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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 WEDNESDAY, 8 APRIL 2009,**  
**COMMENCING AT 5.02 PM**

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), 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, ACTING DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES AND MANAGER CONTRACTS.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.02 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

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

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR BEST WHO IS ON ANNUAL LEAVE.

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

***That the apology be accepted and leave of absence from the meeting be granted.***

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

AGAINST: NIL.

## **1.1 Disclosure of Interest**

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### **2.1 THE ENTRANCE PENINSULA PLANNING STRATEGY**

COUNCILLOR WEBSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE AND HER HUSBAND OWN A UNIT IN THE AREA.

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."*

### **2.1 THE ENTRANCE PENINSULA PLANNING STRATEGY**

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THAT PART OF THE MATTER RELATING TO THE NORTH ENTRANCE PRECINCT FOR THE REASON THAT HER HUSBAND IS THE MANAGING DIRECTOR OF ANDREWS NEIL WHO HAS PROVIDED DEVELOPMENT OPTIONS FOR DUNLEITH CARAVAN PARK REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

### **10.2 NOTICE OF MOTION – COUNCIL FACILITY FEES**

COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF A COMPANY WHICH FROM TIME TO TIME USES COUNCIL FACILITIES.

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."*

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

***That the report on Disclosure of Interest be received and advice of disclosures noted.***

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

AGAINST: NIL.

## **1.2 Proposed Briefings**

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

***That Council receive the amended report on Proposed Briefings.***

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

AGAINST: NIL.

### **1.3 Proposed Inspections**

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

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

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

AGAINST: NIL.

### **1.4 Address By Invited Speakers**

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

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

***2 That Council agree standing orders 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 EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

### **1.5 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 March 2009.***

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

AGAINST: NIL.

### **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

## **2.1 The Entrance Peninsula Planning Strategy**

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COUNCILLOR WEBSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE AND HER HUSBAND OWN A UNIT IN THE AREA.

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."*

THE MANAGER DEVELOPMENT ASSESSMENT DECLARED A PECUNIARY INTEREST IN THAT PART OF THE MATTER RELATING TO THE NORTH ENTRANCE PRECINCT FOR THE REASON THAT HER HUSBAND IS THE MANAGING DIRECTOR OF ANDREWS NEIL WHO HAS PROVIDED DEVELOPMENT OPTIONS FOR DUNLEITH CARAVAN PARK REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

MR MICHAEL MILMAN, MILMAN GOODE CONSULTING REPRESENTING LAKESIDE PLAZA, ADDRESSED THE MEETING AT 5.06 PM, ANSWERED QUESTIONS AND RETIRED AT 5.18 PM.

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

***That Council re-exhibit the draft The Entrance Peninsula Planning Strategy for a further 28 days and report back on results of exhibition.***

FOR: COUNCILLORS EATON, GRAHAM, McNAMARA, SYMINGTON, WEBSTER AND WYNN.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

## **3.1 Sale of Council Land at 27 Emerald Place, Berkeley Vale**

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

- 1 That Council authorise the sale of Lot 295 DP 28398, 27 Emerald Drive, Berkeley Vale for an amount not less than the market value as determined by an independent registered valuer.***
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal documents for Sale and Transfer of the land.***
- 3 That Council authorise the Mayor and the General Manager to execute all documents.***

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

AGAINST: NIL.

#### **4.1 Contract CPA 153228 - Construction of Woongarra Sports Facility**

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

- 1 That Council accept Tender No. 9 from Maincon Pty Ltd in the lump sum amount of \$4,620,995 (excl GST).**
- 2 That Council approve a contract budget of \$5,083,095 (excl GST) that provides for a contingency amount of \$462,100 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL.

#### **4.2 Contract CPA 155267 - Hamlyn Terrace Community and Sporting Facility**

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

- 1 That Council accept Tender No 17 from Quinn O’Hanlon Architects in the lump sum amount of \$347,855 (excl GST).**
- 2 That Council approve a contract budget of \$382,855 (excl GST), that provides for a contingency amount of \$35,000 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the design.**

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

AGAINST: NIL.

