
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 12 NOVEMBER 2008, COMMENCING AT 5.03 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 PLANNING, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES (ARRIVED AT 5.13 PM), MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

SENIOR TRANSPORT ENGINEER, MANAGER PLANNING – LEGAL AND POLICY AND MANAGER FINANCIAL SERVICES.

THE MAYOR CONGRATULATED COUNCILLOR MCBRIDE ON HER NEW ROLE AS CHIEF PHARMACIST AT WYONG HOSPITAL. THE MAYOR SAID COUNCILLOR MCBRIDE'S APPOINTMENT WAS WELL DESERVED AND WISHED HER WELL ON BEHALF OF COUNCILLORS.

COUNCILLOR VINCENT PRESENTED A CERTIFICATE OF APPRECIATION TO WYONG SHIRE COUNCIL FROM THE KIDS DAY OUT HELD AT OURIMBAH CAMPUS. COUNCILLOR VINCENT ACKNOWLEDGED COUNCILLOR MATTHEWS' GREAT CONTRIBUTION TO THE EVENT AND SAID HER ONGOING EFFORTS MADE IT A REAL SUCCESS. THE MAYOR CONGRATULATED COUNCILLOR MATTHEWS AND ASKED THAT THANKS BE GIVEN TO THE TEAM.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.03 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGING COUNTRY STATEMENT.

PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

469 Disclosures of Interest

F2008/01064 ED:MR

472 - ADDRESS BY INVITED SPEAKERS

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER CAMPAIGNED AGAINST HIM AND THREATENED HIM, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.11 PM.

472 - ADDRESS BY INVITED SPEAKERS

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE AUSTRALIAN COAL ALLIANCE LOBBIED AGAINST HIM AT THE LAST ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

501 - NOTICE OF MOTION – COAL MINING OBJECTION

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER CAMPAIGNED AGAINST HIM AND THREATENED HIM, LEFT THE CHAMBER AT 7.22 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.26 PM.

501 - NOTICE OF MOTION – COAL MINING OBJECTION

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE AUSTRALIAN COAL ALLIANCE LOBBIED AGAINST HIM AT THE LAST ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

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

That the report be received and advice of disclosures noted.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

470 Proposed Inspections

F2008/00003 ED:MR

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

That Council receive the report on inspections and briefings to be conducted on Wednesday, 19 November 2008 with an additional inspection of the power lines at Tumbi Umbi to be included.

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

AGAINST: NIL

471 Proposed Briefings

F2008/00003 ED:MR

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

That Council receive the report on proposed briefings.

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

AGAINST: NIL

472 Address by Invited Speakers

F2008/00003 ED:MR

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER CAMPAIGNED AGAINST HIM AND THREATENED HIM, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.11 PM.

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE AUSTRALIAN COAL ALLIANCE LOBBIED AGAINST HIM AT THE LAST ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

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

- 1 That Council receive the amended report on Invited Speakers.**
- 2 That Council agree standing orders be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.**

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

AGAINST: NIL

473 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 22 October 2008.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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

AGAINST: NIL

474 Proposed Animal Establishment at Lot 5 DP 247470, No 5 Old Maitland Road, Kangy Angy

DA/680/2008 BLF:JD

THE DIRECTOR SHIRE PLANNING ADVISED THAT THIS ITEM HAS BEEN WITHDRAWN.

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

475 Draft DCP 2005: Chapter 70 – Notification of Development Proposals

F2005/02856 BLF:JD

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

- 1 That Council adopt draft Development Control Plan 2005 – Chapter 70 Notification of Development Proposals in accordance with Clause 21 of the Environmental Planning and Assessment Regulations effective from 1 January 2009.**
- 2 That Council apply the provisions of the adopted Development Control Plan to all Development Applications received on or after 1 January 2009.**
- 3 That Council forward the Development Control Plan 2005 containing the amended Chapter 70 Notification of Development Proposals to the Department of Planning within 28 days.**
- 4 That Council annotate relevant Section 149 Certificates regarding the adoption of Development Control Plan 2005 – Chapter 70 Notification of Development Proposals.**
- 5 That Council request staff to prepare a report for Council's consideration regarding a policy of notification of immediate neighbours in relation to approval of single storey complying residential housing development.**

