
WYONG SHIRE COUNCIL

REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 10 OCTOBER 2007,
COMMENCING AT 5.00 PM

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WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

General Manager's Report

418 Disclosures of Interest

F2006/02282 ED:MR

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

General Manager's Report

419 Proposed Inspections

F2006/02282 MW:SW

SUMMARY

Inspections proposed to be held on 31 October 2007 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
31 October 2007	Telecommunications Tower – 1 Warnervale Road, Warnervale. DA 1071/2007	Director Shire Planning
31 October 2007	Additional access to Lake Munmorah Residential Resort - Caravan Park, Pacific Highway, Lake Munmorah – DA/658/1989	Director Shire Planning
31 October 2007	Gwandalan Sewage Treatment Plant - New effluent treatment plant being installed for supply high quality effluent to Tunkuwallin Oval and Gwandalan Public School.	Director Shire Services
31 October 2007	Gravity Youth Centre, Lake Haven – Sustainability Street	Director Shire Services
31 October 2007	The Entrance Toilets	Director Shire Services
31 October 2007	Berkeley Road, Berkeley Vale - Tree Works and drainage works will be completed in preparation for the road works.	Director Shire Services
31 October 2007	Glen and Fern Roads, Ourimbah - Sealing	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 31 October 2007 be received and the information noted.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

General Manager's Report

420 Proposed Briefings

F2006/02282 ED:MR

SUMMARY

Briefings proposed for this meeting and future meetings to be held in Wilfred Barrett and Tim Farrell Committee Rooms.

Date	Briefing	Description	Time	Presented by
10 October 2007	Enterprise Risk	Enterprise Risk with Councillors & Governance Committee (following Governance Committee 9.30am-11am) with Tony Harb	11.00am – 1pm	General Manager
10 October 2007	State of the Environment Report 2006/07	Final discussion and feedback on the State of the Environment Report 2006/07 (supplementary)*	1pm – 1.30pm	Natural Resources Officer and Snr Terrestrial Ecology and Sustainability Officer
10 October 2007	Grants within WSC	Co-ordination of allocations of grants within WSC – Session 2	1.30pm – 3.00pm	Manager, Corporate & Administration Services

RECOMMENDATION

That the report be received and the information noted.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

General Manager's Report

421 Address by Invited Speakers

F2006/02282 ED:MR

SUMMARY

There have been no requests to address the Ordinary Meeting at the time of printing the Business Paper.

RECOMMENDATION

- 1** *That the report on Invited Speakers be received and the information noted.*
- 2** *That, should speakers be present at the meeting, standing orders be varied to allow each item to be dealt with following the speaker's address.*

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

General Manager's Report

422 Confirmation of Minutes of Previous Meetings

F2006/02282 ED:MR

SUMMARY

Confirmation of minutes of the previous Extraordinary Meeting of Council held on 19 September 2007 and the Ordinary Meeting of Council held on 26 September 2007.

RECOMMENDATION

That the minutes of the previous Extraordinary Meeting of Council held on 19 September 2007 and Ordinary Meeting of Council held on 26 September 2007 be received and confirmed.

WYONG SHIRE COUNCIL

**MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 19 SEPTEMBER 2007,
COMMENCING AT 5.03 PM**

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, B J PAVIER, N T ROSE, R C STEVENS, R E STEWART, C W VEUGEN AND W J WELHAM.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR SHIRE SERVICES, ACTING MANAGER DEVELOPMENT ASSESSMENT AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.03 PM AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

THE REPORTS WERE DEALT WITH IN THE CORRECT AGENDA SEQUENCE.

Minutes of the Extraordinary Meeting of Council held on 19 September 2007 (contd)

389 Mayoral Report for the Past Term

F2004/06511

RESOLVED unanimously on the motion of Councillor Graham:

That the Mayoral report for the past 12 month term, 2006 - 2007, be received.

390 Election of Mayor and Voting Procedure

F2004/06511 ED

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

That the election for the Office of Mayor be determined by the method of open voting.

THE GENERAL MANAGER ADVISED THAT NOMINATIONS FOR THE POSITION OF MAYOR HAD BEEN RECEIVED FOR COUNCILLORS EATON AND WELHAM. COUNCILLORS EATON AND WELHAM ACCEPTED THEIR RESPECTIVE NOMINATIONS.

THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR EATON TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR EATON WERE COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR WELHAM TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR WELHAM WERE COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

COUNCILLOR WELHAM WAS DECLARED DULY ELECTED TO THE OFFICE OF MAYOR FOR THE TERM 2007/2008.

THE MAYOR, COUNCILLOR WELHAM THEN ASSUMED THE CHAIR.

Minutes of the Extraordinary Meeting of Council held on 19 September 2007 (contd)

391 Election of Deputy Mayor

F2004/06511 ED

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

That the election of Deputy Mayor be conducted in the same manner as the election of Mayor for the 2007/2008 term.

THE GENERAL MANAGER ADVISED THAT NOMINATIONS FOR THE POSITION OF DEPUTY MAYOR HAD BEEN RECEIVED FOR COUNCILLORS STEVENS AND STEWART. COUNCILLORS STEVENS AND STEWART ACCEPTED THEIR RESPECTIVE NOMINATIONS.

THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR STEVENS TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR STEVENS WERE COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

THE GENERAL MANAGER REQUESTED THOSE COUNCILLORS SUPPORTING THE NOMINATION OF COUNCILLOR STEWART TO RAISE THEIR RIGHT HAND. COUNCILLORS VOTING IN SUPPORT OF COUNCILLOR STEWART WERE COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

COUNCILLOR STEVENS WAS DECLARED DULY ELECTED TO THE OFFICE OF DEPUTY MAYOR FOR THE TERM 2007/2008.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.25 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 26 SEPTEMBER 2007,
COMMENCING AT 5.03 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT, MANAGER FUTURE PLANNING AND AN ADMINISTRATION OFFICER.

A CANDLE WAS LIT IN REMEMBRANCE OF THE LATE CLIFF RUSSELL AND A MINUTES SILENCE WAS OBSERVED.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.03 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 399, 400, 406, 405 AND 411 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.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

392 Disclosures of Interest

F2006/02282 MW:SW

399 NOTICE OF MOTION – POTENTIAL IMPACTS OF COAL MINING

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE ASSISTED OTHER COMMUNITY ORGANISATIONS SUCH AS STOP KOREAN COAL MINING (SKCM) AND OTHER INDIVIDUALS IN RELATION TO THEIR SUBMISSIONS INTO THE INQUIRY AND PARTICIPATED IN CONSIDERATION OF THIS ITEM.

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 THE SUBMISSION WAS IN KEEPING WITH THE COUNCIL'S OPPOSITION TO COAL MINING IN THE VALLEYS."

399 NOTICE OF MOTION – POTENTIAL IMPACTS OF COAL MINING

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE ASSISTED THE AUSTRALIAN COAL ALLIANCE WITH A TOWN PLANNING CONTRIBUTION IN THEIR INFORMATION TO THE STATE GOVERNMENT'S INQUIRY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 SUBMISSION WAS IN KEEPING WITH THE COUNCIL'S OPPOSITION TO COAL MINING IN THE VALLEYS."

402 DRAFT DEVELOPMENT CONTROL PLAN 2005: CHAPTER 36 – NORTH WYONG INDUSTRIAL AREA AND DRAFT LOCAL ENVIRONMENTAL PLAN 174

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR FOR THE LANDOWNER IN THE DCP AREA LEFT THE CHAMBER AT 8.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.41 PM.

402 DRAFT DEVELOPMENT CONTROL PLAN 2005: CHAPTER 36 – NORTH WYONG INDUSTRIAL AREA AND DRAFT LOCAL ENVIRONMENTAL PLAN 174

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE BELIEVES THAT THE OWNER OF THE LAND HAS A RELATIONSHIP WITH HIS EMPLOYER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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."

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

405 EXPANSION OF EXISTING CARAVAN PARK AT CHAIN VALLEY BAY

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF THE HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY AND IS AWARE OF ISSUES AT THAT LEVEL THAT MAY INFLUENCE HIS DECISION LEFT THE CHAMBER AT 7.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.06 PM.

410 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 8.59 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.00 PM.

411 HOLIDAY PARKS BRIEFINGS

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL PARKS FROM TIME TO TIME LEFT THE CHAMBER AT 7.06 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.13 PM.

COUNCILLOR BEST STATED:

"I CHOOSE NOT TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

W015 PROPOSED HAMLYN TERRACE COMMUNITY FACILITY

MANAGER FUTURE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS BEEN EXTENSIVELY INVOLVED IN THE WARNERVALE FAMILY COMMUNITY CENTRE LEFT THE CHAMBER AT 9.02 PM, TOOK NO PART IN DISCUSSION AND DID NOT RETURN TO THE CHAMBER.

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

That the report be received and advice of disclosures noted.

393 Proposed Inspections

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor ROSE:

That the report on inspections conducted on Wednesday, 26 September 2007 be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

394 Proposed Briefings

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:

That the report be received and the information noted.

395 Address by Invited Speakers

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor STEWART:

- 1** ***That the amended report on Invited Speakers be received and the information noted.***
- 2** ***That standing orders be varied to allow each item to be dealt with following the speaker's address.***

396 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 MW:SW

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

- 1** ***That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:***

W014 – Proposed Hamlyn Terrace Sporting Facilities

W015 – Proposed Hamlyn Terrace Community Facility
- 2** ***That the reason for dealing with the Report No W014 – Proposed Hamlyn Terrace Sporting Facilities and Report No W015 – Proposed Hamlyn Terrace Community Facilities confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3** ***That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

397 Confirmation of Minutes of Previous Meeting

F2006/02282 MW:SW

RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor ROSE:

That the minutes of the previous Ordinary Meeting of Council held on 12 September 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

398 Notice of Motion – Resumption (or Buy Out) Policy

F2004/07782 BP

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.34 PM AND RETURNED TO THE CHAMBER AT 7.39 PM DURING CONSIDERATION OF THIS ITEM.

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

Presently Council has a Coastline Management Plan largely implemented through a control plan DCP77.

