
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 10 November 2010 COMMENCING AT 5:05 PM

PRESENT

Councillors D J Eaton (Chairperson), G P Best (arrived at 5:06 pm), R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning, Acting Director Infrastructure Management, Director Corporate Services, Manager Place Management, Project Director Mardi to Mangrove Project and General Counsel.

Manager Regulation and Compliance, Manager Headworks Gosford Wyong Joint Water Authority, Senior Strategic Planner and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5:05 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor expressed Council's condolences to Councillor Wynn on the loss of her mother.

Councillor McBride announced that Wyong District Netball Association were the successful bidders for the NSW State Age Netball Championships to be held in July 2012. Councillor McBride thanked staff for their contribution and Mr B Kelly in obtaining the event.

Councillor Wynn spoke briefly on her participation as a panellist / presenter at the Institute of Local Government Internal Auditors Conference to be held in Sydney on 5 November 2010.

John Hardwick delivered the opening prayer.

Councillor Matthews read an acknowledgment of country statement.

Councillor Best arrived at the meeting at 5.06 pm.

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 2.1 and 3.1 were dealt with first then the remaining reports in order with report no 9.1 being called forwarded during the meeting. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

6.6 Acid Etching of Tiles at The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and participated in consideration of this matter.

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."

9.3 Notice of Motion – Call to Close Dirty Coal Generator

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 10:11 pm took no part in discussion, did not vote and did not return to the chamber.

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, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Address By Invited Speakers

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

- 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, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

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

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

AGAINST: NIL

Business Arising

Councillor Symington sought to raise an issue concerning the minutes of 13 October 2010. The Mayor ruled it out of order.

2.1 Mayoral Minute - Local Job Creation - the Shire of the Third Age

Mr Stephen Byfield, Chief Executive Officer representing diggers@theentrance, addressed the meeting at 5.10 pm, answered questions and retired at 5.17 pm.

Councillor Matthews left the meeting at 5:38 pm and returned to the meeting at 5:40 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

That Council adopt a strategic target of creating 5,000 local jobs over 10 years by creating Wyong Shire as a nationally recognised district of excellence in aged housing. The following strategies would be involved in reaching this target:

- a Establish a register of sites appropriate for development of aged housing and facilities based on appropriate parameters including size and location.***
- b Increasing flexibility in the new Local Environmental Plan to encourage aged housing for example consider allowing aged housing and associated medical facilities in the Wyong Employment Zone.***
- c Amend dual occupancy DCP to encourage the redevelopment of single cottages more than 30 years old in existing urban areas. Recognising that dual occupancy development is generally suitable for aged housing and replacing old housing with new housing increases energy and resource and Environmental efficiency.***
- d In conjunction with the public and private sector identify and market the advantages of Wyong Shire for aged housing.***
- e Reviewing Council owned sites for possible aged housing including the Warnervale Country Music site.***
- f Work with local registered clubs to encourage their participation in this sector and identify and ameliorate barriers to entry.***

g Call for expressions of interest to form an expert panel to advise Council on this initiative.

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

3.1 Draft LEP (Amendment No. 179) Lot 2 DP 520220 Lake Munmorah, Draft DCP 2005: Chapter 114 - Lake Munmorah Village Centre and Draft VPA

Mr Paul Mailath, representing residents and shopkeepers from Lake Munmorah, addressed the meeting at 6:05 pm, answered questions and retired at 6:16 pm.

Councillor Graham left the meeting at 6:06 pm and returned to the meeting at 6:07 pm during consideration of this item.

Councillor Best left the meeting at 6:34 pm and returned to the meeting at 6:35 pm during consideration of this item.

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

- 1 That Council refer the draft Local Environmental Plan 179 to the Department of Planning requesting that the Minister for Planning make the plan.***
- 2 That Council adopt draft Development Control Plan 2005: Chapter 114 – Lake Munmorah Village Centre 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. 179.***
- 3 That Council endorse the Voluntary Planning Agreement (VPA) and authorise the General Manager to execute the VPA.***
- 4 That Council forward a copy of the executed Voluntary Planning Agreement to the Minister for Planning in accordance with the provisions of Clause 93G of the Environmental Planning and Assessment Act 1979.***

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

3.2 DA/600/2010 - Proposed Torrens Title Subdivision located at 4 Beach Parade and 2 Crossingham Street, Canton Beach

Councillor Vincent left the meeting at 6:42 pm during consideration of this item and as a result took no part in voting.

