
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 22 JULY 2009,
COMMENCING AT 5.01 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, ACTING MANAGER DEVELOPMENT ASSESSMENT, MANAGER PLANNING – LEGAL AND POLICY, PROJECT DIRECTOR AND THREE ADMINISTRATION STAFF.

MANAGER CONTRACTS, SENIOR PLANNER AND DEVELOPMENT PLANNER.

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

COUNCILLOR WYNN PROVIDED AN UPDATE ON THE 36TH ANNUAL GARDEN COMPETITION COMMENTING THAT THIS YEAR EXPANDED ENTRIES HAD BEEN RECEIVED AND NEW SECTIONS HAD BEEN ADDED TO CATER FOR THE CHANGING CULTURE IN AUSTRALIA. COUNCILLOR WYNN ASKED FELLOW COUNCILLORS TO PROMOTE THE COMPETITION DURING ANY PUBLIC MEETINGS THEY ATTEND AND FURTHER COMMENTED THAT THE ORGANISERS ARE A DEDICATED GROUP OF PEOPLE AND WISHED THEM WELL.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.01 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.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR BEST WHO IS CURRENTLY OVERSEAS ON ANNUAL LEAVE.

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

That the apology be accepted and leave of absence from the meeting be granted.

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

AGAINST: NIL.

1.1 Disclosure of Interest

9.4 NOTICE OF MOTION - YOUTH EMPLOYMENT TARGET

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE CHAIR OF CENTRAL COAST GROUP TRAINING LTD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE PUBLIC AND PRIVATE DUTY ARE NOT IN CONFLICT AND IT IS A NON REMUNERATED POSITION."

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

That the report on Disclosure of Interest be received and advice of disclosure noted.

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

AGAINST: NIL.

1.2 Proposed Inspections

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

That Council receive the report on Proposed Inspections, with the inclusion of the boat ramp, seawall and roadworks at Picnic Point, The Entrance.

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

AGAINST: NIL.

1.3 Address By Invited Speakers

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

That Council receive the report on Invited Speakers and the fact that no speakers were present be noted.

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

AGAINST: NIL.

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 8 July 2009.

FOR: COUNCILLORS 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 Notification of Dwellings Not Required to be Notified Under Chapter 70

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

- 1 That Council receive the report on Notification of Dwellings not Required to be Notified Under Chapter 70.**
- 2 That Council adopt Option 1 as contained in this report as Council's procedure for the notification of single storey dwelling houses that are otherwise exempt from notification under DCP 2005, Chapter 70.**

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

AGAINST: NIL.

2.2 E1 - Erosion and Sedimentation Control Policy

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

- 1 That Council adopt the updated Draft E1- Erosion and Sedimentation Control policy and appropriate public notice be given.**
- 2 That Council's policy manual be updated accordingly and Policy E1 be made available to the public and staff via Council's webpage following adoption.**

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

AGAINST: NIL.

3.1 Acquisition of Easements and Land for Warnervale Town Centre Sewerage Infrastructure at Sparks Road, Virginia Road, Warnervale Road and Minnesota Road

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

- 1 That Council acquire easements to drain sewage, generally 5m wide over the following land:**

Lot 38 DP 7091	90-100 Minnesota Road, Hamlyn Terrace
Lot 49 DP 7091	107-171 Virginia Road, Warnervale
Lot 14 DP 371162	112-116 Warnervale Road, Hamlyn Terrace
Lot 101 DP 829060	93-123 Warnervale Road, Hamlyn Terrace
Lot 3 DP 559441	38-58 Virginia Road, Hamlyn Terrace
Lot 42 DP 7091	102-112 Minnesota Road, Hamlyn Terrace
Lot 1E DP 24673	30-34 Virginia Road, Hamlyn Terrace
Pt Lot 3 DP 748588	98 Sparks Road, Hamlyn Terrace
Lot 45 DP 7091	121-131 Minnesota Road, Hamlyn Terrace
Lot 48 DP 7091	107-171 Virginia Road, Warnervale
Lot 111 DP 705880	10-28 Virginia Road, Hamlyn Terrace
Lot 1 DP 700096	119-121 Sparks Road, Woongarra
Lot 41 DP 7091	109-119 Minnesota Road, Hamlyn Terrace
Lot 36 DP 7091	100-134 Virginia Road, Hamlyn Terrace
Lot 40 DP 7091	100-134 Virginia Road, Hamlyn Terrace
Lot 44 DP 7091	100-134 Virginia Road, Hamlyn Terrace

- 2 That Council acquire part of Lot 48 DP 7091, 107-171 Virginia Road, Warnervale for a sewerage pump station.**
- 3 That Council authorise the payment of compensation, if necessary, for the acquisition of the easements in Item 1 and the acquisition of the land in item 2 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 4 That Council proceed to compulsorily acquire the easements and land in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 5 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the acquisition.**
- 6 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL.

