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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 25 August 2010 COMMENCING AT 5:00:00 PM

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### PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride (arrived at 6.00 pm), J J McNamara, 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, Acting Manager Development Assessment and Project Director Mardi to Mangrove Project.

Manager Contracts and Special Projects, Manager Governance and Administration, Strategic Planner – Land Use Planning and three administration staff.

The Mayor announced that Council's Concierge, John Hardwick, will be on leave for at least two months due to his wife Joy being ill.

The Mayor advised that he and the General Manager met with Shadow Cabinet yesterday and made a presentation regarding the needs of Wyong Shire. He will meet with the NSW State Premier, Kristina Keneally, next Monday and will again put Wyong Shire's position forward.

The Mayor referred to the recent Federal Elections noted that Jill Hall and Craig Thompson had been re-elected and acknowledged Councillor John McNamara's participation.

Councillor Wynn reported on the Inaugural Art Show at Mannering Park which she attended on behalf of Council on Friday night.

The Mayor, Councillor Graham, declared the meeting open at 5.06 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

Councillor Matthews read an acknowledgment of country statement and delivered the opening prayer.

### APOLOGIES

There were no apologies however the Mayor advised that Councillor McBride has informed him that she would be late and will arrive at 6.00pm.

## 1.1 Disclosure of Interest

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### 6.1 Central Coast Mariners Funding Agreement

Councillor Graham declared a non-pecuniary significant 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 5.41 pm, took no part in discussion, did not vote and returned to the chamber at 5.45 pm.

### 10.2 Notice of Motion - San Remo Disability Friendly Xtreme Sports Park

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, who own the Xtreme Sports Park Land, and Council leases the land from Delta, left the chamber at 7.34 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm

Councillor Vincent stated:

*"I choose to leave the chamber and not participate in discussion and voting to ensure that there are no mis-perceptions."*

### 11.1 – Draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the report refers to a potential site for a business incubator that is a joint venture between Council and Central Coast Group Training as he is the Chair Of Central Coast Group Training and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the site is owned by Council but I may subsequently choose to leave the Chamber if discussions relate significantly to the incubator proposal."*

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the subject re-zoning encompasses land associated with the organisation that he is employed by 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, minimal."*

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

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

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

AGAINST: NIL

**1.2 Address By Invited Speaker**

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

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

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

AGAINST: NIL

**1.3 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 August 2010.***

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

AGAINST: NIL

**Business Arising**

There was no business arising.

**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 MATTHEWS:**

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

**11.1 – Draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre**

**11.2 – Proposed Acquisition – Property Acquisition at Wyong**

**2 That Council note its reason for considering Report Nos 11.1 and 11.2 in confidential sessions is that it may confer a commercial advantage 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, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**3.1 Draft LEP (Amendment No. 172) Lots 51- 52 DP 1154778 Bateau Bay and Draft DCP 2005: Chapter 110 - Centre Support Development**

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Councillor Vincent left the chamber at 5.16 pm and returned to the chamber at 5.18 pm during consideration of this item.

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

- 1 That Council request the Director General of the Department of Planning to draft the Local Environmental Plan for Amendment No. 172 in consultation with Council staff.**
- 2 That Council request the Minister for Planning to create the plan following the drafting of the Local Environmental Plan instrument for Amendment No. 172.**
- 3 That Council adopt draft Development Control Plan 2005: Chapter 110 - Centre Support Development, Bateau Bay and provide appropriate public notice within 28 days of this resolution, and that it becomes effective upon the gazettal of Local Environmental Plan Amendment No. 172.**

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

AGAINST: NIL

**4.1 Contract CPA/147662 - Asphaltic Concrete Works, Contract CPA/147661 - Asphaltic Concrete Heavy Patching and CPA/147664 - Sprayed Bituminous Surfacing Works - Option to Extend Contracts for a Further Twelve Months**

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

- 1 That Council exercise its option to extend Contract CPA 147662 - Asphaltic Concrete Works for the period 1 November 2010 to 30 October 2011 to the value of \$5,255,213.00.**
- 2 That Council exercise its option to extend Contract CPA 147664 - Sprayed Bituminous Surfacing Works for the period 1 November 2010 to 30 October 2011 to the value of \$2,995,272.00.**
- 3 That Council exercise its option to extend Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works for the period 1 November 2010 to 30 October 2011.**
- 4 That Council endorse an increase in value of Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works from \$1,676,154.00 to \$2,276,154.00.**