In the 2004 Hazard Assessment for Wyong's coast, the Department of Natural Resources required a sea level rise of 150 mm for the beach and bluff modelling for a planning horizon of 50 years. In 2007 IPCC (Intergovernmental Panel on Climate Change) and CSIRO indicated that these figures should be 300mm for the 50 year planning horizon. Due to such radical changes in the predicative figures mentioned above, that staff bring back a report to the next available meeting;

- 1 *A brief précis on DCP 77 where it applies and the controls that this plans limits with regards to the type and nature of development.***
- 2 *A scoping analysis of options that may be incorporated within the Coastline Management Plan to address the impacts of sea level rise and climate change. This would include issues such as voluntary resumption, planned retreat and structural options, with specific reference to the levels of contributions by the other spheres of government (ie State and Federal) and why.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

- 3** *The number of properties presently affected now, with a guestimate of the how many properties will be affected when the current hazard lines move inland placing more properties in the 50 year high zone.*
- 4** *With an expected 100 year prediction of 880mm rise in the sea level and as part of this report, when do staff view it as wise to have a further revisit to the hazard management plan after this one is due sometime in late 2008 and why has this Coastal hazard Plan taken so long to come to light given that DCP was last gazetted in 1999?*
- 5** *That the above information be provided to council as soon as possible and that a copy of this report be sent to all State and Federal Local members.*

FOR: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, ROSE, STEWART AND VEUGEN.

399 Notice of Motion – Potential Impacts of Coal Mining

F2006/01080 NR:RS

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE ASSISTED OTHER COMMUNITY ORGANISATIONS SUCH AS STOP KOREAN COAL MINING (SKCM) AND OTHER INDIVIDUALS IN RELATION TO THE WHERE WITH ALL WITH THEIR SUBMISSIONS INTO THE INQUIRY AND PARTICIPATED IN CONSIDERATION OF THIS ITEM.

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 THE SUBMISSION WAS IN KEEPING WITH THE COUNCIL'S OPPOSITION TO COAL MINING IN THE VALLEYS."

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE ASSISTED THE AUSTRALIAN COAL ALLIANCE WITH A TOWN PLANNING CONTRIBUTION IN THEIR INFORMATION TO THE STATE GOVERNMENT'S INQUIRY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 SUBMISSION WAS IN KEEPING WITH THE COUNCIL'S OPPOSITION TO COAL MINING IN THE VALLEYS."

MR MIKE CAMPBELL, RESIDENT, IN FAVOUR OF THE MOTION, ADDRESSED THE MEETING AT 5.18 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:

That having regard to the State Government Strategic Inquiry into the Potential Impacts of Coal Mining in Wyong Shire, that Council:

- 1 Extends appreciation to many Shire residents, both in the Valleys and in neighbouring communities, for their extensive involvement in the Inquiry process.***
- 2 Congratulates 'The Australian Coal Alliance' and 'Stop Korean Coal Mining Group' for its considerable effort in presenting a particularly outstanding and well researched submission as commented on by the Chairperson of the Inquiry.***
- 3 Extends appreciation to the Member for Wyong, Mr David Harris for his unswerving opposition against any additional/new coal mining within the boundaries of Wyong Shire and for his strong submission against the proposed Kores mine to the Strategic Inquiry, and***
- 4 Reiterates its concerns for the potential impacts of coal mining:***
 - a within our essential water supply catchments;***
 - b under the Tuggerah Lakes;***
 - c to existing residential communities; and***
 - d to proposed industrial, commercial or residential areas.***
- 5 Council formally write to the Member for Wyong, Mr David Harris thanking him for his strident opposition to this challenging issue.***
- 6 Council also recognise the significant contribution of this issue, made by former Mayor and patron, Councillor Bob Graham.***
- 7 Council write to both the Federal Government and Federal Opposition calling on them to formally state their positions in relation to the proposed Kores Coal Mine and what proposed actions they would take on coming to office in the new Government.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

400 Notice of Motion – Rezoning Warnervale Town Centre and Wyong Employment Zone

F2006/01080 KF

MR JOHN MCNAMARA, RESIDENT, IN FAVOUR OF THE MOTION, ADDRESSED THE MEETING AT 5.47 PM ANSWERED QUESTIONS AND RETIRED AT 5.57 PM

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 5.48 PM AND RETURNED TO THE CHAMBER AT 5.49 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 5.53 PM AND RETURNED TO THE CHAMBER AT 5.55 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.06 PM DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor PAVIER:

That having regard to the extra-ordinary time that the Minister for Planning has had to resolve the rezoning of both Warnervale Town Centre and the Wyong Employment Zone, that Council urgently make representations to the Premier of New South Wales, the Hon Morris Iemma, expressing Council's ongoing concern that the Minister for Planning has failed to deliver on promises of resolving both the Warnervale Town Centre and Wyong Employment Zone (WEZ) rezonings in a timely manner and:

- 1 Notes that the Minister for Planning has had the rezonings for some 13-15 months. This has led in turn particularly to:***
 - * Holding up the delivery of some 6,000 jobs;***
 - * Delays in the provision of a major commuter railway station;***
 - * Delays in innovative programs to enhance and maintain key ecological communities that are currently being impacted by inappropriate land uses;***
 - * Resolution of the location and design for a major new town centre; and***
 - * Delays in the provision of important community facilities for the growing population of Wyong Shire and Warnervale District.***
- 2 Raises ongoing concern that the Minister for Planning is proposing to apply a Regional Infrastructure Levy to an employment generating development area.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

3 *Raises ongoing concern that the Minister for Planning has been unable to resolve:*

- * *The Regional Infrastructure Levy that is to be applied to the Warnervale District;*
- * *State Government sign off of the innovative Conservation solutions proposed to retain and enhance natural values and provide biocertification for future development;*
- * *The issues raised by the presence of Threatened Species; and*
- * *How community services will be appropriately funded and fully integrated with the development proposal.*

Despite more than 12 months of negotiations and discussions with various State Government departments.

4 *Raises significant concerns that despite ongoing co-operation from Council staff and landowners there has been little attempt at regular communication, updates or involvement, as appropriate, with the planning process which would improve the final outcomes.*

401 **Notice of Motion – Unsustainable Housing Solution**

F2006/01013 MW

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 7.48 PM AND RETURNED TO THE CHAMBER AT 7.52 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.57 PM AND RETURNED TO THE CHAMBER AT 7.58 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED on the motion of Councillor BEST and seconded by Councillor FORSTER:

That further to the Federal Government's recent solution to solve the affordable housing crises by demanding the State Government release large tracks of residential land in urban release areas such as Wyong Shire. Council urgently request a report from our Local Federal Members on how they propose the coast will cope with a further escalation of population growth over and above the currently unsustainable targets.

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor FORSTER:

That Council writes to the Federal Local Government Minister and to the opposition spokesman calling on the Federal Government to take on responsibility for funding major new infrastructure in new residential areas.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

The MOTION was WITHDRAWN.

The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.

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

That Council writes to the Federal Local Government Minister and to the opposition spokesman calling on the Federal Government to take on responsibility for funding major new infrastructure in new residential areas.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING VANDALISM AT NORAH HEAD.

THE MAYOR RULED THAT THE MATTER WAS URGENT AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

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

That Council consider a motion of Urgency regarding Vandalism across our Shire.

FOR: COUNCILLORS BEST, EATON, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS FORSTER, PAVIER AND ROSE.

401A Motion of Urgency – Vandalism Across our Shire

F2004/07937

It was MOVED on the motion of Councillor BEST and seconded by Councillor WELHAM:

- 1 *That Council on behalf of the residents and ratepayers increase our efforts to combat the ongoing escalation of vandalism across our Shire by doubling the reward to \$20,000, leading to a conviction, in an effort to identify those responsible for the mindless and methodic attacks on the evening of Saturday, 22 September 2007, on every public building in and around the Norah Head area.*
- 2 *That Council note that these attacks are costing our residents and ratepayers approximately \$250,000 to restore.*
- 3 *That Council request the General Manager to formally commend administration and field staff for their efficiency in remediating the affected areas.*

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

- 4 *That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means.*

An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor PAVIER:

That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means.

RESOLVED on the motion of Councillor EATON that the MOTION be put.

FOR: COUNCILLORS EATON, FORSTER, GRAHAM, PAVIER, ROSE, STEVENS AND STEWART.

AGAINST: COUNCILLORS BEST, VEUGEN AND WELHAM.

Voting on the AMENDMENT was as follows:

FOR: COUNCILLORS FORSTER, PAVIER, ROSE, STEVENS AND STEWART.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, VEUGEN AND WELHAM.

THE AMENDMENT WAS LOST ON THE CASTING VOTE OF THE MAYOR.

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

- 1 ***That Council on behalf of the residents and ratepayers increase our efforts to combat the ongoing escalation of vandalism across our Shire by doubling the reward to \$20,000, leading to a conviction, in an effort to identify those responsible for the mindless and methodic attacks on the evening of Saturday, 22 September 2007, on every public building in and around the Norah Head area.***
- 2 ***That Council note that these attacks are costing our residents and ratepayers approximately \$250,000 to restore.***
- 3 ***That Council request the General Manager to formally commend administration and field staff for their efficiency in remediating the affected areas.***
- 4 ***That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

FOR: COUNCILLORS BEST, EATON, GRAHAM, PAVIER, ROSE, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS FORSTER AND STEVENS.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING COUNCIL REPRESENTATION ON THE TUGGERAH LAKES RESERVE TRUST.

THE MAYOR RULED THAT THE MATTER WAS URGENT AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

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

That Council consider a motion of Urgency regarding a Council representative to go onto the Tuggerah Lakes Reserve Trust as Councillor Best will not be renominating.

401B Motion of Urgency – Council Representation on the Tuggerah Lakes Reserve Trust

F2004/08318

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.20 PM AND RETURNED TO THE CHAMBER AT 8.29 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council nominate a representative to be considered for appointment as a member of the Tuggerah Lakes Reserve Trust.

FOR: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR PAVIER.

402 Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan 174

F2004/08885 LH:LH

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR FOR THE LANDOWNER IN THE DCP AREA LEFT THE CHAMBER AT 8.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.41 PM.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE BELIEVES THAT THE OWNER OF THE LAND HAS A RELATIONSHIP WITH HIS EMPLOYER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY.

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

- 1 That draft Local Environmental Plan 174 be referred to the Department of Planning under Section 69 of the Environmental Planning and Assessment Act requesting that the Minister for Planning make the plan.***
- 2 That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area, as amended, be adopted by Council and become effective as at the date of gazettal of draft Local Environmental Plan 174 and to apply to all development applications lodged after the date of public notification.***
- 3 That appropriate public notice be given within 28 days.***
- 4 That a copy of Development Control Plan 2005 containing the amended Chapter 36 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 5 That Council's 149 Certificates be noted.***
- 6 That all those who made submissions be advised of Council's decision.***
- 7 That a comprehensive review of Development Control Plan 2005: Chapter 36 North Wyong Industrial Area be undertaken by Council's Planning Legal and Policy Section as a matter of priority.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR FORSTER.