## **5.1 Wyong Council Community Environment Network and WyCare Liaison Group**

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

- 1 That Council nominate a Councillor delegate to the Wyong Council Community Environment Network and WyCare Liaison Group.**
- 2 That Council nominate Councillor Wynn as the delegate.**

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

AGAINST: NIL.

## **5.2 Budgewoi, Buff Point, Halekulani Community Precinct Committee**

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

- 1 That Council consent to the formation of a Community Precinct Committee to serve the areas of Budgewoi, Buff Point and Halekulani.**
- 2 That Council appoint the following Executive Members of the Budgewoi, Buff Point, Halekulani Community Precinct Committee in accordance with the provisions of Section 355 of the Local Government Act 1993:**
  - **Chairperson, Phil Heaton**
  - **Senior Vice Chairperson, Matthew Ross**
  - **Junior Vice Chairperson, Sam Bengé**
  - **Secretary, Joy Brown**
  - **Assistant Secretary, Patricia Dalton**
  - **Treasurer, Helen Burkette**
  - **Assistant Treasurer, Kerri Denning**
  - **Publicity Officer, Melissa Burrows**
  - **Executive Officer, Ian Purdie**

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

AGAINST: NIL.

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

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COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council allocate an amount of \$4,124 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.***

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, WEBSTER AND WYNN.

AGAINST: NIL.

### **5.4 Committee nominee for Regional Development Australia in New South Wales**

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COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council nominate one of the current ROC members for the RDA Committee.***
- 2 That Council exempt this motion from the provisions of the Code of Meeting Practice to allow the motion to be actioned from 9.00am on 9 April 2009.***
- 3 That Council nominate Councillor Webster as the delegate.***

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, WEBSTER AND WYNN.

AGAINST: NIL.

## **6.1 Exhibition Draft Management Plan 2009-10**

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COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.54 PM AND RETURNED TO THE CHAMBER AT 5.56 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council adjust the Draft 2009-10 Management Plan to reflect the rate pegging determination of 3.5% and;**
- 2 That Council adopt the adjusted Draft Management Plan for public exhibition in accordance with Section 405 of the Local Government Act.**

FOR: COUNCILLORS GRAHAM, McNAMARA, SYMINGTON, WEBSTER AND WYNN.

AGAINST: COUNCILLORS EATON, McBRIDE, MATTHEWS AND VINCENT.

## **7.1 Minutes - Wyong Shire Grants Committee meeting - 18 March 2009**

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

***That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 18 March 2009 and adopt the recommendations contained therein, subject to further clarification of the application from Youth Connections Industry Link.***

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

AGAINST: NIL.

## **8.1 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 number 8.3 the information reports be received and the recommendations adopted.***

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

AGAINST: NIL.



## **8.2 Disclosure of Interest Returns**

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

***That Council receive the report on Disclosure of Interest Returns.***

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

AGAINST: NIL.

## **8.3 Minutes - Wyong Shire Senior Citizens' Council Meetings - 17 December 2008 and 29 January 2009**

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COUNCILLOR McBRIDE LEFT THE CHAMBER AT 6.38 PM AND RETURNED TO THE CHAMBER AT 6.39 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meetings - 17 December 2008 and 29 January 2009.***

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

AGAINST: NIL.

## **8.4 Recycle/Re-use Initiative - Tip Shop/Re-Use Centre**

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

***That Council receive the report on Recycle/Re-use Initiative – Tip Shop/Re-Use Centre.***

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

AGAINST: NIL.

## **8.5 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 EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

## **10.1 Notice of Motion - Safety Fencing at The Entrance Bridge**

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MR COLIN GRAHAM, REPRESENTING NORTH ENTRANCE PROGRESS ASSOCIATION, ADDRESSED THE MEETING AT 6.08 PM, ANSWERED QUESTIONS AND RETIRED AT 6.45 PM.

