
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 12 AUGUST 2009,
COMMENCING AT 5.02 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, MANAGER WATER AND WASTE, MANAGER CONTRACTS, EXECUTIVE MANAGER SHIRE SERVICES, MANAGER REGULATION AND COMPLIANCE, MANAGER CUSTOMER AND COMMUNITY SERVICES AND TWO ADMINISTRATION STAFF.

THE MAYOR INVITED COUNCILLORS TO REPORT ON EVENTS THEY HAD ATTENDED ON COUNCIL'S BEHALF AS FOLLOWS:

- * COUNCILLOR WYNN REPORTED ON SUCCESS OF THE E-WASTE RECYCLING COLLECTION WHICH WAS CARRIED OUT ON SATURDAY 8 AUGUST 2009 WHICH RESULTED IN THE COLLECTION OF 50 TONNES OF E-WASTE. NINETY EIGHT PERCENT OF E-WASTE CAN BE RECYCLED AND THIS SUBSTANTIALLY REDUCES THE AMOUNT OF HEAVY METALS BEING PUT INTO LANDFILL.
- * COUNCILLOR BEST REPORTED ON AN INCIDENT WHICH OCCURRED IN THE FOYER OF COUNCIL CHAMBERS LAST WEEK WHICH WAS PROMPTLY BROUGHT UNDER CONTROL BY STAFF AND POLICE. HE COMMENDED STAFF ON HOW WELL THEY HANDLED THE SITUATION AND REQUESTED THAT THE GENERAL MANAGER PASS ON HIS CONGRATULATIONS TO THE STAFF INVOLVED.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.02 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT AND DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 3.3, 6.1 AND 10.5 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

1.1 Disclosure of Interest

3.1 DA 382/2009 – PROPOSED BOUNDARY ADJUSTMENT AT LOTS 101 AND 103 DP 806178 CORONA LANE, GLENNING VALLEY

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS A REPRESENTATIVE ON THE BUSINESS ENTERPRISE CENTRE BOARD AND THE APPLICANT'S REPRESENTATIVE IS ALSO ON THE BUSINESS ENTERPRISE CENTRE BOARD, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

3.1 DA 382/2009 – PROPOSED BOUNDARY ADJUSTMENT AT LOTS 101 AND 103 DP 806178 CORONA LANE, GLENNING VALLEY

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE APPLICANT COMPANY'S DIRECTOR IS A DIRECTOR WITH HIMSELF ON THE BOARD OF THE BUSINESS ENTERPRISE CENTRE, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE IT IS NOT RELATED IN ANY WAY TO COUNCIL BUSINESS AND IS NOT A PERSONAL RELATIONSHIP."

6.2 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS THE GENERAL MANAGER OF CENTRAL COAST GROUP TRAINING, LEFT THE CHAMBER AT 8.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.07 PM.

6.2 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS THE CHAIRMAN OF CENTRAL COAST GROUP TRAINING, A DONEE UNDER THIS REPORT, LEFT THE CHAMBER AT 8.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.06 PM.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.2 Inspections

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

That Council receive the report on Inspections.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.3 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor McNAMARA and seconded by Councillor McBRIDE:

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

2 *That Council agree standing orders be varied to allow reports from Director's and/or the General Manager to be dealt with following an Invited Speaker's address.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 July 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

2.1 Notice of Intention to Deal with Matters in Confidential Session

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

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

11.1 Proposed Purchase of a Second Hand Grader

11.2 CPA 115479 - Bateau Bay Tip Contractor Meeting

2 That Council note its reason for considering Report Nos 11.1 and 11.2 as it may confer a commercial advantage (Section 10A(2)(c)) should the discussions be held in a non-confidential environment and the reason for considering Report No 11.2 being that it contains information concerning litigation.

