
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 14 NOVEMBER 2012 COMMENCING AT 5:00 PM

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Acting Director Development and Building, Director Infrastructure Management, Acting Director Land Management, Director Community and Recreation Services, General Counsel, Manager Development Assessment, Manager Land use and Planning, Manager Building Certification and Health, Executive Manager to the General Manager, Senior Contributions Officer, Communications and Marketing Coordinator and two administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.03 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report numbers 1.1, 1.2, 1.3, 1.4, 3.1, 3.2, 2.3, 7.4, 5.1, 6.1, 6.5, 8.4, 6.7, 6.8, 8.1, 8.2, 8.3 and 8.5 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

3.5 Proposed Amendment to Clause 16 of the Wyong Local Environmental Plan, 1991.

Councillor Eaton declared a pecuniary interest in this matter for the reason that he and his wife are purchasing a property that may be affected by the proposal. Voting for this item was dealt with via the exception method and therefore Councillor Eaton has been excluded from voting due to his declared interest in the matter.

9.1 Strategy for Reducing Contribution Credits.

Councillor Eaton declared a pecuniary interest in this matter for the reason that a company owned by his family and has a S94 credit. Voting for this item was dealt with via the exception method and therefore Councillor Eaton has been excluded from voting due to his declared interest in the matter.

6.5 Membership of Statutory Committees, Advisory Groups and Working Parties

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity, Delta Electricity may or may not have representation on the committee and participated in consideration of this item.

Councillor Vincent 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."

6.8 Works on Private Land at Bruce Crescent, Wallarah

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he has an interest in an adjoining property and participated in consideration of this matter.

Councillor Taylor 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."

8.4 Notice of Motion - Mobility Scooter Recharge Initiative

Councillor Greenwald declared a non-pecuniary significant interest in the matter for the reason that his son, who lives with him, could directly benefit from this motion if successful, left the chamber at 7.32 pm, took no part in discussion, did not vote and returned to the chamber at 7.47 pm.

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

371/12 That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

372/12 That Council receive the report on Proposed Inspections and Briefings.

373/12 That Council change the commencement time of the inspections scheduled for the 21 November 2012 to 2.00 pm to allow Councillors to return to Council for the Employment and Economic Development Committee commencing at 4.00 pm.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor GREENWALD:

374/12 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 October 2012.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

Business Arising

2.4 Mayoral Minute - Ourimbah Soccer Club (24 October 2012)

Mayor Eaton advised that negotiations with Ourimbah Soccer Club resulted in its contributions being reduced to 35% of the original figure, which is to be paid on an installment basis of 4 installments.

1.4 Address by Invited Speakers

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

375/12 That Council receive the amended report on Invited Speakers.

376/12 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

1.5 Notice of Intention to Deal with Matters in Confidential Session

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

377/12 That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2) (c) of the Local Government Act 1993:

9.1 – Strategy for Reducing Contribution Credits

378/12 That Council note its reason for considering Report No 9.1 – Strategy for Reducing Contribution Credits, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business with.

379/12 *That Council request the General Manager to report on this matter in open session of Council.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.1 **Mayoral Minute - Extension of Trial Period for Relaxation of Contributions for Granny Flats**

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

380/12 *That Council extend the trial for a period of 6 months.*

381/12 *That Council levy secondary dwellings (Granny Flats) during the trial period on the basis that they are equivalent to 35% of a Development Unit for the purpose of Section 94 contributions in accordance with the applicable contributions plans.*

382/12 *That Council implement the trial by way of those affected development applications being reported to Council for determination.*

383/12 *That Council support the revision of the Section 94 Contribution Plans for Toukley, The Entrance, Wyong and Warnervale to include the provision that Section 94 contributions apply to Complying Development Certificates subject to the appropriate public exhibition process.*

384/12 *That Council receive a comprehensive report on the outcomes of the trial prior to the end of the trial period.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.2 **Mayoral Minute - Coastal Conference Bid**

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

385/12 *That Council receive and note the Mayoral Minute - Coastal Conference Bid.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

2.3 Mayoral Minute - Flood Policy Amendment

RESOLVED on the motion of Councillor EATON:

386/12 That Council prepare an amendment to its adopted Flood Policy to include in the enabling clause, headed "Development in Existing Urban Zones", the following properties zoned 1C Non-Urban Constrained along McDonagh Road such that they are treated as if they are zoned 2(a) Residential for the purposes of assessment within the adopted policy.

