 1 ***That Council authorise the weekly rent of Council owned cottages shown as Recommended Rent for 2009-10 in Attachment 1 to this report.***
- 2 ***That Council authorise the increased rentals after the statutory period of 60 days notification to the tenants.***
- 3 ***That Council authorise the concessions of \$54,960.88 per annum for community groups and that the concessions be noted in Council's accounting records as a donation.***

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

AGAINST: NIL

**3.2 Renewal of Lease of The Entrance Historic Carnival Site - Part of Crown Reserve 71875 at Memorial Park, The Entrance**

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

- 1 That Council renew the lease to Johanna Haas of The Entrance Historic Carnival Site at Memorial Park, The Entrance for a period of 10 years commencing on 10 October 2009 for rent of \$9,500 per annum plus annual CPI increases and five yearly market reviews.**
- 2 That Council agree to an option for renewal of the lease for a further 10 years from 10 October 2019.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and Johanna Haas.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**
- 5 That Council account for the increase in rent revenue from this lease in the next quarterly budget review.**

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

AGAINST: NIL

AT THIS STAGE OF THE MEETING COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN ITEM 10.3 – BUSINESS ENTERPRISE CENTRE.

**3.3 Classification of Land at Alison Road, Wyong**

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

- 1 That Council propose to classify Lot 4 DP 1139230, 84-86 Alison Rd Wyong, 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, WEBSTER AND WYNN

AGAINST: NIL

**3.4 Dedication of Council Land as Public Road**

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

- 1 That Council acquire part of Lot 5 DP 245988 as public road to accommodate one kiosk type electricity substation at 9 Mildon Road, Tuggerah.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land 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 acquire the land compulsorily in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the dedication of the land as public road.**

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

AGAINST: NIL

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

COUNCILLOR BEST LEFT THE MEETING AT 05:37 PM AND RETURNED TO THE MEETING AT 05:40 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

<b>Contract Name</b>	<b>Contract No.</b>	<b>Increase to Contract Budget \$ (ex GST)</b>
<b>Provision of Security Services for a Period of Two Years</b>	<b>CPA/137900</b>	<b>75,000.00</b>
<b>Concept Design &amp; Detail Tender Documentation For Sewerage Trunk Mains Warnervale Town Centre &amp; Wyong Employment Zone (WEZ)</b>	<b>CPA/130590</b>	<b>80,000.00</b>

<b>Upgrade Works to The Buttonderry Waste Management Facility</b>	<b>CPA/152870</b>	<b>280,000.00</b>
<b>Asphaltic Concrete Heavy Patching Works for a Period of Two Years</b>	<b>CPA147661</b>	<b>1,000,000.00</b>

- 3 That Council note that commensurate changes will be made to the Management Plan to reflect revisions to contract budgets.**
- 4 That Council note the contracts that reached a finalised status in Attachment 2.**

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

AGAINST: NIL

**5.1 Draft "Principles of Co-Operation" with Darkinjung Local Aboriginal Land Council**

COUNCILLOR BEST LEFT THE MEETING AT 05:37 PM AND RETURNED TO THE MEETING AT 05:40 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council receive the report on Draft "Principles of Co-Operation" with Darkinjung Local Aboriginal Land Council.**
- 2 That Council endorse the commencement of negotiations with Darkinjung Local Aboriginal Land Council.**

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

AGAINST: NIL

**5.2 2008-09 Management Plan - June 2009 Quarter Review**

AT THIS STAGE OF THE MEETING COUNCILLOR GRAHAM DECLARED A PECUNIARY CONFLICT OF INTEREST IN ITEM 5.2 – 2008-09 MANAGEMENT PLAN – JUNE 2009 QUARTER REVIEW.

COUNCILLOR GRAHAM DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 05:40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 06:07 PM.

COUNCILLOR MCNAMARA ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE MEETING AT 05:42 PM AND RETURNED TO THE MEETING AT 05:43 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive and note the report.**

- 2 ***That Council approve and endorse budget carryovers proposed in this report in accordance with the June Quarter Review – 2008-09 Management Plan.***
- 3 ***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.***
- 4 ***That Council engage a probity advisor to conduct a probity assessment and oversight of the Mariner's sponsorship and development.***
- 5 ***That Council request a report be produced for Council on the issue of the Council logo appearing on Mariner promotional materials and request that in the future the Wyong Shire Council logo is included.***
- 6 ***That Council request Business Central Coast to deliver their report within four weeks on the benefits to the community of the sponsorship of the Mariners in the Asian Cup.***

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

AGAINST: NIL

COUNCILLOR GRAHAM RESUMED THE CHAIR.