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

AGAINST: NIL

476 Draft DCP 2005: Chapter 111 Hoardings

F2008/00850 BLF

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

- 1 That Council adopt draft Development Control Plan 2005 – Chapter in accordance with Clause 21 of the Environmental Planning and Assessment Regulations effective from 1 January 2009.**
- 2 That Council forward Development Control Plan 2005 containing the new Chapter 111 Hoardings to the Director-General of the NSW Department of Planning within 28 days.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

3 That Council annotate relevant s149 Certificates regarding the adoption of Development Control Plan 2005 – Chapter 111 Hoardings.

4 That Council adopt Chapter 111 of Development Control Plan No 2005 as a Council Policy under the Local Government Act.

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

AGAINST: NIL

477 Pacific Highway, Wyong – RTA Preferred Option

F2004/08230 RCB

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

- 1 That Council write to the RTA in response to the exhibition of the Preferred Option Study identifying that it considers that the Preferred Option has many deficiencies in that:

 - a Detailed traffic analysis to identify the longevity of the Preferred Option has not been provided.**
 - b Not all future development, particularly on the eastern side of the railway line, has been considered in the analysis.**
 - c Appropriate right turning movements for all directions at the River Road, Church Street, Howarth Street (Rose Street), Anzac Avenue and North Road intersections have not been provided.****
- 2 That Council request the RTA to work closely with Council staff to prepare a “Revised Preferred Option Plan”.**
- 3 That Council and the RTA hold a briefing with the Councillors on completion of the “Revised Preferred Option Plan” and prior to exhibition of the plan.**
- 4 That Council consider a further report following the “Revised Preferred Option” briefing to the Councillors.**
- 5 That Council request the RTA to dedicate the small allotment of Crown land adjacent to the Pacific Highway and the Wyong Grove School as a drop off and pick up point for the school.**
- 6 That Council request the RTA to replace, at its cost, any existing parking spaces lost as a consequence of this project under any option selected.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

7 *That Council request the State Government to commit funding for construction of the project.*

8 *That Council advise Mr David Harris MP, the Member for Wyong, in writing of these concerns and include a copy of this report.*

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

AGAINST: NIL

478 CPA 149748 – Supply and Delivery of Traffic Control Equipment and Signage

CPA 149748 JMC

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

1 *That Council accept tender No 1 from Road Signs and Marking Supplies Pty Ltd for a period of two years from the date of acceptance.*

2 *That Council note the estimated annual expenditure against this contract is \$178,688.00 (excl GST).*

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

AGAINST: NIL

479 CPA 149745 – Supply, Delivery and Lay of Cultivated Turf

CPA 149745 JMC

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

1 *That Council accept all tenders (scheduled rates) for the supply, delivery and laying of cultivated turf for a period of one year commencing on 1 December 2008.*

2 *That Council note total expenditure for cultivated turf is estimated at \$90,000.00 (excl GST) for the initial year.*

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

AGAINST: NIL

480 Proposed Licences from the Crown adjacent to Picnic Point Reserve 92238 at The Entrance and Saltwater Creek Reserve – Reserve 93654 at Long Jetty

F2008/01576 F2008/01564 SB

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

- 1 That Council accept a Licence from the Crown for the purpose of an access ramp (1.2m x 3m), Jetty (10m x 2m), pontoon (4m x 3m), ramp (12.5m² x 15m²) and seawall situated on Crown Land below high water mark adjoining Lot 7041 DP 1030785 being Picnic Point Reserve, Tuggerah Parade, The Entrance for a term of 20 years at an annual fee of \$396.00 (excl GST).**
- 2 That Council accept a Licence from the Crown for the purpose of a bridge (1.7m x 1.5m) – access to pontoon, pontoon (14m x 1.5m) and boat ramp (12.8m x 7.7m) situated on Crown Land below high water mark fronting Reserve 92238 for Future Public Requirements notified 24 April 1970 (Lot 362 DP 755263) and Reserve 93654 for Future Public Requirements notified 26 September 1980 (Lot 453 DP 40809) at Long Jetty for a term of 20 years at an annual fee of \$390.00 (excl GST).**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the relevant Licence Agreements between Wyong Shire Council and Department of Lands.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the relevant Licence Agreements between Wyong Shire Council and Department of Lands.**