- Lots 30-39 DP 4526
- Lot 1 DP 117876

387/12 That Council place the amendment to its Flood policy on public exhibition for a period of 28 days.

388/12 That Council receive a report outlining the results of the public exhibition process following the expiration of the exhibition period.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.1 DA 1099/2011 - Proposed Temporary Use of an Existing Machinery Shed as a Dwelling at Tumbi Umbi

Mr John Hancock, from SJH Planning, addressed the meeting at 5.06 pm, answered questions and retired at 5.21 pm.

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

389/12 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues, refuse the application subject to the reasons for refusal detailed in the schedule attached to the report.

390/12 That Council defer action in relation to the unauthorised building works/residential use for a period of 2 years pending the compliance with fire safety regulations and the Building Code of Australia.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD AND VINCENT

3.2 DA/194/2012 - Proposed Two Storey Addition to an Existing Dwelling at Wyong

Councillor Vincent left the meeting at 5.26 pm and returned at 5.29 pm during consideration of this item.

Mr Clive Adams. DA Applicant, addressed the meeting at 5.26pm, answered questions and retired at 5.36pm.

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

391/12 That Council grant consent subject to the conditions detailed in the schedule attached to this recommendation, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.3 RZ/5/2012 - 7 Mingara Drive, Tumbi Umbi Rezoning Proposal

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

392/12 That Council initiate the Local Environmental Plan "Gateway" process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal to progress Option 2.

393/12 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a "Gateway" determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.

394/12 That Council undertake community consultation regarding the Planning Proposal, subject to the determination of the Gateway Process.

395/12 That Council direct the General Manager to submit a report to Council on results of the community consultation.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.4 Classification of Land - Lot 232 DP 1162569 at Johns Road, Wadalba

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

396/12 That Council confirm its classification of Lot 232 DP 1162569 as Operational land.

397/12 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.

398/12 That Council adopt the classification.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.5 Proposed Amendment to Clause 16 of the Wyong Local Environmental Plan, 1991.

Councillor Eaton declared a pecuniary interest in this matter for the reason that he and his wife are purchasing a property that may be affected by the proposal. Voting for this item was dealt with via the exception method and therefore Councillor Eaton has been excluded from voting due to his declared interest in the matter.

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

399/12 That Council initiate the Local Environmental Plan “Gateway” process, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 by preparation of a Planning Proposal to amend Clause 16(1) of Wyong Local Environmental Plan 1991.

400/12 That Council forward the Planning Proposal to the Department of Planning and Infrastructure requesting a “Gateway” determination, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act.

401/12 That Council undertake community consultation regarding the Planning Proposal, subject to such being required by the Gateway Determination.

402/12 That Council receive a report on the outcomes of any community consultation undertaken.

FOR: COUNCILLORS BEST, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

4.1 Classification of Land - Lot 1000 DP 1170365 Settlement Drive, Wadalba

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

- 403/12 That Council classify Lot 1000 DP 1170365 as Operational Land.
- 404/12 That Council advertise the proposal in accordance with Section 34 of the Local Government Act, 1993.
- 405/12 That Council adopt the classification if no adverse submissions are received.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

5.1 CPA/186620 - Construction of a Solar Tower at Scaddens Ridge

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

- 406/12 That Council defer the decision on this tender.
- 407/12 That Council refer this item to the General Manager for investigation of low cost options including a high security fence surrounding this site to allow solar panels to be installed, there by reducing the necessity for constructing another tower.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

5.2 Evaluation and Selection of Tenders for Contract CPA 210714 - Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace

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

- 408/12 That Council accepts the tender from Bolte Civil Pty Ltd, for the estimated total amount of \$1,299,319.65 (excl GST) for Contract CPA/210714 – Construction of Stormwater Culvert, Minnesota Road, Hamlyn Terrace.
- 409/12 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.
- 410/12 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

**5.3 Outcome of Negotiations on the Formation of a Contract for Contract
CPA/217073 - Relocation of 11kV and LV Mains in Minnesota Road, Hamlyn
Terrace and Associated Water Works**