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

AGAINST: NIL

**4.2 Contract CPA/173205 - Sewer Main Rehabilitation Various Locations in Wyong Shire**

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

- 1 That Council accept the tender from Interflow Pty Limited in the estimated total amount of \$835,769.29 (excl GST) for Contract CPA/173205 – Sewer Main Rehabilitation -Various Locations in Wyong Shire.**
- 2 That for Contract CPA/173205, Council approve a contract budget of \$920,000.00 (excl GST) that provides for a contingency amount of \$84,230.71 (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 BEST, EATON, GRAHAM, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**5.1 Policy on Community Infrastructure Asset Management**

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

**That Council adopt the Community Infrastructure Asset Management Policy presented in this report.**

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

AGAINST: NIL

**5.2 Proposed Councillors' Community Improvement Grants**

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

**That Council allocate an amount of \$4,950.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the amended report.**

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

AGAINST: NIL

## 6.1 Central Coast Mariners Funding Agreement

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Councillor Graham declared a non-pecuniary significant 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 5.41 pm, took no part in discussion, did not vote and returned to the chamber at 5.45 pm.

Councillor Graham vacated the chair and Councillor Matthews assumed the chair.

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

- 1 ***That Council defer endorsement of the proposed Sponsorship Agreement between the Wyong Shire Council (WSC) and the Central Coast Mariners FC Pty Ltd (the Mariners).***
- 2 ***That Council consider at a future date, a revised sponsorship agreement that addresses:-***
  - a ***Detailed and continued support by the Mariners for the Women's League.***
  - b ***The terms under which any sponsorship partners will continue their sponsorship and any terms of exit by any partner including their obligations to other sponsors.***
  - c ***Detail of the deliverable benefits to the people of Wyong Shire.***
  - d ***Detail of Junior Football support and engagement by the Mariners.***
  - e ***School Development programmes.***
  - f ***Declaration of the Mariner's financial and business planning, business status & performance, and performance measurement criteria for the purposes of the sponsorship.***
  - g ***Standard conditions such as breach, default, exit, termination, penalties, obligations of the parties and other sponsors,***
  - h ***Progress payments by sponsors (i.e. WSC)***
  - i ***What will the money will be spent on - + protections for WSC.***
  - j ***deliverable specification defining the exact nature of the Mariners obligations to WSC.***
- 3 ***That Council request the General Manager ensure negotiations are completed urgently but that any agreement is subject to Council's formal approval by resolution.***

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

AGAINST: NIL

Councillor Graham resumed the chair at 5.45pm

**6.2 2009-10 Management Plan - June Quarter Review**

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Councillor McBride entered the meeting at 06:02 pm during consideration of this item.

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

- 1 ***That Council receive and endorse the report 2009-10 Management Plan – June 2010 Quarter Review.***
- 2 ***That Council note that Council’s Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.***

*(NB This declaration is a statutory requirement made in accordance with the Local Government (General) Regulation 2005 s.203).*

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

AGAINST: NIL

**6.3 The Wyong Service Review Report**

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

- 1 ***That Council approve the attached Wyong Council Service Delivery Review Report for implementation.***
- 2 ***That Council note that the Organisational Structure has been amended in accordance with the Local Government Act 1993.***
- 3 ***That Council adopt an implementation budget of \$800,000 for the 2010/11 Service Delivery Program with a corresponding reduction in 2010/11 budgets based on gains or savings arising.***
- 4 ***That Council applauds the significant efforts of the many staff who contributed to the Service Delivery Review and;***
- 5 ***That Council is committed to ensuring that Wyong Shire Council is known as an “Employer of Choice” for individuals.***
- 6 ***That Councillor consultations on pages 56 – 61 of the Enclosure, and any other reference to them be removed from the Service Review Report and instead include them into the annual planning process.***
- 7 ***That, due to their critical importance, Council consider regular reports on the development of Floodplain Risk Management Plans as part of the Annual Plan Quarterly Reporting.***
- 8 ***That Council note security of staff employment will be unaffected by this Service Review.***

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

AGAINST: NIL

**7.1 Minutes of the Wyong Shire Governance Committee - 11 August 2010**

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Councillor Wynn left the chamber at 6.40 pm and returned to the chamber at 6.42 pm and 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 minutes of the Wyong Shire Governance Committee Meeting held on 11 August 2010 and adopt the recommendations contained therein. With an amendment to note Cr Vincent's nonattendance.***

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

**7.2 Minutes - Gosford-Wyong Councils' Water Authority Board Meeting - 18 August 2010**

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

***That Council receive the minutes of the Gosford-Wyong Councils' Water Authority Board Meeting held on the 18 August 2010 and adopt the recommendations contained therein with the exception of item 2.1 Toukley Desalination Plant, noting that this item is to be deferred until such time as the Council has been fully briefed.***

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

**8.1 Information Reports**

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Councillor Wynn returned to the chamber at 6.42 pm during consideration of this item.