### **5.3 Proposed Amendments to Charter - Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee**

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

***That Council adopt the amended Charter for the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.***

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

AGAINST: NIL

### **5.4 Amended Executive Membership of the Entrance Community Precinct Committee**

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

***That Council appoint Anne Rowland as an Executive Member of The Entrance Community Precinct Committee in accordance with the provisions of Section 355 of the Local Government Act 1993.***

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

AGAINST: NIL



**5.5 Proposed Councillors' Community Improvement Grants**

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COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS A CUB AND HIS GROUP MAY USE THE TRAILER 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 THERE IS NO CONFLICT OF INTEREST BECAUSE IT IS A DISTRICT TRAILER, NOT A GROUP ONE."*

COUNCILLOR VINCENT DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE AND HIS CHILDREN ARE MEMBERS OF THE BUDGEWOI SCOUT GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE PROPOSED SCOUT TRAILER IS FOR THE CENTRAL COAST LAKES DISTRICT SCOUTS AND NOT A GROUP TRAILER."*

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

***That Council allocate an amount of \$4,950 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

**5.6 Proposed Renaming of Part Lot 8031 DP 755266, Colongra Bay Drive, Lake Munmorah to Lions Park**

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

- 1 That Council support the renaming of the reserve Lot 8031 DP 755266 as "Lions Park".***
- 2 That Council advertise to rename the reserve on Council's website and in local print media seeking comments from the public for a period of 28 days.***
- 3 That Council apply to the Geographical Names Board, subject to no significant objection being received for the reserve to be named "Lions Park".***

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

AGAINST: NIL

**5.7 Proposed Renaming of Lot 134 DP 755261 George Downes Drive to Kulnura Pioneer Park**

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

- 1 That Council support the renaming of the reserve at Lot 134 DP 755261, George Downes Drive, Kulnura as Kulnura Pioneer Park.**
- 2 That Council publicly notify the proposal for 28 days.**
- 3 That Council apply to the Geographical Names Board for the reserve to be named Kulnura Pioneer Park subject to no significant objection being receive.**

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

AGAINST: NIL

**5.8 Minutes - Wyong Shire Senior Citizens' Council Meeting - 23 July 2009**

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

**That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 23 July 2009 and adopt the recommendations contained therein.**

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

AGAINST: NIL

**5.9 Interest Free Loans under the Department of Planning's Local Infrastructure Fund**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 06:23 PM AND RETURNED TO THE MEETING AT 06:25 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE MEETING AT 06:35 PM AND RETURNED TO THE MEETING AT 06:36 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council make an application under the Local Infrastructure Fund.**
- 2 That Council authorise the Mayor to determine suitable projects and make the applications including the North Entrance to Noraville cycleway and the Mannering Park to Chain Valley Bay cycleway.**

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

AGAINST: NIL

**6.1 Minutes - Wyong Shire Governance Committee Meeting - 12 August 2009**

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COUNCILLOR VINCENT LEFT THE MEETING AT 06:57 PM AND RETURNED TO THE MEETING AT 06:59 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 12 August 2009 and the recommendations contained therein be adopted.
- 2 That Council support the establishment of the Strategic Finance Committee that consists of all Councillors.
- 3 That Council request the General Manager to provide a report of the proposed structure and operational models available for the Strategic Finance Committee from both the public and private sector.
- 4 That Council receive the report in item 3 by the Ordinary Meeting of 14 October 2009.

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

AGAINST: NIL

**6.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 19 August 2009**

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COUNCILLOR MCNAMARA LEFT THE MEETING AT 07:32 PM AND RETURNED TO THE MEETING AT 07:33 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 19 August 2009 and adopt the recommendations contained therein with the exception of item 2.1.
- 2 That Council approve in respect of item 2.1, a budget of \$140m including contingencies for the Mardi to Mangrove Link Project.

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

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

**The MOTION was put to the VOTE and declared LOST on the CASTING VOTE of the MAYOR.**

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

***That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on 19 August 2009 and adopt the recommendations contained therein.***

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

### **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 7.4 and 7.7, Council receive the information reports and adopt the recommendations.***

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

### **7.2 Report on the 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 Report on the Activities of the Development Assessment Unit.***

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

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

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

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

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

**7.4 Mardi to Mangrove Link Project Status**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 07:44 PM AND RETURNED TO THE MEETING AT 07:55 PM AS A RESULT TOOK NO PART IN VOTING.

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

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

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

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, WEBSTER AND WYNN

AGAINST: NIL

**7.6 Water and Sewerage - 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 Water and Sewerage - Works in Progress.***

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

AGAINST: NIL

**7.7 Australian Federal Government Green Loans Program**

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COUNCILLOR MATTHEWS LEFT THE MEETING AT 07:44 PM AND RETURNED TO THE MEETING AT 07:55 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE MEETING AT 07:54 PM AND RETURNED TO THE MEETING AT 07:55 PM DURING CONSIDERATION OF THIS ITEM.

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

**1 That Council receive the report on Australian Federal Government Green Loans Program.**

**2 That Council promote the free homes sustainability assessment and report**

*valued at over \$250 and access to the green loans through our usual media outlets and utilise our communications department to distribute this information in the best manner possible.*

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

#### **9.1 Notice of Motion - Costs of Clean-up of Contaminated Sites**

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COUNCILLOR WYNN LEFT THE MEETING AT 08:05 PM AND RETURNED TO THE MEETING AT 08:07 PM DURING CONSIDERATION OF THIS ITEM.