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.1 DA 382/2009 - Proposed Boundary Adjustment at Lots 101 and 103 DP 806178 Corona Lane, Glenning Valley

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS A REPRESENTATIVE ON THE BUSINESS ENTERPRISE CENTRE BOARD AND THE APPLICANT'S REPRESENTATIVE IS ALSO ON THE BUSINESS ENTERPRISE CENTRE BOARD, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE APPLICANT COMPANY'S DIRECTOR IS A DIRECTOR WITH HIMSELF ON THE BOARD OF THE BUSINESS ENTERPRISE CENTRE, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE IT IS NOT RELATED IN ANY WAY TO COUNCIL BUSINESS AND IS NOT A PERSONAL RELATIONSHIP."

COUNCILLOR BEST LEFT THE CHAMBER AT 6.51 PM AND RETURNED TO THE CHAMBER AT 6.52 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 7.00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.06 PM AND RETURNED TO THE CHAMBER AT 7.07 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council support the use of State Environmental Planning Policy No 1 to vary the subdivision standards of Wyong Local Environmental Plan 1991 to allow this proposal.***
- 2 ***That Council indicate its approval in principle, subject to the imposition of appropriate conditions.***
- 3 ***That Council refer this application to the Department of Planning for its concurrence.***
- 4 ***That subject to the outcome of 3 above, a report on appropriate conditions be brought back to a future Council meeting.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE OF THE MAYOR.

3.2 DA 525/2009 - Proposed Torrens Title Subdivision of Part Lot 4 DP 14776 Wyong Road, Killarney Vale

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

That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in the schedule attached to the report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.3 Program to Reduce Drowning Deaths in Wyong Shire

MR ALAN COOK, ONE OF COUNCIL'S LIFEGUARDS, ADDRESSED THE CHAMBER AT 5.12 PM AND RETIRED AT 5.55 PM.

MR CHAD GRIFFITHS CEO OF SURF LIFE SAVING CENTRAL COAST ADDRESSED THE CHAMBER AT 5.23 PM AND RETIRED AT 5.30 PM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.07 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MCBRIDE LEFT THE CHAMBER AT 6.10 PM AND RETURNED TO THE CHAMBER AT 6.12 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council consider this report as two separate issues as follows:

a Beach Issues

b Life Guard Services and Pool Compliance.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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

1 That Council approve the proposed additional lifeguard services, comprising extended discretionary work hours for beach lifeguard operations as well as a water and beach safety awareness program targeted at Budgewoi Beach, in 2009-10 at an estimated cost of \$17,500.

2 That Council consider in the development of the 2010-11 Four Year Delivery Program the other priority options for extending safety of surf patrol beaches, identified in this report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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

- 1 That Council prioritise the completion of Pool Compliance Audits and resources be allocated accordingly.**
- 2 That Council consider a report from staff on the budgetary implications to fund from general revenue improved pool compliance activities in partnership with our Lifeguard Service and/or any other deemed suitable community organisations.**
- 3 That Council, through its Communications Unit and in conjunction with Gosford City Council, campaign for greater public education and awareness of the need for pool compliance and general water safety.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

4.1 Proposed Land Acquisition for Open Space and Recreation - Part of Lot 911 DP 786112, 25 Mataram Road, Woongarra

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

- 1 That Council authorise the acquisition of part of Lot 911 DP 786112 at 25 Mataram Road, Woongarra for an amount based on an assessment by a qualified valuer.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the owner of Lot 911 DP 786112.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.2 Proposed Easement for Water Supply over Lot 994 DP 1035659 Waterhen Close, Blue Haven and over Lot 1000 DP 1035659 Roper Road, Blue Haven

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

- 1 That Council grant an easement for water supply 3m wide over Council's land, Lot 994 DP 1035659 Waterhen Close, Blue Haven to Hunter Land.**
- 2 That Council grant an easement for water supply 3m wide over Council's land, Lot 1000 DP 1035659 Roper Road, Blue Haven to Hunter Land.**
- 3 That Council endorse, as owner of Lot 994 DP 1035659 Waterhen Close, Blue Haven and Lot 1000 DP 1035659 Roper Road, Blue Haven, a development application by Hunter Land for the construction of the proposed water main.**
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to related documents as required.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Hunter Land.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.3 Acquisition of Easements for the Mardi-Mangrove Link Water Supply Project