3.2 Acquisition of Easements and Land for Wyong Employment Zone Sewerage Infrastructure at Sparks Road, Halloran

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

- 1 That Council acquire part of land (approximately 725m²) for sewerage pump station and easements to drain sewage, generally 5m wide and a right of carriageway over Lot 23 DP 259530.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the proposed pump station land and 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 land and easement 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 formal documents relevant to the acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL.

3.3 Proposed Land Acquisition for Car Parking - Lot 9 DP 14527, No 18 Manning Road, The Entrance

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

- 1 That Council authorise the acquisition by purchase of Lot 9 DP 14527 at No 18 Manning Road, The Entrance for an amount based on an assessment by a qualified valuer.**
- 2 That Council propose classification of Lot 9 DP 14527 as Operational Land.**
- 3 That the proposal be advertised in accordance with Section 34 of the Local Government Act, 1993.**
- 4 That Council confirms the classification subject to no adverse submissions being received.**
- 5 That Council authorise a residential lease of No 18 Manning Road, The Entrance for market rent.**

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- 6 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and the owner of Lot 9 DP 14527.**
- 7 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL.

3.4 Proposed Dedication of Council Land Lot 2 DP 1068298, 5A King Street Ourimbah for Public Road

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

That Council dedicate Lot 2 DP 1068298, 5A King Street Ourimbah as public road by way of notification in the NSW Government Gazette.

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

AGAINST: NIL.

3.5 Proposed Sale of Land at Lot 83 DP 27286 and Lot 94 Section 1 DP 11824 Charmhaven

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

- 1 That Council authorise the sale of Lot 83 DP 27286 Charmhaven Avenue, Charmhaven and Lot 94 Section 1 DP 11824 Moala Parade, Charmhaven for an amount not less than market value for each parcel as determined by an independent registered valuer.**
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the formal the documents for the Sale and Transfer of the land.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**

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

AGAINST: NIL.

3.6 Wyong Shire Family Day Care Lease at 31 Alison Road, Wyong

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

- 1 That Council agree to the early termination of the lease of Lot 3 DP Section 10 DP 3136 Alison Road Wyong to Family Childcare Services Central Coast Inc. without penalty.**
- 2 That Council grant a lease of Lot 3 Section 10 DP 3136 at 31 Alison Road Wyong to Central Coast Legal Centre for a period of five years at a commencing rent of \$20,800.00 per annum plus GST.**

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

AGAINST: NIL.

4.1 Contract Variations and Finalisation - May and June 2009

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

- 1 That Council note the variations to contracts in Attachment 1.**
- 2 That Council approve increases to the contract budgets for the following contracts to provide for further potential variations.**

Contract Name	Contract No.	Increase to Contract Budget \$ (ex GST)
Cabbage Tree Harbour - Investigation And Design Of Toe Drainage Structure	CPA/135454	116,000.00
Manufacture, Supply and Deliver Liquid Aluminium Sulphate For a 3 year period	CPA/107734	88,000.00
Concept Design, Detail Design and Tender Documentation Water Supply Trunk Mains Warnervale Town Centre and Wyong Employment Zone Stages I & II	CPA/130591	65,000.00
Investigation and Design Consultancy for Woongarra Sports fields	CPA/94559	60,000.00

- 3 That Council note that commensurate changes will be made to the Management Plan to reflect revisions to contract budgets.**

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

AGAINST: NIL.

4.2 CPA 150848 - Stormwater Treatment Works Project - Bundilla Parade, Berkeley Vale

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

- 1 That Council decline all tenders received for Contract CPA/150848 – Stormwater Treatment Works Project – Bundilla Parade, Berkeley Vale in accordance with Section 178 (1) (b) of the Local Government (General) Regulations.***
- 2 That Council cancel Contract CPA/150848 – Stormwater Treatment Works Project – Bundilla Parade, Berkeley Vale in accordance with Section 178 (3) (a) of the Local Government (General) Regulations.***

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

AGAINST: NIL.

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

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

That Council defer this report pending an inspection of Picnic Point and that a brief interim report on strategic directions for boat ramps in the Long Jetty to North Entrance areas be provided.

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

AGAINST: NIL.

4.4 CPA 159880 - Construction of Mannering Park Sewage Treatment Plant Inlet Works

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

- 1 That Council accept in accordance with the approved Tender Evaluation Plan, Tender No 3 from Eire Contractors Pty Ltd in the amount of \$1,191,000.00 (excl GST) for Contract CPA/159880.**
- 2 That Council approve a contract budget of \$1,369,000.00 (excl GST) that provides for a contingency amount of \$178,000.00 (excl GST), representing approximately 15% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL.

4.5 CPA 163500 - Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

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

- 1 That all complying tenders received for the hire of plant/trucks for the operation of Buttonderry Waste Management Facility be accepted for inclusion on a priority ranking list for a period of 12 months.**
- 2 That Council approve a contract budget of \$1,188,000.00 (excl GST) that provides for a contingency amount of \$100,000.00 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**
- 3 That the Director Shire Services be authorised to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA/163500 Hire of Plant for the Operation of Buttonderry Waste Management Facility.**

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

AGAINST: NIL.