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

***That taking into account, the continuing and projected annual increases in the Department of Environment, Climate Change and Water's (DECCW) waste levy; the serious view taken by the regulatory arm of DECCW with respect to unauthorised dumping of contaminated material; and the fact that any property owner, whether public or private, may find that their land has been used for the dumping of contaminated material without their knowledge and be required to rehabilitate this land:***

- 1 *That Council make representations to the DECCW that in circumstances where a landowner, whether public or private, undertakes the clean-up and rehabilitation of land identified as containing contaminated material and where the landowner is clearly not responsible for the placing of the contaminated material on the site, that the normal monetary levy imposed by DECCW be waived.***
- 2 *That Council waive the balance of its tip fees for illegally dumping material received at Buttonderry tip, subject to DECCW fees being waived.***
- 3 *That Council lobby Local Members of State Parliament to support this waiver of DECCW levies.***
- 4 *That Council submit the following late motion to the upcoming Local Government and Shires Association Conference:***

***That the Local Government Association lobby the Government to amend Section 88 of the Protection of the Environment Operations Act 1997 to enable the normal monetary levy imposed by DECCW to be waived when a***

***landowner, whether public or private, undertakes a clean-up and rehabilitation of land identified as containing contaminated material and where the landowner is clearly not responsible for the placing of the contaminated material on the site.***

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

AGAINST: NIL

**9.2 Notice of Motion - North Wyong Shire Structure Plan and Central Coast Regional Conservation Plan**

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

***That this item be deferred pending further information and resubmitted to the 9 September 2009 Ordinary Meeting.***

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

AGAINST: NIL

**9.3 Notice of Motion - Review of All Boat Ramps with Lake Macquarie Frontage**

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

***That Council conduct an audit/review of all boat ramps and adjacent infrastructure in those areas of Wyong Shire that have frontage to Lake Macquarie.***

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

AGAINST: NIL

**9.4 Notice of Motion - Dredging of Tumbi Creek**

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COUNCILLOR WEBSTER LEFT THE MEETING AT 08:18 PM AND RETURNED TO THE MEETING AT 08:20 PM DURING CONSIDERATION OF THIS ITEM.

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

**1 *That Council staff briefly report on the failure of the dredging operation to keep Tumbi Creek open for a reasonable length of time.***

**2 *That Council engage a suitable independent expert to review the report produced in item 1 and also the Council process involved in the dredging operation and make recommendations about future dredging operations and their viability.***

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

AGAINST: NIL

**QUESTIONS WITHOUT NOTICE**

**Q49/09 Timeline Wyong Employment Zone**  
**Councillor L Matthews**  
F2004/07714

*“What timeline are Council staff giving to potential developers in the WEZ?”*

**Q50/09 Provisions of Services to Facilitate Wyong Employment Zone**  
**Councillor L Matthews**  
F2004/07714

*“What are the current expectations for the provisions of water, sewerage and other services to facilitate this development, in relation to the WEZ?”*

**Q51/09 Status of Current Projects through Federal Funding**  
**Councillor L Webster**  
F2008/02556

*“Could staff advise on the status of the current projects funded by the first round of the federal funding which are due to be completed by the end of September?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 08.23 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 ARE 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(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,*
- 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**

THAT COUNCIL RESUMED IN OPEN SESSION AT 08:37 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**10.1 Participation in Gosford City Council's Tender Process for Proposed Alternate Waste Technology at Woy Woy Landfill**

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- 1 *That Council note the information in this report.*
- 2 *That Wyong Shire Council participate in Gosford City Council's tender process for the construction and operation of an Alternative Waste Technology facility at the Woy Woy Waste Management Facility.*

**10.2 Extension of Operation and Management Contracts of the Central Coast Holiday Parks**

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- 1 *That Council invoke the optional two-year extensions to the four Holiday Park Management contracts*

*CPA/115023 – Toowoan Bay Holiday Park  
CPA/115022 – Norah Head Holiday Park  
CPA/115021 – Canton Beach Holiday Park  
CPA/115020- Budgewoi Holiday Park*

*at an estimated value of \$4.4M for the two year term. The estimate is based on the forecast figures in the Business Strategy.*

- 2 *That, Council approve the extension periods to also include continuation of the variation of "1800" telephone booking service at a cost of \$33,000.00 per annum, subject to approval of Recommendation 1.*
- 3 *That, Council approve an annual incentive payment of 5% of the increase of tourist revenue (estimated value for the two year term being \$62k) subject to -*
  - *the Contractor achieving a 20% increase on the previous year's tourist revenue using the 08/09 financial year for the first year extension.*
  - *the Contractor achieving a 20% increase on the 09/10 financial year's tourist revenue for the second and final extension year, if the first year incentive target is achieved.*

**10.3 Business Enterprise Centre**

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*That Council receive the report on Business Enterprise Centre.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.38 PM.

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CHAIRPERSON