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

AGAINST: NIL

481 Renewal of Lease of Part Crown Reserve No 63621 at Adelaide Street, Killarney Vale

F2005/00014 SB

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

- 1 That Council renew the Lease to Killarney Vale Australian Football Club Inc of the clubhouse site on part of Crown Reserve No 63621 at Adelaide Street, Killarney Vale for a period of five years at nominal rental.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

- 2** *That Council require the lease be subject to the Killarney Vale Australian Football Club Inc acknowledging that the ground amenities are available to all hirers of the grounds and access will not be limited by that Club directly or indirectly.*
- 3** *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease Agreement between the Wyong Shire Council and Killarney Vale Australian Football Club Inc.*
- 4** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease Agreement between the Wyong Shire Council and the Killarney Vale Australian Football Club Inc.*

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

AGAINST: NIL

**482 Proposed Easement for Electricity Purposes over Lot 10 DP 1128045
Oakland Avenue and Norberta Street The Entrance**

F2008//02181 JMT

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

- 1** *That Council grant a right of way for access, an easement for electricity purposes and an easement for electricity substation 5.3 metres wide over Council's land, Lot 10 DP 1128045 at the corner of Oakland Avenue and Norberta Street, The Entrance to Energy Australia.*
- 2** *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed related documents as required.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.*

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

483 Proposed Acquisition of Private Land for Road Widening at Lots 2 and 5 DP 711148 The Ridgeway, Matcham

F2008/01727 JMT

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

- 1 That Council acquire part of Lot 2 DP 711148 and part of Lot 5 DP 711148 The Ridgeway, Matcham as public road.**
- 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 acquire the land compulsorily 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 to the Department of Local Government for the approval of the Minister and the Governor.**
- 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 Department of Local Government.**

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

AGAINST: NIL

484 Proposed Acquisition of State Forest Land at Ourimbah for Road

F2008/01524 JMT

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

- 1 That Council acquire part of Ourimbah State Forest at Palmdale Road, Ourimbah as public road.**
- 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 acquire the land compulsorily in the event that negotiations with the property owners cannot be satisfactorily resolved.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

- 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 to the Department of Local Government 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 Department of Local Government.*

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

AGAINST: NIL

485 **Surrender of Lease and New Lease for Lot A DP 355776, 4 Anzac Road, Wyong**

F2007/01162 JMT

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

- 1** *That Council agree to the surrender of the current lease from Safira Holdings Pty Ltd.*
- 2** *That Council authorise a new lease, in similar terms to the existing lease, of Lot A DP 355776 at 4 Anzac Avenue, Wyong until 31 January 2011 with two options to renew the lease for a further six months each and rent commencing at \$9,500 per month.*
- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Surrender of Lease between Wyong Shire Council and Safira Holdings Pty Ltd and to the new Lease between Wyong Shire Council and Safira Holdings Pty Ltd.*
- 4** *That Council authorise the Mayor and General Manager to execute all documents relating to Surrender of Lease between Wyong Shire Council and Safira Holdings Pty Ltd and to the new Lease between Wyong Shire Council and Safira Holdings Pty Ltd.*