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 6.38 PM AND RETURNED TO THE CHAMBER AT 6.39 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.39 PM AND RETURNED TO THE CHAMBER AT 6.41 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 6.41 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.51 PM AND RETURNED TO THE CHAMBER AT 6.53 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council support the North Entrance Progress Association in pursuing the need for safety fencing on The Entrance bridge between the footpaths and the travelling lanes.***
- 2 That Council make representation to the Minister for Roads and the State Member for The Entrance in support of the Progress Association.***

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, WEBSTER AND WYNN.

AGAINST: NIL.

## **10.2 Notice of Motion - Council Facility Fees**

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COUNCILLOR MATTHEWS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS AN EMPLOYEE OF A COMPANY WHICH FROM TIME TO TIME USES COUNCIL FACILITIES.

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."*

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.51 PM AND RETURNED TO THE CHAMBER AT 6.53 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 7.00 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council staff investigate and report on the fees, including bonds levied on community groups, NGO's and sporting associations for the use of Council facilities including open space.***
- 2 That staff conduct a comprehensive audit of the fee structure with a view to minimising the financial impact on community groups working within the Wyong Shire to achieve social engagement.***

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

AGAINST: NIL.

## **10.3 Notice of Motion - Change of Start Time of Council Meetings**

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

- 1 That, in order to encourage wider community participation and engagement, Council propose to amend the adopted Code of Meeting Practice to change the commencement time of the Ordinary Meeting of Council and the Extraordinary Meeting for the Election of the Mayor to 6.00pm.*
- 2 That Council advertise the proposed amendment for public comment.*
- 3 That a further report be brought to Council following exhibition.*

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

FOR: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

AGAINST: COUNCILLORS EATON, GRAHAM, McNAMARA, SYMINGTON, WEBSTER AND WYNN.

**10.4 Notice of Motion - Speaker Protocols**

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

- 1 That Council advise invited speakers that they will be required to answer fair and reasonable questions at the end of their address.*
- 2 That Council not permit speakers to address Council if they advise that they will not answer questions.*

*An AMENDMENT was moved by Councillor WYNN and seconded by Councillor VINCENT:*

*That Council advise invited speakers that they can expect to be asked fair and reasonable questions at the end of their address, however if they feel that a response is not required they are not obliged to do so.*

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

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, VINCENT AND WYNN.

AGAINST: COUNCILLORS EATON, McNAMARA, SYMINGTON AND WEBSTER.

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

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

***That Council advise invited speakers that they can expect to be asked fair and reasonable questions at the end of their address, however if they feel that a response is not required they are not obliged to do so.***

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

AGAINST: NIL.

## QUESTIONS WITHOUT NOTICE ASKED

### **Q019 – Lease Negotiations and Activities at the Oasis Youth Centre Councillor Graham**

*“Could staff provide an update on lease negotiations and current activities undertaken at the Oasis Youth Centre?”*

### **Q020 – Sister City Agreements Councillor Eaton**

*“Could staff advise briefly on the duration of the existing Sister City Agreements and recent activity under these agreements?”*

### **Q021 – Development at Corner Coral Street and The Entrance Road, The Entrance Councillor McBride**

*“Could Council staff please report on the progress of development at the Corner of Coral Street and The Entrance Road? How much longer are residents, visitors and business owners likely to be affected by the obstruction/damage to the footpath and what is the timeframe for repair to improve public access and safety?”*

### **Q022 – The Entrance Town Centre Councillor McBride**

*“It has come to my attention that Council Rangers will no longer be employed in The Entrance Town Centre. Does Council have a regulatory role? Who will assume the role and responsibility previously discharged by Rangers to ensure the security of residents, visitors and businesses in The Entrance Town Centre. Have the displaced Rangers been guaranteed redeployment?”*

### **Q023 – Hall on Council Land at Lot 82 DP 221815 Acacia Avenue, Lake Munmorah Councillor Wynn**

*“Could the status of the burnt hall located on Council land at Lot 82 DP 221815 Acacia Avenue, Lake Munmorah be advised?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.08 PM.

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CHAIRPERSON