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

- 1 That Council acquire the easements for a water supply pipeline over the properties within the Wyong Shire Council area, identified in Table 1 in this report.**
- 2 That Council authorise the General Manager to pay compensation in accordance with the Land Acquisition (Just Terms Compensation Act), 1991 and the compensation elements approved by the General Manager as necessary for the acquisition of easements.**
- 3 That Council arrange licence agreements with affected land owners to access to properties for construction purposes, prior to and during the construction period, and to pay a licence fee for such licence agreements as assessed by the Project's Valuers in accordance with procedures approved by the General Manager.**

- 4 That Council proceed to compulsorily acquire the easements over the land in accordance with the provisions of the Water Management Act 2000, in the event that negotiations with affected landholders cannot be satisfactorily resolved within three months.
- 5 That Council proceed at the completion of construction works to compulsorily acquire with agreement the easements over the properties which are the subject of Agreements for Easements, in accordance with the provisions of the Water Management Act 2000 and the Land Acquisition (Just Terms Compensation) Act 2000.
- 6 That Council authorise the exercise of its Powers of Entry in accordance with the Water Management Act 2000 to gain access to the land within Wyong Shire if negotiations with affected landholders cannot be satisfactorily resolved.
- 7 That Council obtain the prior approval of the Minister to appoint Authorised Officers in accordance with the Water Management Act 2000, where required.
- 8 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of easements.
- 9 That Council authorise the Mayor and the General Manager to execute all documents relevant to the acquisition of the easements.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.1 CPA 158140 - Upgrade of Existing Boat Ramp, Seawall and Roadworks at Picnic Point, The Entrance

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

- 1 That Council accept Tender number 2 from Bixli Pty Ltd t/a P & H Constructions including acceptable alternatives in the lump sum amount of \$280,306.36 (excl GST).
- 2 That Council approve a budget of \$308,306.36 (excl GST) that provides for a contingency amount of \$28,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.
- 3 That Council investigate and report back as part of the audit report on the feasibility of establishing major boatramps in the North and South of the Shire.
- 4 That Council through the local State Member, The Hon Grant McBride MP, thank the State Government for its support.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.2 CPA 161651 - Construction of 300mm Diameter Gravity Sewer main - Gavenlock Road, Tuggerah

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

- 1 That Council accept Schedule of Rates Tender no. 8 from Kilbraney Civil in the extended rates amount of \$367,709.00 (excl GST).**
- 2 That Council approve a contract budget of \$422,000.00 (excl GST) that provides for a contingency amount of \$54,291.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

SUSPENSION OF STANDING ORDERS

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

That Council suspend standing orders to allow consideration of Item 10.5 Notice of Motion – Animal Care Facilities (Pound) in conjunction with Item 6.1 - Management of Feral Animals under the Companion Animals Act.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

THE MAYOR INVITED DEBBIE WILESMITH, REPRESENTING COASTAL PAWS RESCUE, TO ADDRESS THE MEETING TO SPEAK IN SUPPORT OF ITEM 10.5 NOTICE OF MOTION – ANIMAL CARE FACILITIES (POUND).

6.1 Management of Feral Animals under the Companion Animals Act

DEBBIE WILESMITH, REPRESENTING COASTAL PAWS RESCUE, ADDRESSED THE MEETING AT 6.29 PM, ANSWERED QUESTIONS AND RETIRED AT 6.39 PM.

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

- 1 That Council place the draft Council Policy for the Management of Feral Animals on public exhibition for a period of 28 days for public comment.**
- 2 That should there be no significant objections received, Council adopt the Policy under delegation of the General Manager.**

- 3 ***That Council update the Policy Manual and make it available to the public and staff via Council's webpage once the Policy is adopted.***
- 4 ***That Council recognise the overall operational improvements in Council's Animal Care Facility (ACF) and note the encouraging community feedback regarding the professionalism of facility staff.***
- 5 ***That Council also note the significant variations to overall costs associated with the operation of Council's ACF i.e. 150% increase in dog surrender charges now \$219.65 each.***
- 6 ***That Council staff, having regard to the new fee structures contained in Council's 09/10 adopted budget, report on the rationale and logic arrived at to support their Management Plan recommendations particularly taking into account issues such as possible escalation of illegal dog dumping and associated ranger resources, public safety and likely impacts on wildlife.***
- 7 ***That Staff provide a quarterly trend analysis and operational activities report to Council.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.2 Proposed Councillors' Community Improvement Grants

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS THE GENERAL MANAGER OF CENTRAL COAST GROUP TRAINING, LEFT THE CHAMBER AT 8.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.07 PM.