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

486 Proposed Licence for Kiosk at Shelly Beach Surf Life Saving Club – Part of Lot 7012 DP 1021282

F2004/13085 JMT

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

- 1 That Council consent, (subject to the approval of the Minister for Lands) to Shelly Beach Surf Life Saving Club Inc entering into a licence agreement with Shellys Kiosk Pty Ltd for the operation of the kiosk located in the Surf Club premises at Lot 7012 DP 1021282, Shelly Beach Road, Shelly Beach.**
- 2 That Council advise the Shelly Beach Surf Life Saving Club Inc that Council in principle has no objections to entering into a licensing agreement for the Shelly Beach Kiosk at Shelly Beach however Council believes it should be for a maximum of two years and Shelly Beach Surf Life Saving Club Inc enter into negotiations with Council.**
- 3 That in the event that the Club agrees to a two year period the General Manager be authorised to enter into an agreement.**
- 4 That Council authorise affixing the Common Seal of the Wyong Shire Council to the Licence Agreement between the Wyong Shire Council, Shelly Beach Surf Life Saving Club Inc and Shellys Kiosk Pty Ltd.**
- 5 That Council authorise the Mayor and the General Manager, to execute all documents relating to Licence Agreement between the Wyong Shire Council, Shelly Beach Surf Life Saving Club Inc and Shellys Kiosk Pty Ltd.**

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

AGAINST: NIL

487 Proposed Renaming of Lot 1 DP 376964 George Downes Drive, Kulnura from Kulnura Reserve to ‘Neill’s Park’

F2004/06023 LS/KD

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

- 1 That Council recommends to the Geographical Names Board the renaming of Lot 1 DP 376964, George Downes Drive, Kulnura as ‘Neill Park’.**
- 2 That Council support the renaming of the adjoining hall on Lot 134 DP 755261, George Downes Drive, Kulnura ‘Kulnura Pioneer Memorial Hall’.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

3 *That Council advertise the proposal to rename the hall on Council's website and in local print media and seek comments from the public regarding names of other pioneers who may have donated land for public use.*

4 *That subject to no significant objection being received, Council proceed with the renaming of the hall.*

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

AGAINST: NIL

488 Building Adjacent to or Over Council's Sewer Mains Policy

F2005/03170: IN/IN

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

1 *That Council adopt Policy – Requirements for Building Over Council's Sewer Mains identifying Council's current technical requirements for the enforcement of the protection of sewer mains*

2 *That Council place on its web site the policy document along with Council's current technical requirements for the protection of sewer mains.*

3 *That Council regularly review/update current technical requirements for the protection of sewer mains when and where considered necessary.*

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

AGAINST: NIL

489 2007 - 2008 Annual Financial Reports

F2008/00545 SJG

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

That the Governance Committee recommends to the Ordinary Meeting of Council of 12 November 2008 that it consider the adoption of the following resolutions in respect of the General, Special and Water Supply Authority Accounts:

1 *That Council adopt the draft 2007/2008 Financial Reports;*

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

- 2 That Council refer the draft 2007/2008 Financial Reports to External Audit;**
- 3 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute the required Certificates in relation to the draft 2007/2008 Financial Reports as required by relevant legislation;**
- 4 That Council provide a copy of the Financial Reports and Audit Opinion to the Department of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Local Government Act 1993.**
- 5 That Council fix 26 November 2008 as the date for the presentation of the audited 2007/2008 Financial Reports and External Audit Report in accordance with Section 419(1) of the Local Government Act 1993.**

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

AGAINST: NIL

490 Minutes of the Wyong Shire Governance Committee Meeting – 5 November 2008

F2004/07245 MW:SW

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 5 November 2008 and the recommendations contained therein be adopted.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

Information Reports

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 AND AS A RESULT TOOK NO PART IN VOTING.

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

That with the exception of report number 492 and 493 the information reports be received and the recommendations adopted.

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

AGAINST: NIL

491 Responses to request to Precinct and Progress Committees for their views on Constitutional Recognition of Local Government

F2006/01711 MR

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council note the views expressed to date by Precinct and Progress Committees on Constitutional Recognition of Local Government.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

492 Changes To Developer Contributions in New South Wales

DA/261/2005 MR

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

- 1 *That Council receive the report on changes to developer contributions in New South Wales.*
- 2 *That Council request a report as to whether the State Government is considering any discussion papers that may relieve Councils of their control of existing Section 94 funds and/or their control of raising Section 94 contributions.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, McNAMARA AND WYNN.

AGAINST: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

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

That Council receive the report on changes to developer contributions in New South Wales.

