
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 22 APRIL 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 PLANNING, ACTING DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, MANAGER WATER AND WASTE AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, CULTURAL PLANNER AND CONTRACTOR CONTRACTS.

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

APOLOGIES

THERE WERE NO APOLOGIES.

1.1 Disclosure of Interest

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

That the report on Disclosure of Interest and the fact that no disclosure was made be noted.

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

AGAINST: NIL.

1.2 Proposed Briefings

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

That Council receive the report on Proposed Briefings.

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

AGAINST: NIL.

1.3 Proposed Inspections

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

That Council receive the report on inspections held on 22 April 2009.

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

AGAINST: NIL.

1.4 Address By Invited Speakers

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

That Council note that there are no speakers.

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

AGAINST: NIL.

1.5 Confirmation of Minutes of Previous Meetings

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 April 2009 and the Extraordinary Meeting held on 15 April 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 Proposed Strata Subdivision, Tumbi Umbi

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

That Council approve Development Application 38/2009 subject to the conditions attached to this report. In making this decision, Council have regard to the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 and other relevant issues detailed in the report.

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

AGAINST: NIL.

3.1 Proposed Easement for Drainage over Lot 390 DP 30316 Eyre Crescent, San Remo

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

- 1 That Council acquire an easement for drainage 3.5m wide and 12m long over Lot 390 DP 30316.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the formal documents for Transfer of the land and any application for compulsory acquisition.**
- 5 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.

4.1 Contract CPA 149736 - Supply, Delivery and Laying of Turf at Bateau Bay Landfill

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

- 1 That Council decline to accept any of the tenders received.**
- 2 That Council re-invite tenders on the basis of an expanded scope of works to include the supply and placement of the growing medium and turf.**

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

AGAINST: NIL.

4.2 Contract Variations - March 2009

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

That Council note the variations to contracts (Attachment 1).

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

AGAINST: NIL.

5.1 2009 National General Assembly of Local Government

EXTENSION OF TIME

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

That an extension of two minutes be granted to Councillor Eaton.

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

AGAINST: COUNCILLOR McBRIDE AND VINCENT.

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

- 1 That Council authorise interested Councillors to attend the 2009 National General Assembly of Local Government between 21 and 24 June 2009.**
- 2 That Council pay expenses incurred by Councillors attending the Assembly in accordance with Council's Facilities and Expenses Policy for Councillors.**
- 3 That Council determine the Mayor to be the voting delegate.**
- 4 That Council propose the following motions to the Assembly;**
 - a That the Assembly calls on the Federal Government to fund and expedite the F3 to M7 link.**
 - b That the Assembly calls on the Federal Government to fund the construction of a very fast train from Williamstown to Sydney.**

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

5.2 Re-establishment of Alcohol Free Zones within Wyong Shire

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

- 1 That Council propose the renewal of all Alcohol Free Zones within Wyong Shire until 30 June 2013 as outlined in the attachments and complete the required public consultation process.**
- 2 That Council advise the NSW Anti-Discrimination Board of the proposal.**
- 3 That Council determine the renewal of the Alcohol Free Zone Regulations upon receipt of a report at a later date, following the public consultation process.**

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

AGAINST: NIL.

5.3 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$7,925 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.

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

AGAINST: NIL.

5.4 Parental Leave

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.59 PM AND RETURNED TO THE CHAMBER AT 6.00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.16 PM AND RETURNED TO THE CHAMBER AT 6.17 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.30 PM AND RETURNED TO THE CHAMBER AT 6.31 PM DURING CONSIDERATION OF THIS ITEM.

It was *MOVED* by Councillor WYNN and *SECONDED* by Councillor VINCENT:

That Council authorise the General Manager to vary the 2008-09 Management Plan to allow the immediate introduction of the following parental leave entitlements as standard conditions for staff:

- a Eighteen weeks maternity leave at full pay or 36 weeks at half pay.*
- b Two weeks paternity leave at full pay or four weeks paternity leave at half pay.*
- c That this resolution be forwarded to the 2009 National General Assembly of Local Government between 21 and 24 June 2009 as a motion.*

An *AMENDMENT* was moved by Councillor EATON and seconded by Councillor BEST:

- 1 That Council in principle support additional maternity and paternity leave entitlements.*
- 2 That a resolution of this matter be deferred pending further information on award negotiation progress and other employment outcomes from an investment of \$200,000 per annum.*

The *AMENDMENT* was put to the *VOTE* and declared *LOST*.

FOR: COUNCILLOR EATON.

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

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

That Council authorise the General Manager to vary the 2008-09 Management Plan to allow the immediate introduction of the following parental leave entitlements as standard conditions for staff:

- a Eighteen weeks maternity leave at full pay or 36 weeks at half pay.***
- b Two weeks paternity leave at full pay or four weeks paternity leave at half pay.***
- c That this resolution be forwarded to the 2009 National General Assembly of Local Government between 21 and 24 June 2009 as a motion.***

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

AGAINST: NIL.

5.5 Revised Liquid Trade Waste Policy

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.41 PM AND RETURNED TO THE CHAMBER AT 6.43 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council exhibit the Liquid Trade Waste Policy for public comment.***
- 2 That Council adopt the policy subject to no significant objections as a result of the exhibition.***
- 3 That Council consider a further report if there are significant objections.***

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

AGAINST: NIL.