Councillor Wynn left the meeting at 6:42 pm and returned to the meeting at 6:42 pm during consideration of this item.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***
- 2 That Council vary Clause 42D of Wyong Local Environmental Plan 1991 to permit the development.***
- 3 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 42D of Wyong Local Environmental Plan 1991 to permit the proposed development.***

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

AGAINST: NIL

3.3 DA/754/2010 Subdivision (Boundary Adjustment creating no additional allotments) at Bumbles Creek Road, Ourimbah

Councillor Vincent left the meeting 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 GRAHAM:

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.***
- 2 That Council vary Clause 14 of Wyong Local Environmental Plan 1991 to permit the development.***
- 3 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 14 of Wyong Local Environmental Plan 1991 to permit the proposed development.***

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

AGAINST: NIL

3.4 DA/1061/2009 Proposed Rural Boundary Adjustment at Little Jilliby

Councillor Vincent returned to the meeting at 6:43 pm during consideration of this item.

Councillor Matthews left the meeting at 6:45 pm during consideration of this item and as a result took no part in voting.

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

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council seek the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 14(2) of Wyong Local Environmental Plan 1991 to permit the proposed development.**

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

AGAINST: NIL

4.1 Renewal of Lease to Killarney Vale Pre-School Kindergarten Inc - Lot 384 DP 755263 Adelaide Street Tumby Umbi

Councillor Matthews returned to the meeting at 6:46 pm during consideration of this item.

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

- 1 That Council renew the lease of Lot 384 DP 755263 Reserve 63621 Adelaide Street, Tumby Umbi to The Killarney Vale Pre-School Inc for a period of twenty years as prescribed by the Land and Property Management Authority.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Killarney Vale Pre-School Inc.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

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

AGAINST: NIL

4.2 Proposed Lease to Toukley Rugby League Football Club of Part of Lot 550 DP 1130653 at Darren Kennedy Oval, Noraville

A MOTION was MOVED by Councillor MCNAMARA and SECONDED by Councillor VINCENT:

- 1 That Council approve a lease of the existing clubhouse building at Crown Reserve 1011729, Lot 550 DP 1130653 at Evans Road, Noraville to Toukley Rugby League Football Club Inc for a period of five years at rent as prescribed by the Land and Property Management Authority and, subject to development consent being granted for construction of a gym and office, approve a lease of the proposed gym and office.
- 2 That Council endorse, as the Reserve Trust Manager of the Darren Kennedy Oval Reserve Trust (R1011729), Lot 550 DP 1130653 at Evans Road, Noraville a development application by Toukley Rugby League Football Club Inc to construct a gym and office on the land.
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Toukley Rugby League Football Club Inc.
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.

AN AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MATTHEWS:

- 1 That Council approve a lease of the existing clubhouse building at Crown Reserve 1011729, Lot 550 DP 1130653 at Evans Road, Noraville to Toukley Rugby League Football Club Inc for a period of ten years at rent as prescribed by the Land and Property Management Authority and, subject to development consent being granted for construction of a gym and office, approve a lease of the proposed gym and office.
- 2 That Council endorse, as the Reserve Trust Manager of the Darren Kennedy Oval Reserve Trust (R1011729), Lot 550 DP 1130653 at Evans Road, Noraville a development application by Toukley Rugby League Football Club Inc to construct a gym and office on the land.
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Toukley Rugby League Football Club Inc.
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

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

The AMENDMENT was put to the VOTE and declared LOST.

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

- 1 That Council approve a lease of the existing clubhouse building at Crown Reserve 1011729, Lot 550 DP 1130653 at Evans Road, Noraville to Toukley Rugby League Football Club Inc for a period of five years at rent as prescribed by the Land and Property Management Authority and, subject to development consent being granted for construction of a gym and office, approve a lease of the proposed gym and office.**
- 2 That Council endorse, as the Reserve Trust Manager of the Darren Kennedy Oval Reserve Trust (R1011729), Lot 550 DP 1130653 at Evans Road, Noraville a development application by Toukley Rugby League Football Club Inc to construct a gym and office on the land.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Toukley Rugby League Football Club Inc.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

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

AGAINST: NIL

4.3 Proposed Telstra Telecommunications Facility and Lease at Lot 35 DP 710255, Eastern Road, Bateau Bay

Councillor Wynn left the meeting at 6:57 pm during consideration of this item and as a result took no part in voting.