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT HE IS THE CHAIRMAN OF CENTRAL COAST GROUP TRAINING, A DONEE UNDER THIS REPORT, LEFT THE CHAMBER AT 8.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.06 PM.

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

That Council allocate an amount of \$3,755 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

FOR: COUNCILLORS GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.3 Mannering Park Precinct Committee

COUNCILLOR BEST RETURNED TO THE CHAMBER AT 8.07 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council approve the formation of a Community Precinct Committee to serve the area of Mannering Park.**
- 2 That Council appoint the following Executive Members of the Mannering Park Community Precinct Committee in accordance with the provisions of Section 355 of the Local Government Act 1993:**

Chairperson	Robert Regnis
Assistant Chairperson	Trevor Wrightson
Secretary	Jennifer Petersen
Assistant Secretary	Norell Lee
Treasurer	Lou Gambrill
Assistant Treasurer	Andrew Whitbourne
Publicity Officer	Tracey Maguire

- 3 That Council amend the 2009/2010 Management Plan to reflect the additional Precinct Committee.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.4 Minutes - Wyong Shire Senior Citizens' Council Meeting - 25 June 2009

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

That Council receive the report on Minutes - Wyong Shire Senior Citizens' Council Meeting - 25 June 2009 and adopt the recommendations contained therein.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

7.1 Delegates' Report - National General Assembly 2009

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

That Council receive the report on Delegates' Report - National General Assembly 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.1 Information Reports

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

That with the exception of report number 8.3 and 8.4 Council receive the information reports and adopt the recommendations.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.2 Investments for June 2009

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

That Council receive the report on Investments for June 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.3 Mardi to Mangrove Link Project Status

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.4 Precinct Support Program

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.21 PM AND RETURNED TO THE CHAMBER AT 8.23 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on Precinct Support Program.***
- 2 That Council reduce the quorum required for Precinct Committees to seven, consisting of three executive members and four members.***
- 3 That Council forward the agendas and minutes, which have been provided to Council by the Committees for circulation to Councillors, to the secretaries of other Precinct Committees and place them on Council's website.***
- 4 That Council conduct a further Precinct Committee Forum in the near future and include a review of the guidelines as part of the agenda.***
- 5 That Council offer training to Precinct Committee officebearers which includes job descriptions.***
- 6 That Council classify the Norah Head area an outlying suburb for the purpose of creating a precinct committee to serve that area if the local community so desire.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.5 Outstanding Questions Without Notice and Notices of Motion

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.1 Notice of Motion - Proposal to Register Council with the Mayors for Peace Program

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 8.27 PM AND RETURNED TO THE CHAMBER AT 8.29 PM DURING CONSIDERATION OF THIS ITEM.

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

1 That Council join the Mayors for Peace Program in order to promote the total abolition of Nuclear Weapons.

2 That Council authorise the Mayor to sign and submit the necessary registration documentation.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.2 Notice of Motion - Review of Fees for Home Buyers

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.35 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 8.41 PM AND RETURNED TO THE CHAMBER AT 8.42 PM DURING CONSIDERATION OF THIS ITEM.