5.6 Proposed Central Coast Water Corporation

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.41 PM AND RETURNED TO THE CHAMBER AT 6.43 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.22 PM AND RETURNED TO THE CHAMBER AT 7.26 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council concur with the process to engage an expert advisor to assist both Wyong Shire and Gosford City Councils to undertake a due diligence analysis to determine and assess any risks or issues in the formation of a Central Coast Water Corporation and to identify potential actions to address these.

An AMENDMENT was moved by Councillor EATON and seconded by Councillor BEST:

That Council invite the proposed expert advisor to address Council prior to a decision on his appointment.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLOR EATON.

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

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

That Council concur with the process to engage an expert advisor to assist both Wyong Shire and Gosford City Councils to undertake a due diligence analysis to determine and assess any risks or issues in the formation of a Central Coast Water Corporation and to identify potential actions to address these.

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

AGAINST: COUNCILLOR EATON.

6.1 Information Reports

COUNCILLOR BEST LEFT THE CHAMBER AT 7.22 PM AND RETURNED TO THE CHAMBER AT 7.26 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That with the exception of report number 6.3 the information reports be received and the recommendations adopted.

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

AGAINST: NIL.

6.2 Activities of the Development Assessment Unit

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Activities of the Development Assessment Unit.

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

AGAINST: NIL.

6.3 General Works In Progress

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive the report on General Works In Progress.

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

AGAINST: NIL.

6.4 Water and Sewerage - Works in Progress

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Water and Sewerage - Works in Progress.

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

AGAINST: NIL.

6.5 Audit for Best Practice Management Guidelines for Water Supply and Sewerage

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

That Council receive the report on Audit for Best Practice Management Guidelines for Water Supply and Sewerage.

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

AGAINST: NIL.

6.6 Minutes of the Wyong Shire Senior Citizens Council Meeting of 26 February 2009

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Minutes of the Wyong Shire Senior Citizens Council Meeting of 26 February 2009.

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

AGAINST: NIL.

6.7 Finalisation of Contracts

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Finalisation of Contracts.

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

AGAINST: NIL.

6.8 Outstanding Questions Without Notice and Notices of Motion

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.28 PM AND AS A RESULT TOOK NO PART IN VOTING.

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, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.1 Notice of Motion - Pile Creek Culvert

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 7.34 PM AND RETURNED TO THE CHAMBER AT 7.36 PM DURING CONSIDERATION OF THIS ITEM.

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

That due to the failure of Pile Creek Culvert, Council take a proactive approach to the findings and recommendation of the Ministers investigation into this event through receiving and considering a report from staff at their earliest convenience on this important issue as tabled by Mr Dick Persson and Mr Alan Griffin appointed to investigate.

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

AGAINST: NIL.

8.2 Notice of Motion - Webcasting Council Meetings

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

That Council prepare a report on the cost, feasibility and other relevant issues of webcasting Council meetings.

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

AGAINST: NIL.

8.3 Notice of Motion - Wyong Performing Arts Centre Working Party

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

That a working party consisting of the Mayor, interested Councillors, staff and user group representatives be formed to monitor and progress the Wyong Performing Arts Centre.

An AMENDMENT was moved by Councillor WYNN and seconded by Councillor McBRIDE:

That Council defer this motion until a report is provided on the Wyong Performing Arts Centre in May 2009.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS McBRIDE, MATTHEWS, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, SYMINGTON AND WEBSTER.

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

That a working party consisting of the Mayor, interested Councillors, staff and user group representatives be formed to monitor and progress the Wyong Performing Arts Centre.

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

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

QUESTIONS WITHOUT NOTICE ASKED

Q024 – Traffic Along Coachwood Road, Ourimbah

Councillor EATON

C2009/05521

“Could staff report on accident history and speeding at Coachwood Road, Ourimbah and any proposed/possible traffic calming measures?”

Q025 – Repairs of The Long Jetty

Councillor EATON

F2005/02289

“As The Long Jetty (wooden) has further deteriorated and now is in a dangerous state when will Council commence repairs?”

Q026 – Fish Cleaning Facilities

Councillor WYNN

M2009/00569

“Does Council have any strategic plans for fish cleaning facilities at or near the Shire’s boat ramps?”

Q027 – Virgin Excavated Natural Material (VENM)

Councillor WYNN

F2004/06762

“Is virgin excavated natural material (VENM) from work construction sites deemed contaminated if it is not used within 48 hours and does it then have to be removed to our landfill sites?”

Q028 – Completion of Fisherman’s Wharf

Councillor WEBSTER

CPA/98272

“Could staff please advise when the Fisherman’s Wharf complex at The Entrance will be completed? I make particular reference to the temporary safety rail along the Boardwalk, the refuse area which is exposed and the painting of the building?”

Q029 – Fisherman’s Wharf Waste Removal

Councillor WEBSTER

F2004/06766

“Is there anything that Council can do to encourage the owners to have more than two refuse pickups per week, as the strong odour of rotting food scraps is affecting other businesses in the area?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.29 PM.

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CHAIRPERSON