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

That the remaining reports and recommendations of the Ordinary Meeting of Council, with the exception of Report Nos 403, 410, 413, W014 and W015 be received and adopted.

403 Draft Local Environmental Plan, Tumbi Umbi

RZ/5/2005 JLO:JLO

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

- 1 That a draft Local Environmental Plan be prepared to amend Clause 60B of the Wyong Local Environmental Plan, 1991, in the following manner:**
 - a Remove anomalous lot references within the clause;**
 - b Permit the use of Lot 100 for a “restaurant, drive-thru restaurant, a medical centre or commercial premises. Any development is restricted to a maximum of two (2) storeys in height”.**
 - c Permit the additional use of Lot 21 for “a medical centre and up to two commercial premises with no restriction on the number of tenancies. Any development is restricted to a maximum of two storeys in height.”**
- 2 That the Department of Planning be advised of the decision.**
- 3 That the Department of Planning be further advised that Council’s delegate proposes to exercise the delegations under Section 65 and if appropriate, under Section 69 of the Environmental Planning and Assessment Act 1979 and the Department be requested to issue a Written Authorisation to Exercise Delegation to permit the exhibition of the draft Local Environmental Plan.**
- 4 That the draft Local Environmental Plan be referred to appropriate authorities for comment.**
- 5 That upon receipt of the Written Authorisation to Exercise Delegation under section 65, the draft Local Environmental Plan be advertised for 28 days.**
- 6 That Council’s Section 149 Certificates be noted.**
- 7 That upon receipt of the Written Authorisation to Exercise Delegation under section 69, and subject to no significant objections be received as a result of the exhibition, the Minister for Planning be requested to create the Local Environmental Plan.**
- 8 A revised traffic study is to be submitted prior to any referral of this rezoning to the relevant Government Agencies under Section 62 of the Environmental Planning and Assessment Act 1979. Such revised study is to address how any deficit in the number of parking spaces is to be dealt with in relation to Lot 100.**

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

FOR: COUNCILLORS BEST, EATON, GRAHAM, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS FORSTER AND VEUGEN.

404 Promoting Choice: A Local Housing Strategy for Wyong Shire

F2006/01013 RG:RG

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

- 1 That the draft Promoting Choice: A Local Housing Strategy for Wyong Shire be placed on public exhibition for a period of 28 days.***
- 2 That copies of the draft strategy be distributed to stakeholder groups for review and comment.***
- 3 That the results of the exhibition be reported to Council.***

405 Expansion of Existing Caravan Park at Chain Valley Bay

DA2338/2005:EA:EA

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF THE HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY AND IS AWARE OF ISSUES AT THAT LEVEL THAT MAY INFLUENCE HIS DECISION LEFT THE CHAMBER AT 7.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.06 PM.

MR GRAHAM HANSEN, RESIDENT, AGAINST THE DEVELOPMENT, ADDRESSED THE MEETING AT 7.00 PM, ANSWERED QUESTIONS AND RETIRED AT 7.05 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.00 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the application be refused for the reasons listed;

- 1 Pursuant to the provisions of Section 79C (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with Clause 10 of Wyong Local Environmental Plan 1991 with regard to the objectives of the 7(b) Scenic Protection zone.***

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

- 2 ***Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 5 of DCP 2005 Chapter 23 - Caravan Parks with regard to exceeding the maximum number of 250 sites for long term caravan parks.***
- 3 ***Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development will result in a significant increase in traffic not conducive to the 7(b) Scenic Protection zone.***
- 4 ***Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed on-site sewer management system has the potential to negatively impact on the water quality of Karignan Creek.***
- 5 ***Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is likely to impact on flora and fauna as a result of the proposed clearing of the site.***
- 6 ***Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is significantly isolated from community services.***
- 7 ***Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979 and having regard to the significant number of public submissions received, the proposal is considered unsatisfactory.***
- 8 ***Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest, particularly with regard to the expansion of long-term caravan parks and the proliferation of the like in the north of the Shire.***

FOR: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS STEVENS AND STEWART.

406 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

MR TONY SINCLAIR, RESIDENT, AGAINST THE DEVELOPMENT, ADDRESSED THE MEETING AT 6.12 PM, ANSWERED QUESTIONS AND RETIRED AT 6.23 PM.

MR FRANK MERINO, REPRESENTING RICHARD JEFFREY BUILDING DESIGN, ADDRESSED THE MEETING AT 6.30 PM, ANSWERED QUESTIONS AND RETIRED AT 6.36 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.45 PM AND RETURNED TO THE CHAMBER AT 6.47 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.46 PM AND RETURNED TO THE CHAMBER AT 6.55 PM DURING CONSIDERATION OF THIS ITEM.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

RESOLVED on the motion of Councillor STEWART and seconded by Councillor STEVENS:

- 1 ***That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.***
- 2 ***That Chapter 64 – Multiple dwelling Residential Development of DCP 2005 be varied to allow:***
 - * ***Vehicles to reverse from the site into Nicole Close.***
 - * ***Private open space of Unit 3 to have a width below the minimum standard of 4.5m.***
- 3 ***That those who made written submissions be advised of the decision.***

FOR: COUNCILLORS FORSTER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, PAVIER AND VEUGEN.

THE MOTION WAS CARRIED ON THE CASTING VOTE OF THE MAYOR.

407 Contract CPA/116306 – Manufacture, Supply and Delivery of One Bitumen Patching Truck

CPA/116306 ABP:JEM

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

That Council accept Tender No 2 from Jetpatcher Roadtech Pty Ltd in the lump sum amount of \$247,167 including GST (\$211,205.45 excluding GST).

408 Establishment of an Alcohol Free Zone – Budgewoi

F2004/06070 MW

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

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

That Council formally adopt the proposal to establish an Alcohol Free Zone in the following location for the period up to 30 June 2009:

Budgewoi: *The Alcohol Free Zone would be bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Marina Street in the East. All streets within this boundary would be included within the Alcohol Free Zone.*

409 Establishment of an Alcohol Free Zone – Ourimbah

F2004/06076 MW

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

That Council formally adopt the proposal to establish an Alcohol Free Zone in the following location for the period up to 30 June 2009:

Ourimbah: *The Alcohol Free Zone would include Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive.*

410 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 8.59 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.00 PM.

COUNCILLOR WELHAM VACATED THE CHAIR AND COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.59 PM AND RETURNED TO THE CHAMBER AT 9.00 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That an amount of \$3,250 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

COUNCILLOR WELHAM RESUMED THE CHAIR.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

411 Holiday Parks Briefings

F2007/01304 DC

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL PARKS FROM TIME TO TIME LEFT THE CHAMBER AT 7.06 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.13 PM.

COUNCILLOR BEST STATED:

"I CHOOSE NOT TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.11 PM AND RETURNED TO THE CHAMBER AT 7.12 PM DURING CONSIDERATION OF THIS ITEM.

RESOLVED on the motion of Councillor STEWART and seconded by Councillor FORSTER:

- 1 That the report be received and the information noted.***
- 2 That no further Councillor briefings be scheduled regarding this matter.***
- 3 That the policy of allowing on-site van sales at Budgewoi, Norah Head and Toowoan Bay Holiday Parks be endorsed.***

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR EATON.

412 Disclosure of Interest Returns

F2004/06507 F2006/02298 ED

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

413 Stormwater Levy – Possible Impacts

F2004/00118 KG:JEM

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

That the report be received and the information noted.

414 Works in Progress Report – General

F2004/07830 JEM

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

That the report be received and the information noted.

415 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

416 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

417 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 MW:SW

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED

Q092 – Update on Progress of the Klumper Entrance Development

Councillor Eaton

DA/2660/2004

“Could Council report, confidentially if necessary and/or in briefing, on progress of the Klumper Entrance Development?”

Q093 – Minutes of Confidential Meeting held on 29 August 2007 between Councillors and the General Manager

Councillor Eaton

F2007/00044

“Given that it is now four weeks since the Confidential meeting of Councillors and the General Manager, could the minutes be distributed as a matter of urgency?”

Q094 - Sister Cities Committee Trips for Residents to Visit Japan and New Zealand

Councillor Graham

F2004/00026

“I see where our Sister Cities Committee is calling for applications for two residents 18 years or older, to win a trip each, one to Japan, the other to New Zealand. My question is, how much do these junkets cost, and what if anything, do the ratepayers of Wyong Shire get for their investment?”

Q095 – Staffing Levels at Wyong Council

Councillor Graham

F2007/00109

“I am reliably informed that a number of our senior staff are actively seeking alternate employment, how does the General Manager intend to deal with this potentially catastrophic situation?”

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court**Councillor Pavier**

F2007/01468 F2004/07626 F2004/09242 F2004/08775

“Darcy Smith has recently won in the Land and Environment Court, bringing his win tally to 3 – Council 0. How much has this cost Council and is Council now prepared to negotiate with Mr Smith or not?”

Q097 – Daley – Waugh Neighbour Dispute**Councillor Pavier**

DA/1338/2006

“Could we have a brief report on staff’s efforts with regards to the Daley – Waugh neighbourhood dispute?”

Q098 - Completion of Safety Fencing Around Playground at Memorial Park, The Entrance**Councillor Stewart**

CPA/119190

“Would Council please look at the cost of completing the safety fencing (with the view to completing an enclosed playground) at the Memorial Park, The Entrance, as it is seen by young mothers as being vital to the safety of that area?”

Q099 - Official Opening of Jubilee Oval**Councillor Stewart**

F2004/08150

“When will Council be officially opening Jubilee Oval?”

Q100 - Management Plan for Threatened Orchid Species**Councillor Best**

F2004/06946

“Has Council a management plan adopted in regards to threatened orchid species such as Caladenia porphyrea, Genoplesium insignis, Diuris praecox, Cryptostylis hunteriana, Caladenia tessellata, Diuris bracteata and Microtis angusii?”

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

Q101 - Annual Fishing Competition at Mangrove Creek Dam**Councillor Veugen**

F2004/06840

“Could staff report on the possibility of stocking Mangrove Creek Dam with native sport fish with the aim that when these fish have grown to a mature size that an annual fishing competition be held with a catch and release policy. The report to include a response from Central Coast Tourism on this proposal?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.10 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 9.24 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W014 Proposed Hamlyn Terrace Sporting Facilities

F2004/00516 F2004/08344 CPA/104862 BMc

That Council proceed with acquisition of the land identified in the confidential report.