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

**411/12 That Council accept the negotiated tender from the company nominated as
Tenderer "3" in the negotiated amount of \$396,546.00 (excl GST) for
Contract CPA/217073 – Relocation of 11kV and LV Mains, Minnesota Road
and Associated Water Supply Works.**

**412/12 That Council determines the Tender Evaluation Report in Attachment A,
remains confidential in accordance with Section 10 A (2) (d) of the Local
Government Act 1993 as the report contains commercial information of a
confidential nature.**

**413/12 That Council approve the contingency sum as detailed in the Tender
Evaluation Report in Attachment A.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.1 Central Coast Research Foundation Sponsorship

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

**414/12 That Council defer this item to be considered at the next Central Coast
Regional Organisation of Councils meeting being held on the 29 November
2012.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD, MATTHEWS AND VINCENT

6.2 Review of Code of Meeting Practice

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

**415/12 That Council amend the Code of Meeting Practice in accordance with the
table attached to the report.**

**416/12 That the Council exhibit the amended Code for public comment in
accordance with the provisions of the Local Government Act.**

417/12 *That Council adopt the amended Code of Meeting Practice subject to no significant objections being received as a result of the public exhibition.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.3 Revised Internal Audit Plan To 30 June 2013

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

418/12 *That Council adopt the revised audit plan, as recommended by the Governance Committee at their meeting on 19 September 2012.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.4 Draft Minutes of the 19 September 2012 and 5 October 2012 Governance Committee meetings

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

419/12 *That the Council adopt the minutes of Ordinary and Extraordinary Wyong Shire Governance Committee meetings held on 19 September 2012 and 5 October 2012.*

420/12 *That Council note the Committee recommendations from the 19 September 2012 and 5 October 2012 meetings.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.5 Membership of Statutory Committees, Advisory Groups and Working Parties

6.5 Membership of Statutory Committees, Advisory Groups and Working Parties

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity, Delta Electricity may or may not have representation on the committee and participated in consideration of this item.

Councillor Vincent 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 Vincent left the meeting at 7:27 pm and returned to the meeting at 7:29 pm during consideration of this item.

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor TROY:

421/12 That Council confirm the membership of Statutory Committees, Advisory Groups and Working Parties subject to the following amendments in regards to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee:

- **The number of community representatives be set at 3 to be appointed via a public expression of interest process.**
- **That this public expressions of interest process be reported back to Council at a briefing to identify the most meritorious candidates.**
- **Once this process is complete a report to Council be made recommending the 3 community representatives.**
- **The Mayor formerly write to any community representatives on the 2008/12 committee thanking them for their contributions and inviting them to apply for positions on the 2012/16 committee.**
- **That a representative from the State Emergency Services be invited to attend where there is a relevant matter on the agenda.**
- **The relevant officers from the Office of Environment and Heritage remain on the committee.**
- **The number of staff representatives remain at 3.**
- **That a representative from the local Aboriginal community be invited to attend where there is a relevant matter on the agenda.**
- **That a representative from the commercial fishing industry be invited to attend where there is a relevant matter on the agenda.**
- **All other representatives be removed from the committee membership.**

FOR: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

PROCEDURAL MOTION

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

422/12 That Council allow meeting practice be varied to consider item 8.4 - Notice of Motion - Mobility Scooter Recharge Initiative, before item 6.7 - Wrack Harvesting, as there is a speaker in attendance for this item..

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

6.6 Employment and Economic Development Strategic Committee and Heritage Statutory Committee Terms of Reference

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

423/12 That Council adopt the Employment and Economic Development Strategic Committee Terms of Reference.

424/12 That Council adopt the Heritage Statutory Committee Terms of Reference.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.7 Wrack Harvesting

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor TROY:

425/12 That Council receive and note this report.

426/12 That Council implement options 1 and 2 initially with option 3 being implemented as and when practical.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.8 Works on Private Land at Bruce Crescent, Wallarah

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that he has an interest in an adjoining property and participated in consideration of this matter.

Councillor Taylor 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."

PROCEDURAL MOTION

RESOLVED on the motion of Councillor NAYNA and seconded by Councillor TAYLOR:

427/12 That question time for this item be exhausted.