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

- 1 That Council approve a lease of Part of Lot 35 DP 710255 at Eastern Road, Bateau Bay 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 \$27,500 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 35 DP 710255 at Eastern Road, Bateau Bay, a development application by Urbis, 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 AND WEBSTER

AGAINST: NIL

5.1 Contract CPA/182957 - Supply and Delivery of Bituminous Coldmix

Councillor Wynn returned to the meeting at 6:59 pm during consideration of this item.

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

- 1 ***That Council accept Tender No. 1 from Tropical Asphalts Pty Ltd as the preferred supplier of Bituminous Cold Mix for a period of 36 months commencing on 1 December 2010.***
- 2 ***That Council note the estimated annual expenditure against this contract is \$77,850 (ex GST) but that actual expenditure may vary with fluctuations in demand.***

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

AGAINST: NIL

5.2 Contract CPA/182960 - Supply and Delivery of Type S Filter Sand

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

- 1 ***That Council accept Tender No. 3 from Norgrath Pty Ltd T/as Roy Lamb The Sand Man as the preferred supplier of Type S Filter Sand for a period of 36 months commencing on 1 December 2010.***
- 2 ***That Council note the estimated annual expenditure against this contract is \$179,084 (ex GST). Actual expenditure may vary with fluctuations in demand.***

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

AGAINST: NIL

5.3 Contract CPA/182961 - Supply and Delivery of Top Soil

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

- 1 That Council accept Tender No. 3 from Nograth Pty Ltd T/as Roy Lamb The Sand Man as the preferred supplier of Top Soil for a period of 36 months commencing on 1 December 2010.
- 2 That Council note the estimated annual expenditure against this contract is \$55,177- ex GST but that actual expenditure may vary with fluctuations in demand.

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

AGAINST: NIL

6.1 Access to Council Land for Mandalong South Exploration Drilling Program

Councillor Matthews left the meeting at 7:15 pm and returned to the meeting at 7:17 pm during consideration of this item.

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

- 1 That Council reject the negotiation and execution of agreement with Centennial Coal for access to Council land for the Mandalong South Exploration Drilling Program.
- 2 That in the event of any exploration being executed on Council land, that Council request that the Buttonderry Waste Management Facility site be excised from the exploration program by Centennial Coal.
- 3 That Council write to the State Member for Wyong, David Harris MP and State Member for Lake Macquarie, The Honourable Greg Piper MP and The Honourable Paul Lynch MP, Minister for Energy concerning this issue.
- 4 That Council consider that the Buttonderry Waste Management Facility is a significant improvement for the purpose of Section 31 of the Mining Act 1992.

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

AGAINST: NIL

6.2 Toukley Desalination Plant

Councillor Best left the meeting at 8:01 pm and returned to the meeting at 8:02 pm during consideration of this item.

Councillor Webster left the meeting at 8:03 pm and returned to the meeting at 8:04 pm during consideration of this item.

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

That Council adopt the recommendation of the Gosford-Wyong Councils' Water Authority from the 18 August 2010 Board Meeting in relation to the Toukley Desalination Plant.

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

AGAINST: COUNCILLORS BEST, VINCENT AND WYNN

6.3 Lakes Contamination

Councillor Symington left the meeting at 8:15 pm and returned to the meeting at 8:17 pm during consideration of this item.

Councillor Vincent left the meeting at 8:20 pm and returned to the meeting at 8:24 pm during consideration of this item.

Councillor Matthews left the meeting at 8:20 pm and returned to the meeting at 8:24 pm during consideration of this item.

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

- 1 That Council receive and note the report on Lakes Contamination.***
- 2 That Council forward the report to Tuggerah Lakes Estuary and Coastal Floodplain Management Committee for information.***
- 3 That Council request water and sewerage staff prepare a report to Council on the options and costs to further mitigate raw sewage discharges to the lakes systems including additional storage at pump stations, the effectiveness of bunding at pump stations, enhancement of Council's present telemetry system and the continued use of new technologies in replacing and repairing sewer assets.***

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

AGAINST: NIL

6.4 Whale Dreamers Festival 2010

Councillor McNamara left the meeting at 8:33 pm and returned to the meeting at 8:36 pm during consideration of this item.

