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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 11 May 2011 COMMENCING AT 5:00 PM

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### PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride (5.24 pm), J J McNamara, W R Symington (5.03 pm), D P Vincent, L D Webster and S A Wynn.

### IN ATTENDANCE

Acting General Manager, Director Environment and Planning Services, Director Infrastructure Management, Director Community and Recreation Services, General Counsel (5.05 pm) and Manager Development Assessment (5.05 pm).

Manager Place Management, Manager Environment and Natural Resources, Manager Land Use Planning Policy Development, Senior Development Engineer and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00 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 Councillor Matthews delivered the opening prayer.

### APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 2.1, 3.2, 3.1, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

## 1.1 Disclosures of Interest

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Councillor McBride was not present during consideration of this item and as a result took no part in voting.

Councillor Symington was not present during consideration of this item and as a result took no part in voting.

## 6.5 Proposed Councillors' Community Improvement Grants

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer co-ordinator of "2261 Out of the Box" 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 on the board and make no decisions for the group."*

## 8.1 Notice of Motion – Aerial Inspection of 640Ha Power Station Site

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.16 pm, took no part in discussion, did not vote and returned to the chamber at 7.47 pm.

## 9.1 Rustrum Pty Ltd 216-222 Main Road, 21 Rowland Terrace, Toukley, 224 Main Road, Toukley and Toukley Gardens - Proposed Release or Exchange of Operational Land

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he lives in the local area and participated in consideration of this matter.

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 it is, in my view, insignificant."*

**RESOLVED unanimously on the motion of Councillor GRAHAM 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, MCNAMARA, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **1.2 Proposed Inspections and Briefings**

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Councillor McBride was not present during consideration of this item and as a result took no part in voting.

Councillor Symington was not present during consideration of this item and as a result took no part in voting.

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

***That Council receive the report on Proposed Inspections and Briefings and endorse the recommended inspections and briefings.***

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

AGAINST: NIL

## **1.3 Address by Invited Speaker**

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Councillor Symington entered the chamber at 5.03 pm during discussion of this item.

Councillor McBride was not present during consideration of this item and as a result took no part in voting.

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

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

***2 That Council agree meeting practice 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, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

## **1.4 Confirmation of Minutes of Previous Meeting**

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Councillor McBride was not present during consideration of this item and as a result took no part in voting.

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

***That Council confirm the minutes of the previous Ordinary Meeting held on 27 April 2011.***

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

### **Business Arising**

There was no business arising out of the minutes.

### **2.1 Notice of Intention to Deal with Matters in Confidential Session**

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Councillor McBride was not present during consideration of this item and as a result took no part in voting.

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

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

**9.1 Toukley Gardens and Rustrum Pty Ltd Properties at 216-222 Main Road and 21 Rowland Terrace, Toukley - Proposed Release or Exchange of Operational Land**

**9.2 Facility Agreement – Westpac Banking Corporation**

**2 That Council note its reason for considering Report No 9.1 and Report No 9.2 in confidential session is that it contains commercial information of a confidential nature that would, if disclosed:**

**Report No 9.1**

**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,**

**Report No 9.2**

**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,**

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

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

**3.1 Draft Policy - Incomplete Works and Dilapidated Buildings**

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

- 1 That Council place the draft Incomplete Works and Dilapidated Buildings Policy on public exhibition for a period of four weeks.**
- 2 That Council adopt the Incomplete Works and Dilapidated Buildings Policy, subject to there being no significant objections as a result of public exhibition and give appropriate public notice.**

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

AGAINST: NIL

**3.2 DA 1340/2010 - Demolition of Existing Structures, Removal of Six Trees and Construction of a Dwelling, Machinery Shed and Inground Pool at Wyong**

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Mr Matthew Lusted, the applicant, addressed the meeting at 5.07 pm, answered questions and retired at 5.15 pm.

Councillor McBride entered the meeting at 5.24 pm during consideration of this item.