FOR: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

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

- 428/12 That Council receive and report outlining a concept design and estimate for the construction of a rock protection and energy dissipation structure downstream of Councils road culvert located within Lots 19 & 20- DP 26912, 370 – 380 Bruce Crescent, Wallarah.
- 429/12 That Council determine in accordance with Section 67(2)(b) of the Local government Act, to undertake work on Lots 19 and 20 DP26912 to the upper limit of \$30,000.
- 430/12 That Council undertake the work subject to the land owner entering into a deed of agreement for the land owner to be unconditionally responsible for the completed works and all associated costs.
- 431/12 That Council require the deed to clearly state that at the end of the life of the works Council will not be obligated or liable to replace all or part of the works.
- 432/12 That Council include in the deed the requirement for the land owner to undertake appropriate insurance of the works.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS MATTHEWS AND VINCENT

7.1 Information Reports

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

- 433/12 That Council receive the report on Information Reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

7.2 Quarterly Update on Section 94 Contributions

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

- 434/12 That Council receive the report on Quarterly Update on Section 94 Contributions.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

7.3 Operational Activities and Trends Associated with the Animal Care Facility

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

435/12 That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

7.4 Chinese Theme Park Proposal - Status Update

Councillor Troy left the meeting at 6.12 pm and returned to the meeting at 6.13 pm during consideration of this item.

Ms Amanda Lee, representing the Chinese Theme Park, addressed the meeting at 5.50pm, answered questions and retired at 6.13 pm.

PROCEDURAL MOTION

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

436/12 That question time for this item be exhausted.

FOR: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

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

437/12 That Council receive the report on Chinese Theme Park Proposal - Status Update.

438/12 That Council direct the Mayor and General Manager to urgently negotiate with Australia Theme Park Pty Limited with the objective of achieving an agreement for the sale of the proposed site where Council's risks and liabilities are minimised and a sales price that is satisfactory to Council is offered by the potential purchaser.

439/12 That Council request the Mayor and General Manager to report to the 28 November 2012 Ordinary meeting of Council on the outcomes of such negotiations.

440/12 That Council direct the General Manager to provide a Land Economics report to Council as part of his report back on the negotiations.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

PROCEDURAL MOTION

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

441/12 That Council allow meeting practice to be varied.

442/12 That Council use the exception method to deal with the balance of the Agenda.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

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

443/12 That with the exception of report numbers 5.1, 6.1, 6.5, 6.7, 6.8, 8.1, 8.2, 8.3, 8.4 and 8.5 Council adopt the recommendations contained in the remaining reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

7.5 Outstanding Questions on Notice and Notices of Motion

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

444/12 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

8.1 Notice of Motion - Northern Lakes Rugby League Sport and Recreation Club

Councillor Taylor left the meeting at 8.13 pm and returned to the meeting at 8.15 pm during consideration of this item.

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

445/12 That Council note the existing facilities established by the Northern Lakes Rugby League Sport and Recreation Club, at Gumbuyah oval on Tall Timbers Road Lake Munmorah, are utilised by the broader community, such as local schools, representative and community groups .

446/12 That Council note the Northern Lakes Rugby League Sport and Recreation Club has received grants in the order of \$80K from the State Government to build the slab and outer shell for a new Clubhouse.

447/12 That Council defer the outstanding contributions until an occupation certificate is issued.

448/12 That Council, post construction of the new Clubhouse, authorise the Mayor and General Manager to extend similar arrangements to the Northern Lakes Rugby League Sport and Recreation Club that was offered to the Ourimbah Soccer Club in regard to the water and sewerage developer charges currently levied on the new amenities building.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

8.2 Notice of Motion - Lakes Federal Funding Expenditure Report

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor TAYLOR:

449/12 That Council note assurances given by staff at the 1 November 2012 Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee that all projects currently being conducted through Caring For Our Country Federal (CFOC) funding are on track.

450/12 That Council request an urgent confirmation report formally detailing the progress of each project against budget and compliance with funding guidelines and criteria.

451/12 That Council recognises and appreciates the recent supportive comments by the Member for Dobell in Parliament endorsing Council's outstanding performance and an example of best practice in environmental project management with regards to the current lakes projects.

452/12 That Council note the \$20m CFOC funding program is now drawing to a close and environmental indicators are still showing decline (WSC SoE report, 2011).