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

- 1 That Council receive the report on the Whale Dreamer's Festival and its inclusion in the Council's community calendar of events.**
- 2 That Council decline to include the event in the Annual Plan on a recurrent basis and encourage the committee to apply for support via Council's grant program.**
- 3 That staff provide a report to Council on a structured framework for event sponsorship prior to the consideration of the 2011/2012 Annual Plan.**

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

AGAINST: NIL

6.5 Waste and Sustainability Improvement Payment Program 2010/2011

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

- A That Council endorse and support the following high priority projects to be submitted for consideration of funding through the 2010/11 WaSIP program:**
- 1 Community Halls - sustainability improvement program (\$160,000.00 excl GST).**
 - 2 Domestic waste audit (\$80,000.00 excl GST).**
 - 3 Metal litter bin installation in targeted areas (\$19,425.00 excl GST).**
 - 4 Wyong South Sewerage Treatment Plant (STP) computer model (\$16,000.00 excl GST).**
 - 5 Wyong Civic Centre lighting proximity switches (\$10,000.00 excl GST).**
 - 6 Charmhaven Depot energy consumption reduction (\$20,000.00 excl GST).**
 - 7 Wyong Pool – Pool Cover (\$20,000.00 excl GST).**
 - 8 Wyong Civic Centre energy sub metering (\$50,000.00 excl GST).**
 - 9 Continued employment of temporary WaSIP Project Officer (\$100,000.00 excl GST).**
 - 10 Illegal Dumping - integrated enforcement and education plan (\$50,000.00 excl GST).**
 - 11 Recycled organics workshops (\$12,100.00 excl GST).**

- 12 ***Sustainable Events Management at events and appropriate functions conducted by Council (\$20,000.00 excl GST).***
- 13 ***Sustainability Indicator Framework and policy development (\$30,000.00 excl GST).***
- 14 ***Shelly Beach staircase using recycled plastic (\$123,000.00 excl GST).***
- 15 ***Sustainable Wyong workshop series (\$11,000.00 excl GST).***
- 16 ***Mattress recycling (\$20,000.00 excl GST).***

B That Council write to the State Member for Wyong, David Harris MP and The Honourable Frank Sartor MP, Minister for Climate Change and the Environment requesting that the refund from the Section 88 waste and environment levy be increased to a possible 100% of return to enable council to make major and lasting environmental improvements in Wyong Shire.

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

PROCEDURAL MOTION

SUSPENSION OF ORDER OF BUSINESS

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

That Council suspend the order of business to allow consideration of Item 9.1 – Notice of Motion – Women’s Committee.

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

PROCEDURAL MOTION

SUSPENSION OF ORDER OF BUSINESS

Councillor Symington left the meeting at 9:16 pm and returned to the meeting at 9:19 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 use the exception method to deal with the balance of the Agenda.

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

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

That with the exception of report numbers 6.6, 7.2, 7.3, 7.4 and 7.6, Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

6.6 Acid Etching of Tiles at The Entrance Town Centre

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of The Entrance Town Centre Management and participated in consideration of this matter.

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."

Councillor Symington returned to the meeting at 9:19 pm during consideration of this item.

Councillor Vincent left the meeting at 9:22 pm and returned to the meeting at 9:23 pm during consideration of this item.

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

That Council approve acid etching of the tiles at The Entrance Town Centre by the Glason Group in the lump sum amount of \$37,753.73 (excl GST) for the pedestrian area tiles along The Entrance Road between the Coral Street/ Marine Parade intersection south to Denning Street.

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

AGAINST: NIL

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

RESOLVED unanimously on the motion of Councillor MATTHEWS 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 receive a further report at the Ordinary Meeting of 8 December 2010 on the phasing out of Mardi to Mangrove Link contractors and engagement of a management team.**

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

6.8 Contract Variations and Finalisation - September 2010

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

- 1 That Council receive the Contract Variations and Finalisation September 2010 report (Attachment 1).
- 2 That Council approve additional expenditure above resolved estimates for the following contract:

Contract Title	Contract No	Additional Expenditure
Concept Design, Detail Design and Tender Documentation for Toukley STP Inlet Works Upgrade	136486	\$1,380.00

- 3 That Council note the additional expenditure requested will be funded from Water and Waste Budgets.

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

6.9 Staff Recognition Dinners

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

That Council review and endorse the continuation of Staff Recognition Dinners for 10, 15, 20 and 25 years service.

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

6.10 Union Picnic Day

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

- 1 That Council support the practice of granting Union Picnic Day to non union members for the 2010 Union Picnic Day as a paid leave day.

- 2 ***That Council endorse the General Manager giving notice to staff that the practice will be reviewed for 2011 and future years.***
- 3 ***That Council agree the date for future Union Picnic Day recognise the community and business needs of Wyong Shire.***
- 4 ***That Council notify the community of this local government holiday.***

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

AGAINST: NIL

6.11 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$2,500.00 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

6.12 Community Buildings Upgrades

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

That, subject to review of the funding agreement, Council accept the Federal funding allocation of \$659,000 for the upgrade to eight highly utilised Council owned community buildings.