Councillor Matthews left the meeting at 5.52 pm and returned to the meeting at 5.53 pm during consideration of this item.

Councillor Vincent left the meeting at 5.58 pm and returned to the meeting at 5.59 pm during consideration of this item.

**PROCEDURAL MOTION**

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

***That Council move the Meeting into Confidential session to discuss this item.***

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

AGAINST: COUNCILLORS GRAHAM AND MCNAMARA

The Public Gallery was cleared at 5.43 pm to allow Council to seek legal advice in Confidential Session.

**PROCEDURAL MOTION**

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

***That Council resume in Open Session.***

**MINUTES OF THE Ordinary Meeting OF COUNCIL 11 May 2011 contd**

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

AGAINST: NIL

Council resumed in Open Session at 6.27 pm and the Public Gallery was re-opened.

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

***That subject to the issue of concurrence from the Director General of the Department of Planning and Infrastructure and having regard to 79C of the EP&A Act, Council approve DA1340/2010 subject to the attached conditions of consent with the exception of condition 13.***

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

AGAINST: COUNCILLOR WYNN

**3.3 Adoption of Comprehensive Local Environmental Plan 2012 and Pecuniary Interests**

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

- 1 That Council note the content of this report.***
- 2 That Council authorise the General Manager on behalf of all Councillors to lodge applications for pecuniary interest exemption to the Minister of Local Government under Section 458 of the Local Government Act, 1993.***

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

AGAINST: NIL

**4.1 Classification of Land - Lot 51 DP 1154778 Bay Village Road, Bateau Bay**

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

- 1 That Council classify Council land Lot 51 DP 1154778, Bay Village Road, Bateau Bay as Operational Land.***
- 2 That Council adopt the classification if no adverse submissions are received from the statutory exhibition period.***

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

AGAINST: NIL

4.2 Proposed Telstra Telecommunications Facility and Lease at Lot 1 DP 598579, Yuruga Avenue, San Remo

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

- 1 That Council approve a lease of Part of Lot 1 DP 598579 at Yuruga Avenue, San Remo to Telstra Corporation Ltd subject to development consent being granted for the construction of a telecommunication facility.
- 2 That Council approve the terms of the lease as:
  - a a period comprising four consecutive five year leases for a period up to 20 years
  - b an annual rent commencing at \$28,875 with annual 5% increases over the period and market reviews every five years.
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the lease between Wyong Shire Council and Telstra Corporation Ltd.
- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease.
- 5 That Council endorse, as owner of Lot 1 DP 598579 at Yuruga Avenue, San Remo, a development application by KAW Consulting and Aurecon Australia Pty Ltd, on behalf of Telstra Corporation Ltd to construct a telecommunication facility on the land.
- 6 That Council note, for the public record, that its endorsement of the Development Application (as the landowner) cannot be interpreted in any way whatsoever as support or otherwise for the determination of the Application by Council.

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

5.1 CPA/159634 - Supply and Delivery of Bulk Oxygen to Various Sewerage Sites for a Period of up to 5 Years

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

- 1 That Council accept tender CPA/159634 from Coregas Pty Ltd for a period of up to 5 years commencing from the date of acceptance by the tender.
- 2 That Council note the estimated annual expenditure against this contract of \$443,755.00 (excl GST). Actual expenditure may vary significantly over time with fluctuations in demand and CPI cost adjustment.
- 3 That Council approve a contingency sum of \$225,000.00 (excl GST) for the period of the contract over 5 years.