- 1** *[Confidential Resolution – see note below].*
- 2** *[Confidential Resolution – see note below].*
- 3** *[Confidential Resolution – see note below].*
- 4** *[Confidential Resolution – see note below].*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

Minutes of the Ordinary Meeting of Council held on 26 September 2007 (contd)

W015 Proposed Hamlyn Terrace Community Facility

F2004/00516 BEM

That Council proceed with acquisition of the land identified in the confidential report.

1 [Confidential Resolution – see note below].

2 [Confidential Resolution – see note below].

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.25 PM.

.....
CHAIRPERSON

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

423 Notice of Rescission – Vandalism Across our Shire

F2004/07937 MR

Council, at the Ordinary Meeting held on 26 September 2007 gave consideration to a Motion of Urgency regarding Vandalism Across our Shire.

At that meeting, Council resolved as follows:

- “1 *That Council on behalf of the residents and ratepayers increase our efforts to combat the ongoing escalation of vandalism across our Shire by doubling the reward to \$20,000, leading to a conviction, in an effort to identify those responsible for the mindless and methodic attacks on the evening of Saturday, 22 September 2007, on every public building in and around the Norah Head area.*
- 2 *That Council note that these attacks are costing our residents and ratepayers approximately \$250,000 to restore.*
- 3 *That Council request the General Manager to formally commend administration and field staff for their efficiency in remediating the affected areas.*
- 4 *That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means.”*

A Rescission Motion has been received from Councillors K M Forster, N Rose and R E Stewart to be moved at the Ordinary Meeting of Council to be held on 10 October 2007, as follows:

“MOVE that the following resolution carried at the Ordinary Meeting of Council held on 26 September 2007 be rescinded:

- 1 *That Council on behalf of the residents and ratepayers increase our efforts to combat the ongoing escalation of vandalism across our Shire by doubling the reward to \$20,000, leading to a conviction, in an effort to identify those responsible for the mindless and methodic attacks on the evening of Saturday, 22 September 2007, on every public building in and around the Norah Head area.*
- 2 *That Council note that these attacks are costing our residents and ratepayers approximately \$250,000 to restore.*
- 3 *That Council request the General Manager to formally commend administration and field staff for their efficiency in remediating the affected areas.*
- 4 *That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means..”*

10 October 2007
To the Ordinary Meeting of Council

Notice of Rescission – Vandalism Across our Shire (contd)

Should the above Rescission Motion be carried, further notice is given that Councillors K M Forster, N Rose and R E Stewart will move the following motion:

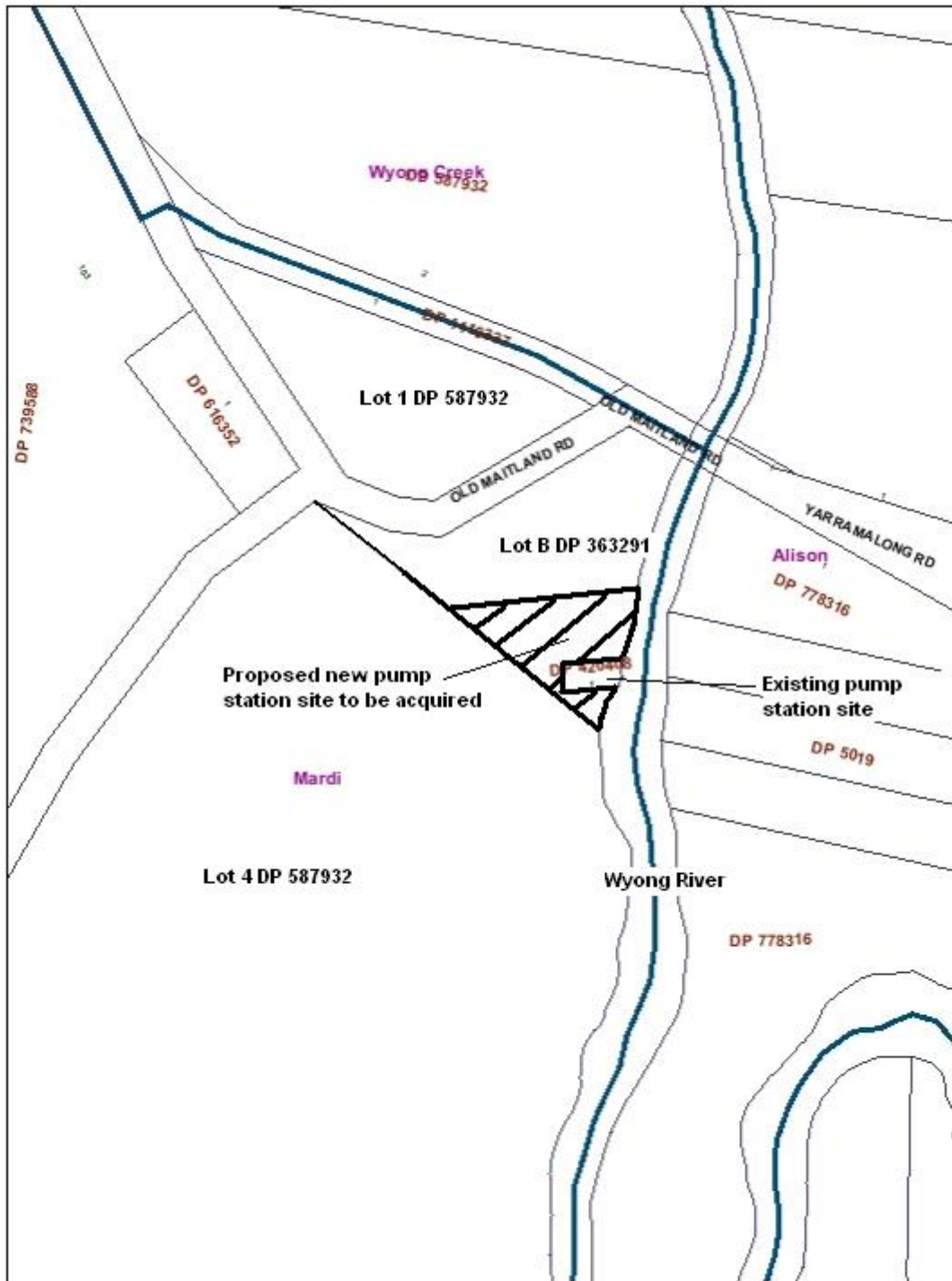
“MOVE

That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also investigate the costs of providing this service via a range of means.”

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424 Acquisition of Land for Water Supply Pump Station at Mardi (Attachment 1)

Plan showing the location of the land to be acquired



WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

424 Acquisition of Land for Water Supply Pump Station at Mardi

F2007/01509 PF

SUMMARY

Approval is sought to acquire part of Lot 4 DP 587932 Old Maitland Road Mardi for the purpose of constructing a water supply pump station associated with the Mardi – Mangrove Dam project.

RECOMMENDATION

- 1** *That Council acquire part of Lot 4 DP 587932 Old Maitland Road Mardi for water supply purposes associated with the Mardi Dam – Mangrove Dam Link project.*
- 2** *That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Minister.*

BACKGROUND

Council at its meeting held on 25 July 2007 authorised the granting of easements over its land to Energy Australia to allow the upgrade the high voltage power supply to an existing pump station on Council land Lot 1 DP 420408 adjacent to Wyong River off Old Maitland Road Mardi, to enable an increase in the transfer capacity of that Pump Station from 72 to 125 ML per day.

The proposed upgraded high voltage power supply also affects adjoining land owned by Ms C Hoddinott. Council has been negotiating with Mr Mark Hoddinott, acting for the owner, to allow the installation of the electricity supply on Lot 4.

Acquisition of Land for Water Supply Pump Station at Mardi (contd)

WaterPlan 2050 identifies that a new water supply pump station is required in the area of an existing pump station adjacent to Wyong River off Old Maitland Road Mardi, as part of the Mardi to Mangrove Link project.

This requires part of Lot 4 to be acquired to accommodate the water supply pump station. Council commenced negotiations in this regard prior to receiving advice of Federal funding for the link.

The part of Lot 4 affected by the future acquisition for a new pump station site is also affected by the proposed energy supply upgrade. On that basis the owner of Lot 4 has suggested that Council commence action to acquire that part of the property required by Council in lieu of securing easement rights. The Council would then have the benefit of the land for the new pump station and the upgraded power supply.

The new raw water pump station which will replace the existing will have a capacity of up to 320Ml/day which is almost three times the capacity of the current pump station. The increased capacity is needed to provide the water allowed for in WaterPlan 2050 to meet demand and reduce drought impacts.

The new pump station will have more sophisticated controls to improve the manner in which water is extracted from the lower Wyong River to match environmental flow constraints. The pump station will pump up to Mardi Dam. From there water surplus to immediate demand, will in turn, be pumped by another pump station up to Mangrove Creek Dam to take advantage of its greater storage capacity.

The upgrade of the power supply to the existing pump station is an interim measure pending the completion of construction of the new pump station. The upgraded power will still be required to supply the new pump station.

The planning for design and construction of the new Wyong Off-take pump station is well advanced. A construction contract is planned to be awarded in late 2008. The Council sign-off of WaterPlan 2050 has signalled a commitment to the strategy and the Mardi to Mangrove Link project.

Lot 4 DP 587932 has an area of 265,100 square metres and is zoned 1A Rural. The part to be acquired by Council has an area of approximately 4,200 square metres. Funds for the acquisition are available from the Mardi Dam – Mangrove Dam Link project budget.