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

1 That Council work with the State and Federal Governments to ensure affordable housing for first home buyers.

- 2 ***That Council make representations to the Minister for Planning seeking her agreement to exempt development within the Shire from the requirement to contribute to Special Infrastructure Contributions which are levied on new development to fund State infrastructure and services.***
- 3 ***That Council convene workshop(s) with senior staff and Councillors, as soon as practicable, to consider how Council could assist increasing affordability for first home buyers.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.3 Notice of Motion - Aged Housing Strategic Planning

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 8.59 PM AND RETURNED TO THE CHAMBER AT 9.01 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.01 PM AND RETURNED TO THE CHAMBER AT 9.05 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council recognise the domination of aged housing in its “Greenfield” urban release areas as reported in Question Without Notice No 038.***
- 2 ***That Council acknowledge that this proliferation of aged housing dictates changes to Council’s strategic plans for these areas including, for example, sporting facility provision, employment and commercial lands, community service provisions, etc.***
- 3 ***That Council convene workshop(s) with senior staff and Councillors as soon as practicable to consider changes to Council plans relevant to this significant demographic shift.***

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.4 Notice of Motion - Budgewoi Beach Rezoning

COUNCILLOR BEST RETURNED TO THE CHAMBER AT 9.05 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council as part of the Comprehensive Local Environmental Plan Process rezone the vegetated areas of the Budgewoi Coastal Zone from the Munmorah State Recreation Area in the north to Werepi Street Noraville in the south, from existing 6A - reserve open space & recreation to E2 - Environmental conservation.***
- 2 ***That Council acknowledge that this process cannot occur until the new "template" zones are adopted by Council as they apply to Wyong Shire.***
- 3 ***That Council note the area to be rezoned consists only of the revegetated areas and excludes operational areas such as the surf club and car park and that the delineation of this specific zone be subject to staff review and investigation.***
- 4 ***That Council consider other revegetated areas within the Shire's Coastal zone on a case by case basis.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.5 Notice of Motion - Animal Care Facilities (Pound)

THIS ITEM WAS CONSIDERED IN CONJUNCTION WITH ITEM 6.1 - MANAGEMENT OF FERAL ANIMALS UNDER THE COMPANION ANIMALS ACT.

10.6 Notice of Motion - Japanese Sister City

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

- 1 ***That Council thank the Mayors of Tanabe and Southland and their communities for their support of our Sister City Program.***
- 2 ***That as Council now believes such programs funded by the ratepayer purse are not being recognised by the broader community as core to Council's service provision in particularly difficult economic times, Council now officially withdraw its support of the Sister City Programs.***

- 3 That as this initiative has cost our ratepayers hundreds of thousands of dollars over the life of the program it is envisaged that in the event any future partnerships are established they must demonstrate a tangible benefit to our ratepayers in economic and employment terms.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.7 Notice of Motion - Activities of the Rural Fire Service RFS

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

- 1 That Council recognise and thank the some 500 Rural Fire Service (RFS) volunteers for their outstanding contribution to our community.**
- 2 That, with the fire season nearing, Council receive a report on the broader operational activities of the RFS and their preparedness to respond to what may be a most challenging bush fire season.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

QUESTIONS WITHOUT NOTICE ASKED

Q046 – Preservation and Restoration of Jetties at Long Jetty

Councillor McBride

F2005/02289

“Could Council staff report to Council on progress of preservation and restoration of the jetties at Long Jetty as part of the Federal Infrastructure Grant?”

Q047 – Senior Citizens’ Council Request

Councillor Best

F2007/00013

“At the Senior Citizens’ Council meeting, discussions were held regarding the proposed performing arts centre in Wyong. The Senior Citizens’ Council highlights its strong support for such important and cultural infrastructure and requests a progress report / update and also could their committee be of any assistance in developing this project?”

Q048 – Warnervale Town Centre
Councillor Eaton
 F2004/00535-04

“Could Council staff advise generally on the construction of the road into the Warnervale town centre including cost and funding options?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.23 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 9.28 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

11.1 Proposed Purchase of a Second Hand Grader

[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 IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

11.2 CPA 115479 - Bateau Bay Tip Contractor Meeting

- 1** *That in view of pending litigation between Council and Neumann Contractors Pty Ltd, Council not meet with company representatives in relation to resolving current contractual disputes.*
- 2** *That Council advise Neumann Contractors Pty Ltd of its decision.*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.31 PM.

.....
 CHAIRPERSON

AN INFORMAL DISCUSSION WAS HELD FROM 9.32 PM AND CONCLUDED AT 10.00 PM.