**MINUTES OF THE Ordinary Meeting OF COUNCIL 11 May 2011 contd**

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

AGAINST: NIL

**5.2 Cancellation of Tender - Hire of Casual Labour CPA/182360.**

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

**1 That Council decline to accept any of the tenders received for contract CPA/182360 Hire of Casual Labour in accordance with sub-clause 178 (1)(b), Local Government (General) Regulation 2005.**

**2 That Council thank the tenderers for their interest.**

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

AGAINST: NIL

**5.3 Contract CPA/193253 - Provision of Improvement Works 2011/2012 - Construction of Camp Kitchen and Barbeque Shelter at Canton Beach and Barbeque Shelter at Toowoon Bay Holiday Parks**

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

**1 That Council accept the alternative tender from Garard Moulded Pre-Cast Pty Ltd in the lump sum amount of \$199,000 (excl GST) for Contract CPA/193253 – Provision of Improvement Works 2010/2011 including the Construction of Camp Kitchen and Barbecue Shelter, Canton Beach Holiday Park and the Construction of a Barbecue Shelter, Toowoon Bay Holiday Park.**

**2 That Council notes that a contingency amount of \$20,000 is budgeted in the Annual Plan.**

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

AGAINST: NIL

**5.4 Contract CPA/181554 - Detailed Design and Documentation for Remediation of Former Mardi Landfill**

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

**1 That Council accept the tender from SMEC Australia Pty Ltd for the lump sum**



**amount of \$264,186.00 (excl GST) for Contract CPA/181554 – Detailed Design and Documentation for Remediation of Former Mardi Landfill.**

- 2 That Council notes that a contingency amount of 10% of the tender price is budgeted in the Annual Plan.**

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

AGAINST: NIL

### **PROCEDURAL MOTION**

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

**That with the exception of report numbers 6.1, 6.2, 6.3, 6.4, 6.8, 7.2, 7.3, 7.7, 7.8, 8.1, 9.1 and 9.2, Council adopt the recommendations contained in the remaining reports.**

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

AGAINST: NIL

### **6.1 2011/2012 Wyong Shire Council Rural Fire Fighting Fund Estimates**

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

- 1 That Council note the proposed Wyong Rural Fire Service's proposed budget.**
- 2 That Council confirms continuance of financial support of the Wyong Rural Fire Service in accordance with s.111 of the Rural Fires Act 1997.**

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

AGAINST: NIL

## 6.2 Formation of New Precinct Committee at Norah Head

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

***That Council establish a Precinct Committee for the Norah Head Community.***

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

AGAINST: NIL

## 6.3 Electricity Prices - Response from the Minister's Office

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

- 1 That Council note the response from the Office of the Minister for Energy regarding electricity prices.**
- 2 That Council formally request the Minister for Energy, The Honourable Chris Hartcher MP to inform Council of the Government's plans to manage electricity prices.**
- 3 That Council note the planned briefing by Energy Australia (now TRUenergy and Ausgrid) in response to Council's request for a formal briefing on electricity pricing.**

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

AGAINST: NIL

## 6.4 Review of Investment Policy

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

- 1 That Council adopt the Investment Policy detailed in Attachment 1.**
- 2 That Council authorise staff to re-format the adopted policy so that;**
  - a Clause C1 becomes B4**
  - b Clause C2 becomes D19**
  - c Part "E" is renamed "D"**
  - d Part "F" is renamed "E"**

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

AGAINST: NIL

**6.5 Proposed Councillors' Community Improvement Grants**

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Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer co-ordinator of "2261 Out of the Box" 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 on the board and make no decisions for the group."*

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

***That Council allocate an amount of \$35,172 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.***

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

AGAINST: NIL

**6.6 Adoption of Confirmed Minutes of the Wyong Shire Governance Committee - 24 November 2010**

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

***That the Council adopt the minutes of the Wyong Shire Governance Committee Meeting held 24 November 2010 and confirmed by the Committee on 16 March 2011.***