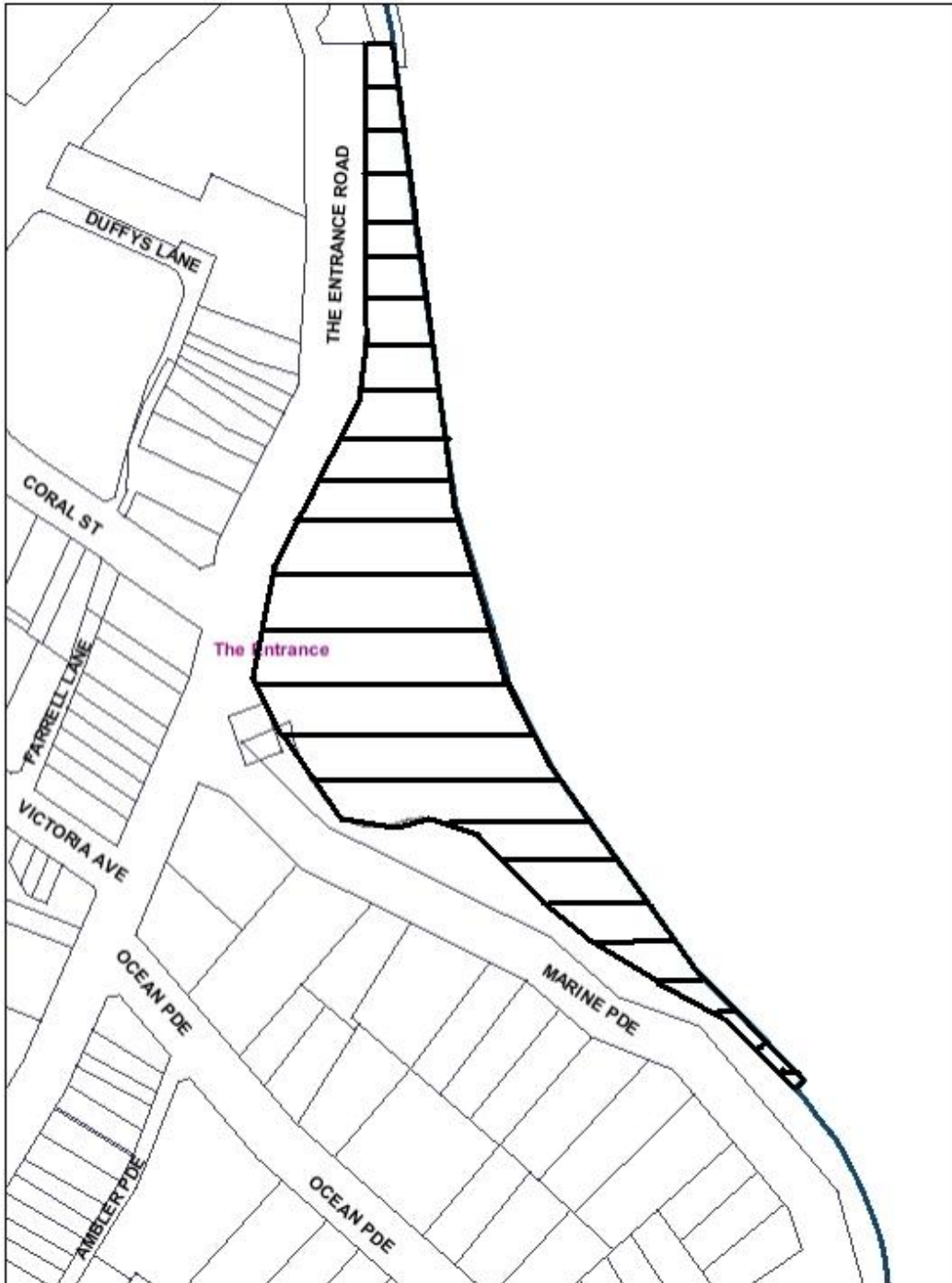
Attachment 1

***Plan showing the location of the land to be acquired hatched
(1 page)***

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**425 Renewal of Licence for Amusement Devices Memorial Park
 The Entrance (Attachment 1)**

Plan showing the location of Memorial Park The Entrance



WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**425 Renewal of Licence for Amusement Devices Memorial Park
 The Entrance**

F2004/11749 PF

SUMMARY

Approval is sought to renew the licence for amusement devices at Memorial Park, The Entrance to The Entrance Town Centre Management.

RECOMMENDATION

- 1 *That Council as Trust Manager of Reserve 71875 Memorial Park The Entrance renew the licence over the Reserve with The Entrance Town Centre Management Corporation Inc for the operation of amusement devices and entertainment on Memorial Park for a period of four years for an annual licence fee of \$380.***

- 2 *That the licence operate to allow activities by Community Groups during major events and***
 - a *Those vendors who have existing businesses within The Entrance Town Centre and whose predominant activity within Memorial Park during the major events is practically identical to the activities being carried out by the business within The Entrance Town Centre.***

 - b *Those vendors who do not have existing businesses within The Entrance Town Centre and whose predominant activity is not in competition with any existing businesses within The Entrance Town Centre.***

The decision on whether vendors meet these criteria is at the sole discretion of The Entrance Town Centre Management Corporation Inc.

BACKGROUND

The Entrance Town Centre Management Corporation Incorporated (TETCM) currently has a licence from Council as Trust Manager of Reserve 71875 Memorial Park The Entrance for the operation of amusement devices and entertainment over Memorial Park. The licence for a term of four years expires on 31 October 2007.

TETCM has requested that Council renew the licence for a period of four years when the current licence expires.

Renewal of Licence for Amusement Devices Memorial Park The Entrance (contd)

In a separate arrangement with TETCM, Council at its meeting dated 14 December 2005 resolved to authorise an agreement between Wyong Shire Council and TETCM that detailed the activities which are permitted to operate in Memorial Park, The Entrance, during the holding of any major events in the park. These major events include such events as Carols by Candlelight celebrations, New Years Eve celebrations, Australia Day celebrations, Country Music Festival, Kite Festival and Mardi Gras Festival.

The intention of Council's resolution is to limit the major events to 10 days in a calendar year.

The activities permissible in Memorial Park during the holding of the major events include the following:

- a Those operated by Community Groups (ie Rotary or Apex).
- b Those vendors who have existing businesses within The Entrance Town Centre and whose predominant activity within Memorial Park during the major events is practically identical to the activities being carried out by the business within The Entrance Town Centre.
- c Those vendors who do not have existing businesses within The Entrance Town Centre and whose predominant activity is not in competition with any existing businesses within The Entrance Town Centre. The decision on whether vendors meet these criteria is at the sole discretion of The Entrance Town Centre Management Corporation Inc.

In requesting renewal of the licence for amusement devices TETCM has requested that the new licence include the permissible activities described above rather than as part of a separate agreement.

As with the current licence, a new licence would continue to deny the use of large amusement devices and animals without Council's consent. Because a licence is involved, TETCM does not have exclusive use of the licenced area. It is not entitled to sub-licence to operators it might engage to provide amusements, entertainment or food vending. Nevertheless, it empowers TETCM in relation to the intermittent activities contemplated by Council.

The licensee is required to carry public liability insurance in the amount of \$20,000,000 for any one occurrence and workers compensation insurance in respect of its use of the licenced area.

The Department of Lands has advised of its approval in principle to the terms of the renewal of the licence subject to Council applying a licence fee of \$380 per annum. These funds are to be utilised for the maintenance of the Reserve. This has not been a requirement of the Department in respect of the current or previous licences.

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Renewal of Licence for Amusement Devices Memorial Park The Entrance
(contd)**

CONCLUSION

It is recommended that a new licence be granted generally under the same terms and conditions as the current licence with the inclusion of details of permissible activities for major events as described in this report on 10 special event days per year as well as an annual licence fee of \$380. The licence will be for the period 1 November 2007 to 31 October 2011.

Attachment 1

***Plan showing the location of Memorial Park The Entrance
(1 page)***

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WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

426 Rate Payment Incentive Scheme

F2004/06159 DT

SUMMARY

Report of Council's 2007/2008 Rate Payment Incentive Scheme.

RECOMMENDATION

- 1 *That Council continue the Rate Incentive Scheme for the 2008/2009 rating year with a \$5,000 local shopping voucher.***

- 2 *That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2007/2008.***

BACKGROUND

For the 2007/2008 rating year Council has offered a shopping voucher to the value of \$5,000 as the prize for the winner of Council's Rate Payment Incentive Scheme.

To be eligible to enter the incentive scheme, ratepayers had to have either paid the 2007/2008 rates and charges including arrears by 31 August 2007 in full or to have elected to pay their 2007/2008 rate instalments by direct debit. It should be noted that ratepayers paying in full received two tickets in the draw whilst those paying by direct debit received a single ticket.

At the conclusion of the rate payment period a total of 6,976 ratepayers had elected to pay their rates in full. In addition, 2,367 ratepayers elected to pay their instalments by direct debit, an increase of 168 on the previous year.

Costs

Shopping Voucher	<u>\$5,000</u>
Total:	<u>\$5,000</u>

Additional Revenue and Savings

The additional revenue from projected investments and administrative savings is estimated around \$100,000.

Therefore, the net gain to Council after costs is around \$95,000.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

427 Proposed Councillors' Community Improvement Grants

F2007/00729 MW

SUMMARY

Councillors proposed the following allocation of funds for expenditure from Councillors' Community Improvement Grants.

RECOMMENDATION

That an amount of \$6,950 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

BACKGROUND

Funds are available and expenditure is permissible under Section 24 and 356(1) of the Local Government Act, 1993.

Attachment 1

***Councillors' Community Improvement Grants 2007/2008
(2 pages)***

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Proposed Councillors' Community Improvement Grants (Attachment 1)

Proposed Councillors' Community Improvement Grants 2007/2008

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Allocation 01/07/2007 - 30/06/2008		7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500	75,000
Expenditure up to and including Ordinary Council Meeting of 26/09/2007		2,850	1,700	1,750	2,250	50	2,695	245	5,750	2,300	2,150	21,740
Available allocation as at 26/09/2007		4,650	5,800	5,750	5,250	7,450	4,805	7,255	1,750	5,200	5,350	53,260
10 October 2007												
Camp Toukley	Assist to offset costs of school holiday camp in April 2008 with funding for payment of camp fees for underprivileged families	50		400			250					700
Central Coast Foster Care Support Group	Assist to provide entertainment etc. for Foster Kids Christmas Party 25 Nov 2007			250			200				250	700
Dr Lydia Camus Surgery	Assist with providing a Christmas lunch for elderly patients									100		100
Luther Dyson	Assist with sponsorship for representation in NSW State Rugby Team Tour of New Zealand Oct 2007										300	300
Northlakes High School	Assist to provide opportunity for students to excel in extra curricular activities	50					200	200				450
Stop Korean Coal Mining	Assist with general administrative costs, including: printing of community flyers, garments, banners, staging community information forums	500	500							300		1,300
The Benevolent Society	Assist with holding Dads Day Out on 18 August 2007	200									150	350
The Benevolent Society (Jordan Purcell)	Assist to attend the International Youth Conference in India - 29 Oct - 2 Nov 2007 in recognition of his community work						150				300	450
The Benevolent Society (Talara Freeman)	Assist to attend the International Youth Conference in India - 29 Oct - 2 Nov 2007 in recognition of her community work						150				300	450

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**Proposed Councillors' Community Improvement Grants (Attachment 1)
(contd)**

COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS ALLOCATION		Best	Eaton	Forster	Graham	Pavier	Rose	Stevens	Stewart	Veugen	Welham	SUB TOTAL
Toowoona Bay Surf Life Saving Club & The Entrance Amateur Swimming Club	Assist with funding to support the Toowoona Bay Open Water Swim Nov 2007, raise funds for equipment and donation to Disabled Surfers Assoc			200					300	200		700
Toukley Torch Bearers for Legacy	Assist with raising funds for Brisbane Water Legacy and local war widows and children	200		250	250		250	250			250	1,450
Total Proposed Allocations for 10/10/2007		1,000	500	1,100	250	0	1,200	450	300	600	1,550	6,950
Total Accumulated Allocations as at 10/10/2007		3,850	2,200	2,850	2,500	50	3,895	695	6,050	2,900	3,700	28,690
Balance Uncommitted as at 10/10/2007		3,650	5,300	4,650	5,000	7,450	3,605	6,805	1,450	4,600	3,800	46,310

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Committee Report

428 Wyong Shire Governance Committee Meeting –
10 October 2007

F2004/07245 MW

SUMMARY

Minutes of the Governance Committee Meeting held on 10 October 2007.