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

***That with the exception of report numbers 8.2, 8.3, 8.6, 8.8 and 8.11 Council receive the information reports and adopt the recommendations.***

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



## **8.2 General Works in Progress**

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

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

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

AGAINST: NIL

## **8.3 Traffic Congestion Priority List**

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

- 1 That Council receive the report on Traffic Congestion Priority List.**
- 2 That Council publicise this report through Council's regular media unit and via its website.**
- 3 That Council forward this report to all local State Members, The Minister for Roads, The Minister for the Central Coast, Shadow Minister for Roads and Shadow Minister for the Central Coast.**

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

AGAINST: NIL

## **8.4 Works in Progress - Water Supply and Sewerage**

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

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

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

AGAINST: NIL

**8.5 Activities of the Development Assessment Unit**

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

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

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

AGAINST: NIL

**8.6 Mardi to Mangrove Link Project Status**

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Councillor Matthews left the chamber at 7.13 pm and returned to the chamber at 7.14 pm during consideration of this item.

Councillor Vincent left the chamber at 7.13pm and returned to the chamber at 7.16 pm and as a result took no part in voting.

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

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

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

AGAINST: NIL

**8.7 Results of Water Quality Testing for Beaches and Lake Swimming Locations**

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Councillor Vincent left the chamber at 7.13pm and returned to the chamber at 7.16 pm during consideration of this item.

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

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

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

AGAINST: NIL

**8.8 Investments for July 2010**

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

***That Council receive the report on Investments for July 2010.***

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

AGAINST: NIL

**8.9 Contract Variations and Finalisation - July 2010**

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

- 1 *That Council note the Contract Variations and Finalisation July 2010 report (Attachment 1).***
- 3 *That Council note the additional expenditures requested are within approved program budgets.***

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

AGAINST: NIL

**8.10 Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council**

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

- 1 *That Council receive the report on Further Update Report on Future Directions for Body Hire Services for Wyong Shire Council.***
- 2 *That Council endorse the process to phase out the use of General "Body Hire" contractors by 31 October 2010 and Mardi to Mangrove Link contractors by 30 November 2010.***

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

AGAINST: NIL

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

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Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm and 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 Outstanding Questions Without Notice and Notices of Motion.***

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

AGAINST: NIL

### **10.1 Notice of Motion - University Parking solutions**

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Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm and as a result took no part in voting.

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

***That Council staff in conjunction with Ourimbah University report on the current parking situation at the University and solutions to ensure adequate parking now and in the future to cope with student and staff growth.***

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

AGAINST: NIL

### **10.2 Notice of Motion - San Remo Disability Friendly Xtreme Sports Park**

---

Councillor Vincent declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, who own the Xtreme Sports Park Land, and Council leases the land from Delta, left the chamber at 7.34 pm took no part in discussion, did not vote and returned to the chamber at 7.55 pm.

Councillor Vincent stated:

*"I choose to leave the chamber and not participate in discussion and voting to ensure that there are no mis-perceptions."*

Mr Scott Greentree, resident, representing the BMX Bicycle Association, addressed the meeting at 7.35pm, answered questions and retired at 7.39 pm.

Councillor Best left the chamber at 7.23pm and returned to the chamber at 7.43 pm during consideration of this item.

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

- 1 ***That Council consult with the community and potential stakeholders to develop a sustainable management mode of operation for the San Remo Disability Friendly Xtreme Sport Park to determine the model for ongoing activation of this valuable community asset.***
- 2 ***That Council, following initial community consultation, conduct an on-site meeting to understand the potential for the site.***
- 3 ***That Council consider a report on the outcome of the above, including the financial and recourse implications to Council.***

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

AGAINST: NIL

### **10.3 Notice of Motion - Coastwide Coal Poll on Longwall Coal Mine by Kores**

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

- 1 ***That Council recognise the strong support of both our State and Federal Local Representatives in opposing this Nation's largest Longwall Coal Mine now proposed by the Korean Coal Company Kores.***
- 2 ***That Council, due to the profound impacts this mine represents intergenerationally and on every level, from health to the environment, respectfully call upon the State Government not to approve such a significant project in their final six months in office.***
- 3 ***That Council, due to the significance of this issue and that both State and Federal Government pride themselves on the value of genuine community consultation, request a coast-wide poll be conducted in conjunction with the upcoming March State Elections thereby providing a definitive voice on this critical issue.***

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

AGAINST: NIL

### **MOTION ARISING**

#### **Item 10.3 Notice of Motion - Coastwide Coal Poll on Longwall Coal Mine By Kores.**

Councillor Best tabled correspondence he received from a member of the community in relation to this item which suggested that Council seek legal advice on various matters which include non compliance with the Environment Assessment by the applicant and an alleged conflict of interest.