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

AGAINST: NIL

**6.7 Draft Minutes of the Wyong Shire Governance Committee - 16 March 2011**

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

- 1 That Council receive the minutes of the Governance Committee meeting conducted on 16 March 2011.
- 2 That Council adopt the following dates for the 2011 Governance Committee Meetings:
  - a 29 June 2011
  - b 21 September 2011
  - c 5 October 2011
  - d 7 December 2011
- 3 That Council organise a Governance Committee Workshop, attended by the External Committee Members, all Councillors and Senior Executives of Council and that this workshop be convened by an independent facilitator.
- 4 That Council request the External Members to provide a list of three (3) possible facilitators to the General Manager for submission to the Mayor to enable a facilitator to be selected for the proposed Workshop.
- 5 That Council request staff to provide a report on Councils-on-line Review to the next meeting of the Governance Committee for consideration.
- 6 That Council request staff to provide on the Chinese Cultural Theme Park to the next meeting of the Governance Committee.
- 7 That Council authorise a workshop on Corporate Risk for Councillors, Senior Staff and the Governance Committee Members to be held at the inception of the Enterprise Risk Strategy project.
- 8 That Council refer future finalised reports from Probity Advisors and External Auditors to the Governance Committee for information.
- 9 That Council receive and note the resolutions contained in the Draft Confidential Minutes of the Wyong Shire Governance Committee Meeting held on 16 March 2011 (separate confidential enclosure).

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

AGAINST: NIL

**6.8 Update on the Provision of Project Management Services for the Mardi to Mangrove Link Project**

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

- 1 That Council note the information contained in this report on the reduction of "Body Hire" staff on the project management team for the Mardi to Mangrove Link Project.

**2 That Council endorse the extension of engagement of the current Project Manager and Project Property Manager, under the existing arrangements, until 30 June 2011.**

**3 That Council endorse the extension of engagement of the current Landholder Liaison Manager on a part time basis only until 30 June 2011.**

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

AGAINST: NIL

**6.9 Conferences Attendance - National Investment for the Early Years and Centre for Community Child Health 2011 Conference**

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

**1 That Council authorise interested Councillor/s to attend the National Investment for the Early Years and Centre for Community Child Health 2011 conference.**

**2 That Council meet reasonable expenses incurred by Councillors attending the above conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

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

AGAINST: NIL

**6.10 Acceptance of Loan Offers from Financial Institutions**

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

**1 That Council receive the report on loan borrowings circulated under separate cover.**

**2 That Council adopt the recommendations made in the supplementary report (Item 9.2).**

**3 That Council authorise the use of the Council seal in the execution of loan documents relating to the recommended offer.**

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

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, 7.3, 7.7 and 7.8 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 Sewer Improvement Program

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

***That Council receive the report on Sewer Improvement Program.***

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

AGAINST: NIL

### 7.3 Limited Access at Ourimbah Railway Station

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

***That Council receive the report on Limited Access at Ourimbah Railway Station and refer to the matter to the Member for The Entrance and Minister for the Central Coast.***

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

AGAINST: NIL

### 7.4 Investments for March 2011

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

***That Council receive the report on Investments for March 2011.***

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

AGAINST: NIL

**7.5 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Myrtle Rust Epidemic**

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

***That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Myrtle Rust Epidemic being:***

- 1 That the Committee receive the report on Myrtle Rust Epidemic.***

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

AGAINST: NIL

**7.6 Audit for Best Practice Management Guidelines for Water Supply and Sewerage**

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

***That Council receive the report on Audit for Best Practice Management Guidelines for Water Supply and Sewerage.***

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

AGAINST: NIL

**7.7 Quarterly Update on Section 94 Contributions**

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Councillor Wynn left the meeting at 6.53 pm and returned to the meeting at 6.54 pm during consideration of this item.

Councillor Best left the meeting at 6.55 pm and returned to the meeting at 6.56 pm during consideration of this item.

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

***That Council receive the report on Quarterly Update on Section 94 Contributions.***

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

AGAINST: NIL

**7.8 Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches**

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

***That Council receive the report on Entrance Dynamics and Beach Condition at The Entrance and North Entrance Beaches.***

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

AGAINST: NIL

**7.9 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, WEBSTER AND WYNN

AGAINST: NIL

**7.10 Emergency Services Management Funding and Budget Process**

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

***That Council receive and note the report on Emergency Services Management Funding and Budget Process.***

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

AGAINST: NIL

**7.11 Outstanding Questions without Notice and Notice of Motions**

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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 Notice of Motions.***



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

### **8.1 Notice of Motion - Aerial Inspection of 640Ha Powerstation Site**

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Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7:16 pm, took no part in discussion, did not vote and returned to the chamber at 7:47 pm.