RECOMMENDATION

That the minutes of the Wyong Shire Governance Committee meeting held on 10 October 2007 be received and the recommendations contained therein, adopted.

A meeting of Council's Wyong Shire Governance Committee is scheduled to be held on 10 October 2007 at 9.30 am. The meeting was originally scheduled for 3 October 2007, however was postponed 7 days due to the unavailability of several Committee Members. The Governance Committee will be considering Council's Annual Financial Statements. Accordingly the minutes of that meeting are to be provided under separate cover.

Enclosure Minutes of the Wyong Shire Governance Committee (to be provided under separate cover).

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Information Reports

The following information reports are to be dealt with by the exception method.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

429 Recruitment Activities of the Staff Services Unit

F2004/00355 DB:KB

SUMMARY

Recruitment activities of the Staff Services Unit for the months of July and August 2007.

RECOMMENDATION

That the report be received and the information noted.

CURRENT WORKFORCE STATISTICS

As at 31 July 2007

	Actual Number Permanent Employees	Actual Number Temporary Employees	Actual Number Casual Employees	Total Headcount	Permanent FTE
Total	911	93	197	1201	861.91

As at 31 August 2007

	Actual Number Permanent Employees	Actual Number Temporary Employees	Actual Number Casual Employees	Total Headcount	Permanent FTE
Total	911	89	195	1195	862.08

Recruitment Activities of the Staff Services Unit (contd)

EMPLOYEES LEAVING COUNCIL

(as at termination date)

July 2007

	Permanent	Temporary	Casual	Total
Resignation	7	2	-	9
Retirement	2	-	-	2
Resignation – Ill Health	1	-	-	1
End of Contract	-	2	1	3
Total	10	4	1	15

* Note: The 10 permanent employees who left Council for July equates to 1.09% of our workforce

August 2007

t	Permanent	Temporary	Casual	Total
Resignation	4	1	1	6
Retirement	1	-	-	1
Resignation – Other	5	-	-	5
End of Contract	-	-	1	1
Total	10	1	2	13

* Note: The 10 permanent employees who left Council for August equates to 1.09% of our workforce

APPOINTMENTS

(as at commence date)

July 2007

	Permanent	Temporary	Casual	Total
Total	11	9	2	22

* Note: Inclusive of the 22 appointments for July there were 12 internal transfers

August 2007

	Permanent	Temporary	Casual	Total
Total	17	7	0	24

* Note: Inclusive of the 24 appointments for August there were 20 internal transfers

Recruitment Activities of the Staff Services Unit (contd)

PERMANENT STAFF ESTABLISHMENT VACANCIES BEING RECRUITED**As of 31 July 2007**

	Total Vacancies – Permanent Positions
Total	69

** Note: In addition there were 15 temporary and 4 casual positions being recruited*

As of 31 August 2007

	Total Vacancies – Permanent Positions
Total	75

** Note: In addition there were 17 temporary and 3 casual positions being recruited*

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

430 Local Government Association Conference Motion - Unaffordable Housing And Mortgage Stress

F2004/09609 ED

SUMMARY

Advice received from the Local Government and Shires Association regarding the late motion on unaffordable housing and mortgage stress.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 September 2007, Council resolved:

- “1 That Council note with regret that some 40% of residents in new housing areas of Warnervale and Blue Haven are suffering mortgage stress due to unaffordable housing costs and interest rates.
- 2 That staff report on measures currently available and that could be taken to alleviate mortgage stress and assist our residents including, but not limited to, rates deferment.
- 3 That this issue be subject of a late Notice of Motion to the upcoming LGA conference.”

The Local Government and Shires Association recently advised that it was possible to have a late motion included on the agenda for the Conference which is to be held on 21 to 24 October 2007 but sought advice as to what action Council wanted the conference to take. Council was also advised that the following motions had already been submitted by other Councils.

- 1 That the Association call on the State and Federal Governments to apply more resources to meet the need for affordable housing.
- 2 That the Annual conference expresses its grave concern that housing affordability and home ownership levels in Australia continue to decline and that the amount of available rental accommodation is also declining.

Local Government Association Conference motion - Unaffordable housing and mortgage stress (contd)

That the Annual Conference agree to request that the Commonwealth Government and State Governments urgently convene State and National Summits on Affordable Housing in order to develop comprehensive plan of action on affordable housing. The Summits must include Local Government as a full partner.

That the Annual Conference notes that the lack of adequate infrastructure funding for local government and local communities across Australia by Commonwealth and State Governments has added to the costs of developing new housing stock.

Following discussion with the Mayor, and the fact that Council's proposed motion was already adequately covered by other motions on the conference agenda, the Local Government Association was advised that Wyong's motion would be withdrawn.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

431 Schedule of Bank Balances and Investments – August 2007

F2004/06604 HS

SUMMARY

The attached Schedule of Bank Balances and Investments as at 31 August 2007 is submitted for information.

RECOMMENDATION

That the report be received and the information noted.

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

The Schedule of Bank Balances and Investment Accounts shows that Council has total cash and investment funds of \$108,308,590 as at 31 August 2007. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's investment policy.

During the month of August interest earned (net of fees) on Council's investments was \$155,124 and financial year to date earnings were \$548,876.

The following table provides a summary by fund of the above information:

	Investment Balances		Interest	
	Opening Balance	Closing Balance	Interest Net Of Fees	Annual Budget
	July 1 2007	August 31 2007	YTD	
General	71,992,818	73,745,064	313,819	2,248,100
Water	15,185,232	11,593,866	103,059	1,644,000
Sewer	21,699,934	22,969,660	131,998	803,000
Total	108,877,984	108,308,590	548,876	4,695,100

Schedule Of Bank Balances And Investments – August 2007 (contd)

Council's bank balances and investments as at 31 August 2007 are listed as Attachment 1 to this report. Also submitted is a Certificate in accordance with the provisions of the Local Government (General) Regulation 2005 that the Investments held at 31 August 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

Performance Monitoring

Council's investment portfolio is monitored and assessed based on the following criteria:

i) Management of Bank Balance

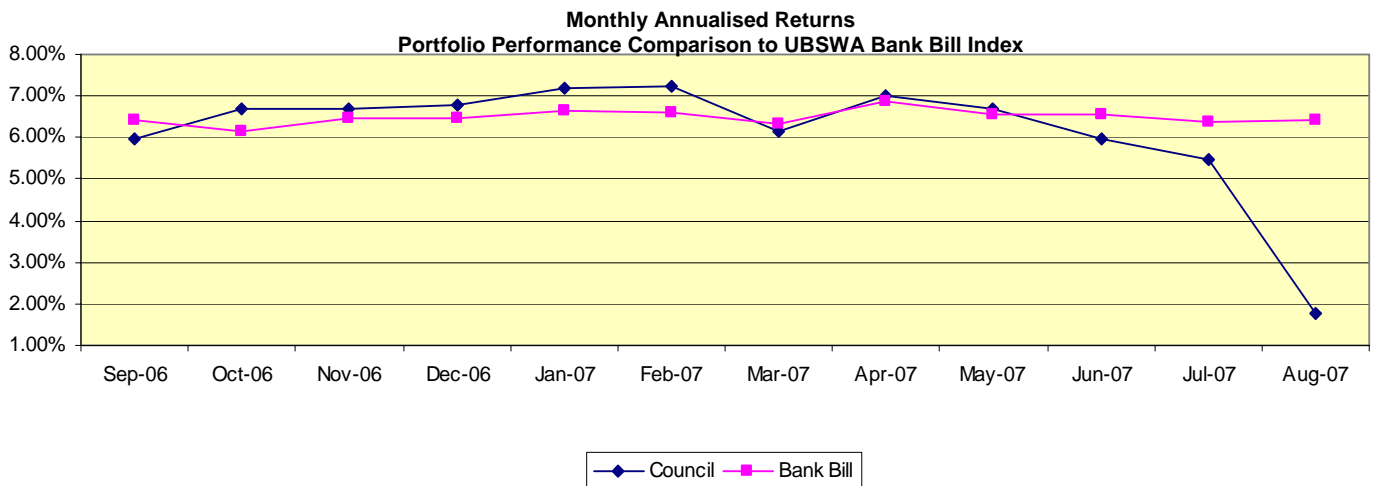
The aim is to keep the bank balance as low as possible and hence maximise the amount invested on a daily basis.

ii) Portfolio and Monthly performance against the UBSWA Bank Bill Index

The weighted average return for each of Council's investments is compared to the UBSWA (Union Bank of Switzerland Warburg Australia) Bank Bill Index which is the market benchmark rate.

Performance for Month of August 2007

The weighted average return for the total portfolio of Council's managed funds (net of fees) during August was 1.78% which was compared to the benchmark of the UBSWA Bank Bill Index of 6.43%, however Council's annualised return for the last 12 months was 6.77% and has remained favourable to the Bank Bill Index of 6.48%.



Schedule Of Bank Balances And Investments – August 2007 (contd)

The lower return in August was primarily due to continued market volatility which has impacted on a number of Council's managed funds. In terms of recent market performance, all credit investments are suffering what has been called "a knock on market valuation impact of the sub prime credit issue", which is effectively the flow on effects.