453/12 *That Council request the General Manager to report on what dialogues and initiatives are in train to secure further funding to continue these vital Lakes restoration works.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

8.3 Notice of Motion - Council Advocate for End to So-called Scientific Whaling

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

454/12 *That Council note the increasing local employment and economic benefits associated with the growing phenomena of whale watching.*

455/12 *That Council note that these animals are currently migrating down our local coastline only to be slaughtered in the Antarctic “whale sanctuary” aboard industrial factory ships.*

456/12 *That Council condemn in the strongest possible terms, as an advocate on behalf of our local community, the continuing abuse of international laws by those insistent on continuing so-called scientific whaling of endangered whales*

457/12 *That Council lend its voice, as a matter of urgency, to peak community and environmental groups in formally condemning this practice via correspondence to the Japanese embassy and our State and Federal Ministers for the Environment.*

458/12 *That Council congratulate the local Whale Dreamers Festival Group that conducts the highly successful community whale awareness campaign known as the “Whale Dreamers Festival.”*

459/12 *That Council direct the General Manager to report on progress to date and Council’s assistance with the 2013 Whale Dreamers Festival.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

8.4 Notice of Motion - Mobility Scooter Recharge Initiative

Councillor Greenwald declared a non-pecuniary significant interest in the matter for the reason that his son, who lives with him, could directly benefit from this motion if successful, left the chamber at 7.32 pm, took no part in discussion, did not vote and returned to the chamber at 7.47 pm.

Councillor Best left the meeting at 7.31 pm and returned to the meeting at 7.46 pm during consideration of this item.

Councillor Matthews left the meeting at 7.32 pm and returned to the meeting at 7.38 pm during consideration of this item.

Councillor Nayna left the meeting at 7.33 pm and returned to the meeting at 7.35 pm during consideration of this item.

Councillor Webster left the meeting at 7.39 pm and returned to the meeting at 7.41 pm during consideration of this item.

Mr Craig Lang, representing Toukley Cycle and Scooter Shop, addressed the meeting at 7.31 pm, answered questions and retired at 7.37 pm.

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

460/12 That Council note the huge growth in mobility scooter usage that assists our ageing and disabled population.

461/12 That Council investigate the possible provision of conveniently located scooter power – up stations/points at key locations including public buildings in order to further assist these groups to access services and recreational pursuits.

462/12 That Council seek to identify strategic industry partners to assist and/or sponsor any such mobility assistance program, with a view to it becoming cost neutral.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

8.5 Notice of Motion - Erosion of Yallara Island, The Entrance

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor TROY:

463/12 That Council note with concern the erosion of Yallara Island, adjacent to The Entrance Bridge, which is home to the iconic 80 year old date palm.

464/12 That Council urgently investigate the permissibility and feasibility of using Council's dredge and geo-bags to repair the erosion and provide support to the date palm.

465/12 That Council delegate and direct the General Manager to carry out such work subject to permissibility, feasibility and at a reasonable cost (i.e. less than \$50,000).

466/12 That Council use this initial trial as an opportunity to capture important hydrological data with a view to the future possible use of the technology in the stabilisation of the channel precinct.

467/12 That Council direct the General Manager to report to Council on the outcomes of this proposal.

FOR: COUNCILLORS BEST, EATON, NAYNA, TAYLOR, TROY AND WEBSTER
AGAINST: COUNCILLORS GRAHAM, GREENWALD, MATTHEWS AND VINCENT

Confidential item 9.1 – Strategy for Reducing Contribution Credits, was resolved via the exception method during open session. The General Manager reported on this item as follows:

Councillor Eaton vacated the chair at 8.28 pm, left the meeting and did not return and Councillor Webster assumed the chair for the reporting of this item.

9.1 Strategy for Reducing Contribution Credits

Councillor Eaton declared a pecuniary interest in this matter for the reason that a company owned by his family and has a S94 credit. Voting for this item was dealt with via the exception method and therefore Councillor Eaton has been excluded from voting due to his declared interest in the matter.