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

AGAINST: NIL

493 Response on Request for Public Radiotherapy Service

F2004/11290 SG

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

That Council receive the report response on request for public radiotherapy service.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

494 Response on the Re-establishment of the NSW Coastal Council

F2004/06935 SG

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Response on the Re-establishment of the NSW Coastal Council.

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

AGAINST: NIL

495 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SG

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on the outstanding questions without notice and notices of motion.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

496 Notice of Motion - Adoption of policy of active resistance to offshore mining and extractive industry activities off the coast of Wyong Shire

F2006/00264 SAW

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

- 1 That Council call on both the State and Federal governments to fully assess the environmental impact of both the exploration activity and the potential mining activity associated with this application before any exploration licence application is considered.**
- 2 That Council make a formal submission to both the NSW government and Federal government who are jointly handling the exploration licence application, to reject the application if it is found to be environmentally damaging.**
- 3 That Council call on the NSW and Federal Governments to rule out any further coal exploration off the NSW coast from the Illawarra to Port Stephens.**
- 4 That Council embark on a campaign to inform the public on the process and possible negative impacts of such an offshore mining proposal.**

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT

497 Notice of Motion - Councillor Attendance at Precinct Committee Meetings

F2004/06474 SAW

It was MOVED by Councillor WYNN and SECONDED by Councillor BEST:

- 1 That each Wyong Shire Councillor attend or be the contact councillor for the monthly Precinct Committee Meetings.**
- 2 That the Wyong Shire Council Community Precinct Committee Information and Guidelines Booklet be amended to reflect this change.**
- 3 That a list of Councillors and the Precinct Committee they are attending be sent to all Precinct Committees.**

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

An AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor McBRIDE:

- 1 That Council request all Councillors to remain available for contact by all Precinct Committees and attend as circumstances dictate.
- 2 That Council request Precinct Committees to distribute their meeting notices, agendas and minutes to all Councillors on a regular basis.
- 3 That Council note that a Precinct Forum is scheduled in these Chambers early in 2009.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST AND WYNN.

The AMENDMENT became the MOTION.

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

- 1 That Council request all Councillors to remain available for contact by all Precinct Committees and attend as circumstances dictate.
- 2 That Council request Precinct Committees to distribute their meeting notices, agendas and minutes to all Councillors on a regular basis.
- 3 That Council note that a Precinct Forum is scheduled in these Chambers early in 2009.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

498 Notice of Motion – Central Coast Tourism Inc (CCTI) Funding

F2004/07096 DJE

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

That Council report on funding for Central Coast Tourism Inc (CCTI).

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

AGAINST: NIL

499 Notice of Motion – Wyong Parking Initiatives

F2008/02372 DJE

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

- 1 That Council congratulate the Member for Wyong, Mr David Harris MP, on his support for a joint venture between Council and the State Government to construct additional car parking around the Civic/Justice/Police precinct of Wyong Town Centre.***
- 2 That Council request staff to contact appropriate State Government agencies to address this matter.***

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

AGAINST: NIL

500 Notice of Motion – The Entrance Beach Renourishment

F2004/11029 DJ E & RLG

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

That staff investigate and report on a geotextile bag type training wall generally along the existing stormwater line to renourish the sand on The Entrance beach.

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

AGAINST: NIL

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

501 Notice of Motion - Coal Mining Objection

F2006/01080 GPB

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE SPEAKER CAMPAIGNED AGAINST HIM AND THREATENED HIM, LEFT THE CHAMBER AT 7.22 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.26 PM.

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE AUSTRALIAN COAL ALLIANCE LOBBIED AGAINST HIM AT THE LAST ELECTION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST STATED:

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

COUNCILLOR BEST WITHDREW THIS MOTION

502 Notice of Motion - Dredging Boat Harbour Summerland Point

F2008/02368 GPB

MR CHRIS SMITH, REPRESENTING GWANDALAN SUMMERLAND POINT PRECINCT COMMITTEE, ADDRESSED THE MEETING AT 7.26 PM, ANSWERED QUESTIONS AND RETIRED AT 7.39 PM.