It should be noted that almost all credit based investments have under performed the UBSWA Bank Bill index significantly on a mark to market basis which would be expected given that the Bank Bill Index is a "risk-free" cash benchmark. This means by definition managed funds containing cash enhanced products could not achieve this "risk-free" status and hence this benchmark is not intended to be representative of the returns earned by the universe of enhanced cash funds. As indicated by the favourable result on a 12 month rolling basis despite the current short term volatility of the mark to market, Council's returns remain positive to the risk free benchmark with further gains anticipated as the market stabilises over the next months.

The performance in August 2007 was impacted by negative return of -0.84% for the month in the BlackRock Diversified Credit Fund. However, the return in the 12 months to 31 August 2007 in the BlackRock Diversified Credit Fund remained positive at 5.39%. Council's investment advisors Grove Research and Advisory have advised that longer term performance in BlackRock Diversified Credit Fund is expected to rebound as a result of the higher running yield and believe the underlying fundamentals of the market (strong economy, corporate profits) remain supportive.

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

Schedule Of Bank Balances And Investments – August 2007 (contd)

SCHEDULE OF INVESTMENTS AS AT August 31 2007							
FUND MANAGER	TYPE	PORTFOLIO BALANCE	INCOME FOR MONTH	FEES	ANNUALISED RETURNS		
					MONTH	FYTD*	MAT**
Local Gov't Financial Serv	Cash Plus	1,182,432.13	4,477.80	-	4.57%	5.26%	6.26%
BT Institutional Managed Cash (AAA)	Cash	13,080,175.33	49,220.17	598.09	6.40%	6.60%	6.36%
Aberdeen Cash Plus Fund (A)	Cash Plus	10,797,278.73	60,294.50	1,251.43	3.43%	3.57%	6.00%
ING Enhanced (A)	Cash Plus	15,968,020.64	33,177.31	966.01	2.41%	3.60%	6.07%
Perennial Cash Enhanced Fund (AA)	Cash Plus	6,814,314.26	25,926.22	447.44	3.92%	3.44%	6.01%
Macquarie Income Cash Plus (A)	Cash Plus	22,119,256.05	52,252.98	1,341.16	2.75%	4.03%	6.19%
T-Corp (WorkCover NSW)	Cash Plus	7,403,000.00	39,649.06	-	6.36%	6.36%	6.28%
BlackRock Diversified Credit Fund (A)	Cash Plus	24,889,525.86	(126,992.83)	919.36	-9.48%	-3.53%	5.39%
QIC Cash Enhanced (AA)	Cash Plus	6,054,587.29	27,631.07	406.03	4.83%	4.71%	6.26%
Grove Advisory Fees				4,582.60			
TOTAL		108,308,590.29	165,636.28	10,512.12	1.78%	5.82%	6.77%
UBSWA INDEX					6.43%	6.40%	6.48%

*- FYTD= Financial Year to Date

**- MAT = Moving Annual Total

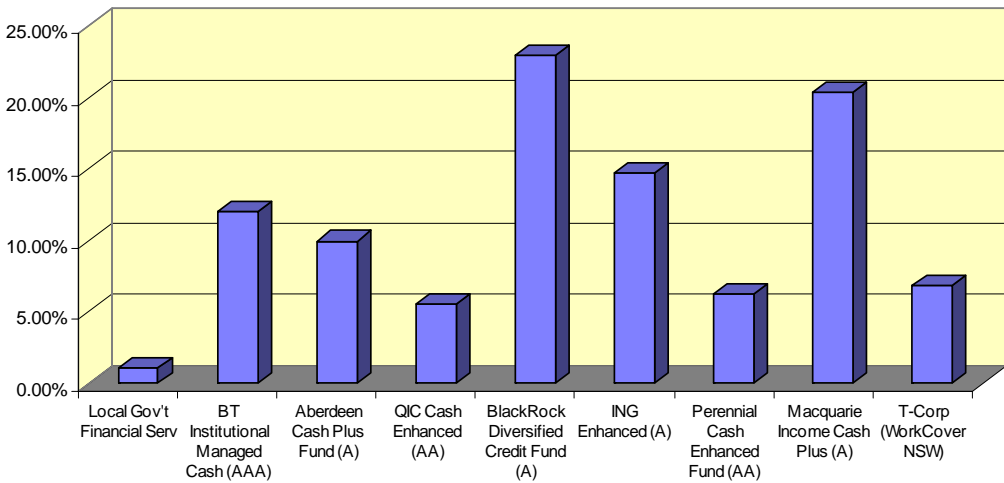
Note: The above returns are net of fees charged

Schedule Of Bank Balances And Investments – August 2007 (contd)

Allocation of Investment Funds

This represents the mix or allocation of investment funds with each of Council's Fund Managers.

Council's funds during August were allocated as follows:



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 31 August 2007 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
Director Corporate Services

Schedule Of Bank Balances And Investments – August 2007 (contd)

SUMMARY**August 31 2007**

<u>General</u>	\$
Unrestricted	5,224,837.92
Restricted - Internally	24,723,354.00
Restricted - Externally	43,796,872.00
Total General	73,745,063.92
<u>Water</u>	
Unrestricted	-12,104,034.11
Restricted - Internally	833,200.00
Restricted - Externally	22,864,700.00
Total Water	11,593,865.89
<u>Sewer</u>	
Unrestricted	2,122,160.48
Restricted - Internally	931,700.00
Restricted - Externally	19,915,800.00
Total Sewer	22,969,660.48
TOTAL INVESTMENTS	108,308,590.29
BANK BALANCE PER BANK STATEMENT	2,348,972.31
TRUST ACCOUNT PER BANK STATEMENT	26,741.52

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Shire Planning Department

432 Activities of the Development Assessment Unit

F2004/07830 NL

SUMMARY

The report includes information and statistics regarding the operations of the Development Assessment Unit and covers the submission and determination of development, construction and subdivision applications for the month of August.

RECOMMENDATION

That the report be received and the information noted.

Development Applications Received and Determined

Type:	Number Received:	Estimated Value \$:	Number Determined:	Estimated Value \$:
Commercial	28	12,316,080	28	1,715,930
Industrial	7	1,083,500	7	4,148,000
Residential	121	11,822,129	95	8,492,483
Other	23	1,071,607	18	1,533,090
Total	179	26,293,316	148	15,889,503

Subdivision Applications Received and Determined

Type:	Number Received:	Number of Lots:	Number Determined:	Number of Lots:
Commercial	1	2	0	0
Industrial	1	8	0	0
Residential	8	26	3	3
Rural	2	2	3	6
Total	12	38	6	9

Activities of the Development Assessment Unit (contd)

Mean Turn-around Time

Two priority applications were determined during the month with a mean (average) turn-around time in calendar days of 11 days.

The mean (average) turn-around time in calendar days for development applications determined during the month was 33 days.

*Note: As Council would recall, given the recent release of statistical information from the Department of Planning (DoP), it should be clarified that the statistics presented within the DoP report presented determination times in **working** days as opposed to the **calendar** days used in Council's internal reporting. In addition, the figures being quoted were for **median** processing times, not **average** or mean processing times. As such, it is not possible to compare the determination figures.*

*For example, using the DoP methodology, the mean (**average**) turn-around time in **working** days for development applications determined during the month of August 2007 was 18 days and the **median** turn-around time in **working** days was 14 days.*

However, using Council's current reporting methodology, the mean (average) turn-around time in calendar days for development applications determined during the month was 33 days.

Other Approvals and Certificates

Type:	Number Determined:
Trees	49
Section 149 D Certificates	29
Construction Certificates	75
Complying Development Certificates	23

Enclosure

Graphs – Development Applications Lodged, Development Applications Determined and Construction Certificates Determined.

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

433 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q038 – International Cities, Town Centres and Communities Organisation and Conference (A response will be reported once a reply is received from Councillor Welham)	Councillor Pavier	28 March 2007	Corporate Services
Q074 – Mobile Phone Service on Trains Between Newcastle and Sydney (A response will be reported when reply received from State Rail)	Councillor Eaton	8 August 2007	Corporate Services
Q085 – Condition of The Entrance Bridge (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Stewart	12 September 2007	Shire Services
Q086 – September Business Review Article regarding Wyong Council and the Mayor (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Stewart	12 September 2007	Corporate Services
Q087 – Removal of Wrack on Tuggerah Lake (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Welham	12 September 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q088 – Options to Council on DCP 23 (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Welham	12 September 2007	Shire Planning
Q089 – Willows Bend Estate Hamlyn Terrace – Mowing and Maintenance (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Eaton	12 September 2007	Shire Services
Q090 – New Warnervale Community Centre Report (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Eaton	12 September 2007	Corporate Services
Q091 – Sparks Road F3 Interchange (A response will be reported to the Ordinary Meeting on 31 October 2007)	Councillor Best	12 September 2007	Shire Services
Q092 – Update on Progress of the Klumper Entrance Development (A response will be reported to the Ordinary Meeting on 14 November 2007)	Councillor Eaton	26 September 2007	Shire Planning
Q093 – Minutes of Confidential Meeting held on 29 August 2007 between Councillors and the General Manager (A response will be reported to the Ordinary Meeting on 14 November 2007)	Councillor Eaton	26 September 2007	General Manager's Unit

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
<p>Q094 – Sister Cities Committee Trips for Residents to Visit Japan and New Zealand</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Graham	26 September 2007	Corporate Services
<p>Q095 – Staffing Levels at Wyong Council</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Graham	26 September 2007	General Manager's Un
<p>Q096 – Legal Costs Incurred by Wyong Council opposing Mr Darcy Smith in the Land and Environment Court</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Pavier	26 September 2007	Shire Planning
<p>Q097 – Daley – Waugh Neighbour Dispute</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Pavier	26 September 2007	Shire Planning
<p>Q098 – Completion of Safety Fencing Around Playground at Memorial Park, The Entrance</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Stewart	26 September 2007	Shire Services
<p>Q099 – Official Opening of Jubilee Oval</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Stewart	26 September 2007	Shire Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
<p>Q100 – Management Plan for Threatened Orchid Species</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Best	26 September 2007	Shire Planning
<p>Q101 – Annual Fishing Competition at Mangrove Creek Dam</p> <p>(A response will be reported to the Ordinary Meeting on 14 November 2007)</p>	Councillor Veugen	26 September 2007	Shire Services