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

- 1 ***That Council direct the General Manager urgently write to the Minister for***

*Planning, and the Director General of Planning, expressing the community's concerns with the process to date in assessing the Wallarah 2 Coal Mine.*

**2 That Council recommend to the Australian Coal Alliance that it seek advice from the Environmental Defenders Office.**

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

AGAINST: NIL

**QUESTIONS WITHOUT NOTICE**

**Q97/10 Voluntary Planning Agreement with Woolworths, Lake Munmorah**

**Councillor Sue Wynn**

RZ/7/2004

“Could the Manager Future Planning, provide a Councillor update on the progress of the Voluntary Planning Agreement (VPA) with Woolworths, Lake Munmorah and general progress of the development?”

**Q98/10 Deer population at Buttonderry Tip**

**Councillor Sue Wynn**

F2004/06909

“Could the Manager Shire Planning, provide a Councillor Update on the status of the deer population reportedly living in the Buttonderry Tip Site and environs and the management to reduce their numbers and hence their environmental impact?”

**Q99/10 Planning Powers**

**Councillor Greg Best**

F2004/06999

“Mr General Manager, reported overnight is that Cessnock City Council has had its planning powers withdrawn for the next 5 years by State Planning Minister Kelly. I understand that Maitland has been dealt with similarly and these actions have been as a result of unacceptable DA processing times and the general frustration of the planning process. Could you please report through a comparative analysis as to Wyong's performance over the above mentioned Councils, seeking to identify any risks to this Council's planning powers?”

**Q100/10 Toukley Drug and Alcohol Clinic**

**Councillor Greg Best**

F2010/00915

“Mr General Manager, I'd like to take this opportunity to thank your compliance staff for their continued and professional assistance with regard to the Toukley drug and alcohol issue. It

has become abundantly clear that the applicant has occupied the premises, resulting in many local residents dismay. Could you please, as a matter of urgency, update the chamber and indeed the community, as to the staff progress arising from our formal resolution on this matter?"

## CONFIDENTIAL SESSION

At this stage of the meeting being 8.24 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”*

## OPEN SESSION

Council resumed in open session at 8.32 pm and the General Manager reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

### **11.1 Draft Local Environmental Plan Amendment (No 178) - Wyong Town Centre**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the report refers to a potential site for a business incubator that is a joint venture between Council and Central Coast Group Training as he is the Chair Of Central Coast Group Training and participated in consideration of this matter.

Councillor Eaton stated:

*“I choose to remain in the Chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because the site is owned by Council but I may subsequently choose to leave the Chamber if discussions relate significantly to the incubator proposal.”*

Councillor Best declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the subject re-zoning encompasses land associated with the organisation that he is employed by 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, minimal.”*

- 1 That Council note that draft Local Environmental Plan Amendment (No 178) – Wyong Town Centre will now proceed as a planning proposal under the Gateway process.**
- 2 That Council reiterate to the Department of Planning the critical importance of the Wyong Town Centre Planning Proposal progressing independently of the Comprehensive LEP.**
- 3 That Council incorporate the rezoning of Lots 2, 3 and 4 in DP 11131 within the Wyong Town Centre Planning Proposal.**
- 4 That Council initiate master planning for the Wyong Civic and Cultural Precinct.**



- 5 *That Council commence the process to reclassify Lot 2 of DP 1108419 from community to operational land in accordance with the Local Government Act.*
- 6 *That Council amend the contributions plan for the Wyong Social Planning District to enable the acquisition of land for future carparking and open space.*

**11.2 Proposed Acquisition - Property at Wyong**

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- 1 *That Council authorise the purchase of Lot 15 DP 656584, 17 Rankens Court, Wyong for a purchase price of \$350,000.*
- 2 *That Council authorise the affixing of the Common Seal of Wyong Shire Council to all documents relating to the acquisition of the land by Council.*
- 3 *That Council authorise the Mayor and General Manager to execute all documents relating to the acquisition of the land by Council.*
- 4 *That Council classify Lot 15 DP 656584 as Operational Land.*

**THE MEETING** closed at 8.35 pm.