Councillor McNamara left the meeting at 7:17 pm and returned to the meeting at 7:18 pm during consideration of this item.

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

- 1 That Council reinforce the intent its previous resolutions (10 November 2010 and 23 February 2011 (attached)) which requested staff actions be taken to facilitate the closure of the Lake Munmorah Coal-Fired Power Station.***
- 2 That Council notes with disappointment and deep concern, Delta Electricity's recent refusal of its request for a site inspection on behalf of Wyong residents.***
- 3 That Council asserts the massive 640ha PowerStation site is highly environmentally degraded and has substantially impacted the surrounding air, soil and water (lake) quality.***
- 4 That Council repeat its formal request of Delta Electricity to allow a Council inspection of the site on behalf of Wyong residents and in the best interests of transparency in the community.***
- 5 That Council formally urges Delta Electricity to cease attempts to block public scrutiny, effectively denying public transparency of their activities.***
- 6 That the Mayor approach the Minister for Energy's office with a view to facilitating a Council and senior staff inspection/tour of the Munmorah Power Station.***

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

## QUESTIONS ON NOTICE

### **Q9/11 Condition of Louisiana and Minnesota Roads, Hamlyn Terrace Councillor Greg Best**

*“Mr General Manager,*

*My question is on behalf of the good people of the greater Warnervale district. As a long-standing local Councillor, I have received numerous representations, concerns and complaints over the condition of the farm roads, now urban highways, known as Louisiana and Minnesota Roads. My position regarding the upgrade of these roads is a matter of the public record and in my view, it is now time to definitively act on these road replacements. In recently reviewing these roads with local residents, it would be remiss of me if I did not raise the issue of safety. Could you please provide a thorough update as to when these roads will be rebuilt and as to what suggestions or recommendations could be made in the interim to improve safety?”*

### **Q10/11 Federal Government Deferring Feasibility Study into F3 Orbital Project Councillor Greg Best**

*“Mr General Manager I understand, with great concern, that in last night’s Federal Budget the Federal Government will defer its contribution to a feasibility study into the F3 to Sydney Orbital Project until 2015 – 2016. This will reduce expenses by \$150m in 2013 – 2014 budget whilst redirecting funds to support other government initiatives. Could you please seek to confirm this redirection?”*

## CONFIDENTIAL SESSION

At this stage of the meeting being 7.50 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 8.13 pm and the Acting General Manager reported on proceedings of the confidential session of the Ordinary Meeting of Council as follows:

**9.1 Rustrum Pty Ltd 216-222 Main Road, 21 Rowland Terrace, Toukley, 224 Main Road, Toukley and Toukley Gardens - Proposed Release or Exchange of Operational Land**

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- 1 That Council grant in-principle support to the investigation of the proposal for exchange of part of Lot 5 DP 514932, 224 Main Road, Toukley for part of Lot 91 DP 565884 21 Rowland Terrace, Toukley.**
- 2 That Council consult with the community and stakeholders concerning the proposed exchange as part of the master planning process associated with Iconic Development Site No 16 - Rustrum.**

**9.2 Facility Agreement – Westpac Banking Corporation**

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- 1 That Council accept the offer of loan borrowings, as dated 6 May 2011, for an amount of \$26,000,000 for a 10 year term, based on a 20 year amortisation table, from Westpac Banking Corporation in accordance with the 2010-11 Annual Plan.**
- 2 That Council authorise the Common Seal to be affixed to the Facility Agreement between the Wyong Shire Council and Westpac Banking Corporation.**
- 3 That Council authorise the Mayor and General Manager to execute all documents relating to the Facility Agreement between the Wyong Shire Council and Westpac Banking Corporation.**

**THE MEETING** closed at 8.14 pm.