- 468/12** *That Council reduce its \$1.1m credit liability under the Southern Lakes plan over time with the payout of these credits with 100% of the contributions collected under that Plan.*
- 469/12** *That Council allow deed credits to be redeemed as offsets against contribution requirements in accordance with the terms of the deed.*
- 470/12** *That Council allow non-deed credits and market value land credits to be redeemed as offsets against contribution requirements under the same contributions plan.*
- 471/12** *That Council quarantine the redemption of “above market value” land credits pending further negotiations with the parties.*
- 472/12** *That Council not accept any further dedications of land under CP7A unless the dedication is based on market values.*
- 473/12** *That Council set a general principle that developers be required, in all future release areas, to dedicate drainage land and environmental land at no cost to Council or provide a management plan and suitable sureties/strategies for its maintenance.*

QUESTIONS ON NOTICE

Q37/12 Eradication of Feral Pests

Councillor Robert Graham

F2004/06909

"My question is directed to the members of the Save Tuggerah Lakes Party. One of the promises that you made at the recent Local Government Elections was to "eradicate feral pests – Rabbits, Foxes, Indian Mynas etc." and when were you going to do this? You promised to do it now.

Wyong Shire is inundated with Rabbits in plague proportion, especially around the Chittaway and Shelly Beach areas. Foxes continue to roam the Shire, especially the North Entrance where they swim across to Terilbah Island and kill the Little Tern and their chicks; and as far as the Indian Myna birds are concerned, I counted ten of them in my own back yard this morning.

My question is when are you going to deliver on your promise considering that you said that you would do it NOW?"

Q38/12 Lakes Bugged in Green Tape

Councillor Greg Best

F2004/06951

"Mayor Eaton, I note with great frustration the plethora of government requirements and approvals necessary (1 to 12 listed below) to carry out the most basic lakes restoration works that has cost Council millions in ratepayer funds, while the approval times and costs are often longer and more expensive than the actual works to be carried out.

Mr Mayor could you please update Council on what initiatives and actions you have engaged in, in your first 50 days as Mayor, to address this green tape paralysis?

- (1) An approval under Part VII of the Fisheries Management Act (1994) to dredge.*
- (2) An approval under Part VII of the Fisheries Management Act (1994) to destroy vegetation (if seagrasses are involved).*
- (3) An approval under Part VII of the Fisheries Management Act (1994) to reclaim land if the spoil is placed on a nearby bank or within a waterway as fill.*
- (4) An approval from Department of Primary Industries Crown Lands to undertake works on Crown Land as well as other requirements relating to the placement of dredged material.*
- (5) A licence under the National Parks and Wildlife Act (1974) to work with Endangered Ecological Communities such as salt marshes.*
- (6) A licence to pollute (during construction) from the EPA under the Protection of Environment Operations Act 1997 (POEO).*
- (7) Consideration of spoil removal and placement containing acid sulphate soils under the Contaminated Land Management Act 1997 with possible costs involved in moving spoil to the tip.*

- (8) *Consideration of the activity by officers from the Premier's Department Office of Environment and Heritage.*
- (9) *Notify Roads and Maritime for changes to navigable waters.*
- (10) *Produce a Review of Environmental Factors (REF) and a dredging design that considers all of the above. The dredging design would also incorporate a site survey, hydrodynamic considerations and a morphodynamic study to understand sand movements in the dredged channel or for areas of saltmarsh rehabilitation.*
- (11) *Use the REF and project design to obtain approvals under Part V of the EP&A Act. This approval would require appropriate community consultation. Other aspects for consideration would include the relevant LEP and DCP. any SEPP such as SEPP 71 Coastal Protection that is applicable, as well as relevant management plans such as Council's Estuary Management Plan.*
- (12) *The Federal Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, may also come into consideration if significant threatened species are involved."*

Q39/12 Chromefest 2012
Councillor Greg Best
F2004/06179

"Mr Mayor, My family and I attended this years' Chromefest, held at The Entrance Memorial Park, and I would like to take this opportunity to recognise this outstanding calendar event.

It would be greatly appreciated if you could pass on our thanks to The Entrance Town Centre Management, the organising partners and Council's operational and management staff for their tremendous assistance and management of this event?

The event truly showcased Wyong Shire in the best possible way to thousands of visitors; again, I'd like to thank all involved."

Q40/12 Disorder at Reserve Opposite Wyong Public School
Councillor Ken Greenwald
F2004/07718

"Could the Manager of Safety and Compliance please advise what they are doing to monitor and enforce action against the persons causing public disorder in the reserve opposite Wyong Public School in Cutler Drive, Watanobbi?"

Q41/12 Life Long Learning Department Funding

Councillor Lisa Matthews

F2011/01280

“Can staff please advise what funding has been received from the State Government over the past 4 years with respect to the Lifelong Learning department?”

THE MEETING closed at 8.29 pm.