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

AGAINST: NIL

7.1 Results of Survey on Council's Investment of Resources

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

That Council receive the report on Results of Survey on Council's Investment of Resources.

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

AGAINST: NIL

7.2 Proposed Amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005

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

- 1 That Council receive the report on the amendment to Schedule 3 of State Environmental Planning Policy (Major Development) 2005.***
- 2 That Council condemn the State Government and The Honourable Tony Kelly MLC, Minister for Planning on the amendment to Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 at Gwandalan and Catherine Hill Bay and further removal of good planning policies and environmental protection.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

7.3 Warnervale Town Centre Progress Report

Councillor McBride left the meeting at 9:41 pm and returned to the meeting at 9:42 pm during consideration of this item.

Councillor Matthews left the meeting at 9:47 pm and returned to the meeting at 9:49 pm during consideration of this item.

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

That Council receive the report on Warnervale Town Centre Progress Report.

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

AGAINST: NIL

7.4 Outstanding Mine Subsidence Claims - Chain Valley Bay South

This item was withdrawn as it was dealt with at the last meeting of 27 October 2010.

7.5 Mardi to Mangrove Link Project Status

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

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

7.6 Porters Creek Stormwater Harvesting Scheme - Notification of Unsuccessful Grant Application

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

1 *That Council receive the report on Porters Creek Stormwater Harvesting Scheme - Notification of Unsuccessful Grant Application.*

2 *That Council authorise the Delegation to raise this issue on their forthcoming visit to Canberra in view of the importance of this scheme to the Warnervale Employment Zone and report back to Council.*

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

AGAINST: NIL

7.7 Outstanding Questions without Notice and Notice of Motions

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

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

9.1 Notice of Motion - Women's Committee

Gosford City Councillor Vicki Scott, addressed the meeting at 8:48 pm, answered questions and retired at 8:57 pm.

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

- 1 That Council include consideration of a Status of Women Committee during their deliberations on the whole committee structure.**
- 2 That Council consider participation / membership to include Councillors, staff and community representatives to support women's issues within the Local Government area.**

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

AGAINST: NIL

9.2 Notice of Motion - Lot 1 DP 450166 Main Road Toukley

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

- 1 That further to Council's consideration of this matter on 11 June 2008 and staff reply (reports attached), Council reiterate on behalf of its residents and ratepayers its serious concern regarding the unsightly and potentially unsafe condition of the partially built structure locally know as the Toukley Taj Mahan on Lot 1 DP 450166, Main Road, Toukley at the bridge.**
- 2 That acknowledging the substantial period of time that has lapsed since any work has taken place on the property and noting that a Notice of Intent has been issued requiring the completion of the development:**
 - a Council proceed to issue a formal Order for completion.**
 - b Council's legal counsel investigate any other avenues to achieve completion.**
 - c Should the owners not comply with the terms of the Order upon its expiry, Council commence legal action in the Land and Environment Court.**

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

AGAINST: NIL

9.3 Notice of Motion - Call to Close Dirty Coal Generator

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 10:11 pm took no part in discussion, did not vote and did not return to the chamber.

Councillor Graham left the meeting at 10:10 pm and returned to the meeting at 10:11 pm during consideration of this item.

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

- 1 That Council investigate reports that the State Government through Delta Electricity is seeking to divest itself of the aging Munmorah Station with a view to retaining the soon to be upgraded Colongra portion. As this station was constructed in the mid 60s and upgraded in the early 1980s it is the most polluting power station and clearly the general site is significantly environmentally degraded.**
- 2 That further residents and ratepayers of the Shire's north have endured dust, noise and health challenges associated with dirty coal generation it is with this understanding that Council seek to confirm the State's intention subject to confirmation, Council on behalf of our residents and ratepayers call on the State Government to demolish the aging Station and utilise the land for more conventional and environmentally friendly employment generating opportunities.**
- 3 That Council request staff investigate appropriate notations to be attached to the Section 149 Certificate for the land associated with the Power Station to deal with the degraded and likely contamination issues associated with the site.**

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

AGAINST: COUNCILLORS MATTHEWS AND MCBRIDE

QUESTIONS WITHOUT NOTICE

There were no questions without notice asked.

THE MEETING closed at 10:14 pm.