Notice of Motion	Department	Meeting Asked	Status
<p>314 – Regional Sporting Facilities</p> <p><i>That staff report on Investigations into the possibility of constructing an integrated regional sporting/educational facility at Warnervale.</i></p> <p><i>That staff report on negotiations / opportunity to provide district sporting facility to service the Tuggerah / Mardi area.</i></p>	Shire Planning	9 August 2006	A report will be submitted to Council's Ordinary Meeting on 31 October 2007.
<p>545 - Change of Colour for Lifesavers Uniform</p> <p><i>Conduct a short media campaign reinforcing that "Red and Yellow" are the colours to look for on our beaches during the summer break.</i></p>			A Media release was issued late September and an item will appear in the Shirewide News column in the Express Advocate on Wednesday 10 October 2007.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
546 - Cancer Council NSW Community Partnership	Shire Services	13 December 2006	Awaiting further advice from Cancer Council as to requirements.
113 – Senior Citizens Advisory Council That Council support formation of Senior Citizens Council and prepare a charter.	Shire Services	14 March 2007	Dut to the fact that many of the key members are busy it is proposed that an inaugural group be invited to meet by mid-November to guide the project that will launch the Seniors Consultative Group during Seniors Week 08
196 - Deletion of Gun Nozzle from Refit Kit Recommend to the Joint Water Authority the deletion of the Gun Nozzle hose from refit kit. Investigate other items to include in kit.	Shire Services	23 May 2007	Held over until the November Joint Water Board Meeting.
224 - Energy Efficiency Initiative That councillors be briefed on new and evolving technology to reduce energy consumption.	Shire Planning	13 June 2007	Briefing scheduled for 5 December 2007.
282 - Cost of Installing a WIFI Hot Spot in The Entrance Mall Area	Corporate Services	11 July 2007	A report will be submitted to Council's Ordinary Meeting on 31 Ocotber 2007.
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
<p>346 – Renaming of Chain Valley Reserve</p> <p><i>That should no significant objections be received following community consultation, Council recommend to the Geographical Names Board that the reserve west of the Chain Valley Bay Reserve to the boat jetty be named the Joshua Porter Reserve.</i></p>	Corporate Services	22 August 2007	Advertised in the Express Advocate on 5 September 2007. Open to public comment until 4 October 2007, before consulting with the Geographical Names Board.
<p>370 - Plebiscite on Nuclear Power Station(s) in Wyong Shire</p> <p><i>That Council officers write to the Prime Minister, the Federal Opposition Leader and local Federal members requesting that they authorise/support the Australian Electoral Commission in conducting a plebiscite. Also Howard Government of its opposition to Nuclear Power and seek support from neighbouring councils.</i></p>	Corporate Services	12 September 2007	Responses will be reported to Council when received.
<p>371 - Unaffordable Housing and Mortgage Stress</p> <p><i>That due to high levels of mortgage stress in the Shire staff report on measures currently available to assist residents including rates deferment</i></p>	Corporate Services	12 September 2007	A report will be submitted to the Ordinary Meeting on 31 October 2007.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
<p>398 - Resumption (or Buy Out) Policy</p> <p><i>That staff report with a précis on DCP 77 where applies and the controls that this plan limits with regards to the type of nature and development. Numerous issues relating to Coastline Management Plan and Council's buy out policy.</i></p>	Shire Planning	26 September 2007	
<p>399 Potential Impacts of Coal Mining</p> <p><i>That Council extend appreciation to Shire residents, The Australian Coal Alliance, Stop Korean Coal Mining Group and David Harris, Member for Wyong for their efforts against any new coalmining. Council reiterate its position and concerns about possible impacts on water catchments.</i></p>	Shire Planning	26 September 2007	
<p>400 Rezoning Warnervale Town Centre and Wyong Employment Zone</p> <p><i>That Council urgently make representations to the Premier of New South Wales re length delays in zoning process, provision of commuter railway station, town centre and facilities. Concerns about Regional Infrastructure Levy, Conservation issues and lack of communication from State Government.</i></p>	Shire Planning	26 September 2007	

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Asked	Status
<p>401 Unsustainable Housing Solution</p> <p><i>That Council writes to the Federal Local Government Minister and to the opposition spokesman calling on the Federal Government to take on responsibility for funding major new infrastructure in new residential areas.</i></p>	Shire Planning	26 September 2007	

Motion of Urgency	Department	Meeting Asked	Status
401A Motion of Urgency – Vandalism Across our Shire	Shire Services	26 September 2007	
401B Council Representation on the Tuggerah Lakes Reserve Trust	Shire Planning	26 September 2007	

WYONG SHIRE COUNCIL

10 October 2007
To the Ordinary Meeting of Council

Corporate Services Department

Answers to Questions Without Notice

Q079 – Roads and Traffic Authority Work on Tuggerah Straight

Asked by Councillor Eaton at the Ordinary Meeting held on 22 August 2007
F2004/13054

“Did the Roads and Traffic Authority work on Tuggerah Straight exacerbate local flooding in recent rain events and if so, what liability may exist in relation thereto?”

From assessment of Council’s existing flood and drainage studies, site inspections and preliminary investigations on the Tuggerah Straight area subsequent to the heavy rainfall in August, it is unknown as to whether the Roads and Traffic Authority (RTA) works on Tuggerah Straight did exacerbate local flooding in recent rainfall events. Shire Services, Roads and Drainage Unit, is presently liaising with the RTA in relation to this matter and the RTA is preparing a flood impact assessment to determine whether its works did impact on the local flooding in Tuggerah Straight during recent rainfall events. In addition, Council has requested the RTA to also substantiate that the completed RTA project works will not impact the frequency and magnitude of flooding on Tuggerah Straight. The RTA will provide copies of both flood impact assessment reports to Council when completed. A report to Council on the outcome will be forthcoming.

10 October 2007
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

Q081 – Cleanest Beach Award – Toowoon Bay

Asked by Councillor Stewart at the Ordinary Meeting held on 22 August 2007
F2004/08803

“Would Council please look at the erection of a sign at Toowoon Bay Beach, acknowledging the fact that the Surf Life Saving Club not only recently won the cleanest beach award for NSW, but won the Australian Award for the cleanest beach?”

Signs awarded for winning the 2007 NSW Clean Beach Challenge have already been installed on the beachfront adjacent to the clubhouse.

A similar sign identifying Toowoon Bay Beach as the winner of the 2007 Award for the Cleanest Beach in Australia has been ordered and will be installed by the end of October 2007.

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Shire Planning Department

Answers to Questions Without Notice (contd)

Q082 – Wyong Shire Traffic Committee

Asked by Councillor Stewart at the Ordinary Meeting held on 22 August 2007
F2004/06556

“Will Council now be receiving and passing official minutes of the Wyong Shire Traffic Committee and could the new duties of the Traffic Committee be circulated?”

The Traffic Committee minutes will not be reported to Council for adoption.

Wyong Council has delegated the power of approval to the Director of Shire Services and as a result these minutes are not forwarded to Council meetings; but rather distributed for Councillors' information once they have been approved. The minutes are also posted on Council's web site on the internet. This delegation of approval of the Director is consistent with a number of other Council Committees including the Sports Committee, Beach Liaison Committee and the Estuary Management Committee.

At this stage, it is not proposed to alter the duties of the Committee members or the role they play, however if further information is required by Council, the Roads and Traffic Authority has indicated that it is willing to provide a briefing session for Councillors.

The Roads and Traffic Authority (RTA) recently introduced a new set of guidelines, *'A Guide to Delegation to Councils for the Regulation of Traffic'*, in an attempt to ensure that Traffic Committee operations around the State are uniform and include procedures that comply with legislation. A summary of this document is included as Enclosure 1.

The Guidelines specify that the local Traffic Committee agenda should only contain items which require the local Council to exercise its delegated functions, ie requests for, or changes to traffic calming devices, regulated parking restrictions, bus stops, 'Stop' or 'Give Way' signage at intersections, regulated line markings etc, (formal items). If no action is required, or advice only is being sought, ie requests for additional speed limit signage, crash barriers, non regulatory signage, etc then the issue should not appear formally on the local Traffic Committee agenda and should be dealt with as general traffic advice (informal items).

The guide also indicates that members of the public are entitled to make personal presentations to the Committee, however, they cannot attend the full duration of the meeting. The Minister, Roads and Commerce, the Hon Mr Eric Roozendaal has however recently requested the RTA to review this restriction.

Enclosure

A Guide to Delegation to Councils for the Regulation of Traffic

Answers to Questions Without Notice (contd)

Q083 – Life Guards' Uniform

Asked by Councillor Best at the Ordinary Meeting held on 22 August 2007
F2004/06257

“My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?”

Advice from Gosford City Council's Recreation and Leisure Services Unit confirms that the professional life guard uniform is to retain the same colour as the volunteer uniform but incorporate a design change to ensure that the professional life guards are not mistaken for volunteers.

The following information was provided outlining the reasons for this decision;

A question without notice from a Gosford Councillor at a recent Council meeting requested feedback from Council Lifeguards regarding any issues relating to the change of uniform.

Since the 2006/2007 season Gosford City Council Lifeguards have been compiling information relating to incidents that had arisen as a result of Council's professional lifeguards wearing the same colours as the volunteer lifesavers.

For example the feedback suggested that volunteer lifesavers wearing their uniform and selling raffle tickets at different locations and training on the beach during the week had been mistaken for Council's professional lifeguards. This had caused confusion for the public trying to ascertain who was on duty at the beach.

As a consequence of the above, the Gosford City professional lifeguards were asked to submit ideas for a change of design for the uniform whilst retaining the primary colours used by the Surf Life Saving volunteers.

An alternate design was chosen and adopted by Gosford City Council for a twelve month trial. It should be noted that Surf Life Saving Central Coast forwarded a letter of support to Council in favour of the change of design.

The new uniform retains the colours of the volunteer uniform however the design change has both the shorts and shirts in red with the shirt having a yellow strip approximately 125mm wide extending down from under the armpit to the waist (see enclosure).

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To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice (contd)

The Wyong Shire life guards have been wearing the red and yellow uniforms since February 2007. The uniform orders in the original design (at a cost of approximately \$17,000) have already been placed for the 2007/2008 season and no consideration has yet been given to a change of uniform.

The effectiveness of the current uniform design and colour is the subject of ongoing monitoring but no change is proposed. The benefits of the use of universal red and yellow are considered to outweigh other alternatives at this stage.

Enclosure

Colour photos of Wyong and Gosford Council's Life Guards uniforms.