
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 10 FEBRUARY 2010
COMMENCING AT 5:00:00 PM

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 and L D Webster.

IN ATTENDANCE

General Manager, Director Shire Planning, Director Shire Services, Acting Director Corporate Services, Project Director, Mardi to Mangrove Project, Acting Manager Future Planning, Acting Manager Development Assessment, Team Coordinator, Land Use Planning, Executive Manager Shire Services, Manager Customer and Community Services, Manager Governance and Administration, Engineer Hydrology, Natural Resources and three Administration Staff.

The Mayor, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Mr John Hardwick read an acknowledgment of country statement and delivered the opening prayer.

APOLOGY

The Mayor advised that Council, at its meeting on 27 January 2010, granted leave of absence to Councillor Wynn for this meeting and the next meeting to be held on 24 February 2010 as she is currently on annual leave.

1.1 Disclosure of Interest

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

That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

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

AGAINST: NIL

1.2 Proposed Inspections

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

That Council receive the report on cancellation of the Proposed Inspections.

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

AGAINST: NIL

1.3 Address by Invited Speakers

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

That Council receive the report on Invited Speakers.

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

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 January 2010.

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

AGAINST: NIL

Business Arising

Councillor Best raised a query regarding Item 10.1 Notice of Rescission – Draft Climate Change Policy which was discussed at the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee at its meeting on 4 February 2010 and requested clarification on comments made by the DECCW representative at that meeting. The Mayor advised that he would arrange to supply a transcript of this portion of the meeting to all Councillors.

2.1 Porters Creek Stormwater Harvesting Scheme - Concept Approval and Grant Funding

Councillor Vincent left the chamber at 5.10 pm and returned to the chamber at 5.11 pm during consideration of this item.

It was MOVED by Councillor EATON and seconded by Councillor BEST:

- 1 *That Council note the revised concept for the Porters Creek Stormwater Harvesting scheme and receive a further report on issues including subsidence, contributions and timings.*
- 2 *That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.*
- 3 *That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.*

An AMENDMENT was MOVED by Councillor SYMINGTON and seconded by Councillor VINCENT:

- 1 *That Council approve the revised concept for the Porters Creek Stormwater Harvesting scheme.*
- 2 *That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.*
- 3 *That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

The AMENDMENT became the MOTION

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

- 1 That Council approve the revised concept for the Porters Creek Stormwater Harvesting scheme.**
- 2 That Council relinquish the Watersmart Australia Project grant of \$2.716M obtained for the initial stage of construction of the original Porters Creek Stormwater Harvesting scheme.**
- 3 That Council pursue Federal Government Funding of \$4.3M, under the Water for the Future Initiative, to assist in funding the first stage of construction of the proposed new scheme.**

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

2.2 Extension of Alcohol Free Zone - Wyong

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

- 1 That Council propose the extension of an Alcohol Free Zone in Wyong until 30 June 2013 at the following location:**

Wyong: Pacific Highway from Wyong River Bridge to Anzac Avenue, Alison Road to Margaret Street, Rankens Courts, Peters Lane, Bakers Lane, Plaza Lane, Robleys Lane and Hely Street from Alison Road to Anzac Avenue.

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.**
- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.**

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

AGAINST: NIL

2.3 Minutes of the Senior Citizens' Council Meeting - 26 November 2009

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

- 1 That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 26 November 2009 and adopt the recommendations contained therein.**
- 2 That Council accept the Senior Citizens' Council nomination of Juliet Axford as the proposed delegate and Bruce Kirkness as the alternate delegate for inclusion on the Performing Arts Centre Committee.**

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

AGAINST: NIL

2.4 Conference attendance

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

- 1 That Council authorise interested Councillors to attend the Local Climate Local Change Conference 2010.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

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

AGAINST: NIL

2.5 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$3,418.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL

3.1 Integrated Planning and Reporting Framework - Council Group Nomination

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

That Council nominate for "Group 2" for phasing in of the new planning and reporting legislation.

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

AGAINST: NIL

4.1 Information Reports

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

That with the exception of report number 4.2 Council receive the information reports and adopt the recommendations.

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

AGAINST: NIL

4.2 Mardi to Mangrove Link Project Status

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

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

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

AGAINST: NIL

4.3 Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors

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

That Council receive the report on Local Government Remuneration Tribunal Seeking Submissions for Review of Fees Paid to Councillors and Mayors.

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

AGAINST: NIL

4.4 Investments for December 2009

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

That Council receive the report on Investments for December 2009.

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

AGAINST: NIL

4.5 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL

5.1 Notice of Motion - Planning Disputes Mediation Process Trial

Councillor Best left the chamber at 5.45 pm and returned to the chamber at 5.47 pm during consideration of this item.

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

- 1 ***That Council recognise in principle that the establishment of a Mediation process may reduce litigation and expedite dispute resolution in appropriate cases.***
- 2 ***That Council receive a report on the establishment of a Mediation process. The report should include the following:***
 - a ***A review of "best practice" mediation committees / mediation processes operating elsewhere.***
 - b ***A review of practices / procedures / committees operating in adjoining Councils.***
 - c ***The means of ensuring compliance of such a committee with Department of Local Government guidelines, ICAC guidelines, applicable legislation and Code of Conduct.***

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

AGAINST: NIL

5.2 Notice of Motion - Elected Council Independent Legal Advisor

Councillor Matthews left the chamber at 6.15 pm and returned to the chamber at 6.17 pm and as a result took no part in voting

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

- 1 ***That Council invite tenders from separate independent firms of solicitors to advise the Mayor and Councillors in those circumstances where the interests of the staff and the elected Council may not be identical or in cases where Council wishes to seek further legal opinion.***
- 2 ***That Council receive quarterly reports on expenditure and information on general details of the matters on which legal advice has been sought.***

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

AGAINST: NIL

5.3 Notice of Motion - Warnervale Airport and Associated Lands

Councillor Matthews returned to the chamber at 6.17 pm during consideration of this item.

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

That staff report to Council generally on the history and legal status of the Warnervale airport including the impact of the Warnervale Airport Restrictions Act.

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE

**Q63/10 Schedule of Joint Meetings between Wyong and Gosford Councils for 2010
Councillor Doug Eaton**

F2004/13176

“Can I be advised when the next Joint Council Meeting is proposed and indeed the second meeting for 2010?”

**Q64/10 Parking Code Review
Councillor Doug Eaton**

F2008/02357

“Can staff advise if the Parking Code Development Control Plan Chapter is scheduled for review in the near future?”

**Q65/10 Old Warnervale Public School
Councillor John McNamara**

F2004/07419

“Could staff ask the Department of Education how long it will take to demolish the buildings gutted by fire at the old Warnervale Public School?”

THE MEETING closed at 6.27 pm.