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

- 1** ***That Council request staff to report on the following when cost estimates are available:***
 - a** ***the results of the preliminary investigation into the reported shallowing of the channel leading into the Boat Harbour at Summerland Point.***
 - b** ***the necessary approvals required and funding options available to undertake dredging in order to provide safe navigable access for the recreational boating community in the north of Wyong Shire.***
- 2** ***That Council refer this matter/report to the local State Member for Swansea, Mr Robert Coombs, requesting his assistance in gaining the necessary departmental approvals to allow the timely restoration of the Channel and Harbour and funding options available.***

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

AGAINST: NIL

QUESTIONS WITHOUT NOTICE ASKED**Q061 – Removal of Playground Equipment at Tumbi Umbi****Councillor Eaton**

F2004/12026

“Could Council report on the removal of playground equipment from Roberta Street Hall at Tumbi Umbi and proposals for replacement?”

Q062 – Reports on the Gwandalan Illegal Tip**Councillor Eaton**

F2008/01033

“When will all of the Adams Reports into the Gwandalan Illegal Tip fiasco be given to Councillors and why haven’t they been released to date?”

Q063 – Effects of the State Government’s Mini-Budget on Council and the Community**Councillor Best**

F2004/06399

“Mr General Manager the State Government has reviewed its budgetary allocations with the recent announcement of a mini-budget that identifies a raft of taxation and spending variations. Could staff please provide an information report on what benefits or disbenefits the mini-budget may have on our Council and our broader Community.”

Q064 – Wyong Animal Care Facility (WACF - pound)**Councillor Best**

C2008/05339

“Mr General Manager further to my notice of motion dated 27 August 2008 seconded by Cr Eaton, titled “dog pound upgrade” calling for the then Council to urgently and independently investigate the operations and compliance issues at our pound, a motion further called for staff to be relieved of unenviable task of having to euthanise stray animals - some 650 last year.

Despite the then Council voting this motion down, the staff to their credit saw fit to investigate the concerns raised. As a consequence, of what has now become a complex review, Wyong Animal Care Facility is now being nationally identified as a best case example of restructure and operation. Special thanks must go to Director Gina Vereker’s, Manager of Compliance, Rob Van Hese and his team in particular our Rangers for their outstanding efforts. Understandably Mr General Manager I believe Council under the circumstances would like you to formally recognise all concerned in this tremendous outcome, thank you.”

Attachment

E-mail from Paul Archer, Managing Director of PACE Australia Pty Ltd

Minutes of the Ordinary Meeting of Council held on 12 November 2008 (contd)

Q064 – Wyong Animal Care Facility (WACF - pound) (attachment)**E-MAIL**

From: Paul Archer [mailto:parcher@paceaus.com.au]
Sent: Tuesday, 11 November 2008 11:09 PM
To: 'Greg Best'
Cc: 'GRAHAMB@wyong.nsw.gov.au'
Subject: Wyong ACF

Hi Greg

I appreciated the opportunity to speak with you the other day.

Firstly I wanted to warmly congratulate you firstly for the stand that you took in getting this onto the Council Agenda. Secondly a massive congratulations to Rob Van Hese for the way he has taken up the baton to create change at Charmhaven.

Rob is to be commended in the highest possible terms for the way in which he first accepted the criticism on the chest and then how he has risen to the challenge and created some massive changes there. Finally, but not at all least,, there must be recognition and congratulations to Jody and the Rangers and the whole team at the facility.

They don't know it yet, but this will be a success story told around the country as an example of what can be done, and we hope, a model for others to follow. Our intention is to use this story as a detailed "case study" that we can use to illustrate the possibilities that other Pounds can follow.

Well done to Mayor Graham for enabling this strategy.

Please by all means forward this to all concerned, and we look forward to hearing the sustainable successes over the coming years.

Please let your staff know that we are always available if they need to bounce any ideas with us, or if they need support in any areas.

Best regards

PAUL ARCHER
Managing Director

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THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.05 PM.

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CHAIRPERSON