5.1 NSW Local Government Association Conference 2009

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

- 1 That Council authorise interested Councillors to attend the Local Government and Shires Association Annual Conference 2009.**
- 2 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with Council's policy.**
- 3 That Council determine the five delegates with voting entitlements should more than five Councillors indicate their intention to attend the conference.**
- 4 That Council determine any additional motions to be submitted to the conference prior to 10 August 2009.**

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

AGAINST: NIL.

5.2 Proposed Councillors' Community Improvement Grants

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

- 1 That Council allocate an amount of \$7,694 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.**
- 2 That Council allocate an amount of \$975 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL.

5.3 Webcasting of Council Meetings

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

- 1 That Council receive the report on Webcasting of Council Meetings.**
- 2 That Council receive a demonstration on the systems available prior to making a final decision**
- 3 That Council receive a report on the cost effectiveness of the webcasting of Council Meetings in respect of the current form of audio recordings and community engagement.**
- 4 That Council include a workshop on the legal implications specifically in regards to defamation as part of the demonstration and/or briefing.**

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

AGAINST: NIL.

5.4 Bid to Host the NSW Surf Lifesaving Championships

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

That Council prepare a joint submission with Gosford City Council to seek the 2011, 2012, 2013 State Surf Life Saving Championships.

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

AGAINST: NIL.

5.5 Minutes - Wyong Shire Senior Citizens' Council Meeting - 28 May 2009

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

That Council receive the minutes of the Wyong Shire Senior Citizens' Council Meeting held on 28 May 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL.

6.1 Minutes - Central Coast Regional Organisation of Councils - 17 June 2009

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

That Council receive the minutes of the Central Coast Regional Organisation of Councils meeting held on 17 June 2009 and adopt the recommendations contained therein.

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

AGAINST: NIL.

7.1 Information Reports

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

That with the exception of report number 7.3 the information reports be received and the recommendations adopted.

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

AGAINST: NIL.

7.2 General Works in Progress

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

That Council receive the report on General Works in Progress.

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

AGAINST: NIL.

7.3 Corporate Uniform

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.59 PM AND RETURNED TO THE CHAMBER AT 6.02 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council call for tenders for Corporate Uniforms with a heavy weighting for Australian content.***
- 2 That Council write to the companies contacted in producing the report to advise them of the decision.***
- 3 That Councillors be involved in the uniform selection process.***

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

AGAINST: NIL.

7.4 Results of Water Quality Testing for Beaches and Lake Locations

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

That Council receive the report on Results of Water Quality Testing for Beaches and Lake Locations.

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

AGAINST: NIL.

7.5 Activities of the Development Assessment Unit

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

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

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

AGAINST: NIL.

7.6 Water and Sewerage - Works in Progress

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

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

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

AGAINST: NIL.

7.7 Outstanding Questions Without Notice and Notices of Motion

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

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

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

AGAINST: NIL.

9.1 Notice of Motion - Livistonia Australis

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

That as part of the Revegetation Plan for the Crown Land behind the proposed Cabbage Tree Harbour Toe-drainage Structure, Council incorporate a trial planting of the endemic species Livistonia Australis, commonly known as Cabbage Tree Palm. As the revegetation will be staged Livistonia Australis would be planted in clumps as part of the subsequent plantings in the gullies after the slope has been initially stabilised.

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

AGAINST: NIL.

9.2 Notice of Motion - Community Gardens

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

That Council develop a Strategic Policy for Community Gardens which involves the following:

- 1 That a policy to support the development of Community Gardens be formulated for Wyong Shire. This policy shall be guided by the following requirements:**
 - a Establish community gardens in new and existing residential areas in partnership with local residents.**
 - b Ensure that sufficient land is made available in newly planned residential areas to provide for community gardens, within planned open space areas.**
 - c The policy should provide opportunities to retrofit community gardens in established residential areas where it can be established that there is sufficient community will and interest to justify one.**
 - d That clearly identifies Council's roles and responsibilities.**
- 2 That Council identify funding opportunities eg grants and other forms of in kind assistance to help community groups.**
- 3 That the process for establishing community gardens be simplified by providing information to assist community groups in being able to meet Council requirements. This would involve the identification of suitable land upfront by Council and providing documentation which carefully explains what is needed in terms of development consent, consultation processes with nearby residents/competing user groups for existing open space, land leasing requirements and insurance liability requirements.**
- 4 That this policy be prepared by the Shire Planning Department and submitted to Council for consideration.**
- 5 That the policy be developed in partnership with the Community Development Unit.**

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

AGAINST: NIL.

9.3 Notice of Motion - Forum on Community Facilities

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

That Council invite community groups, sporting associations, Non Government Organisations, charities, 355 Committees and corporate clients to a community forum to discuss topics including but not limited to:

- * ***community facilities: availability/utilisation,***
- * ***conducting/hosting events: application process,***
- * ***support available – financial/in kind,***

with a view to engaging residents by responding to community needs and appropriate utilisation of facilities consistent with Shire Strategic Vision, Asset Management Strategy, Long Term Financial Strategy, Management Plan 2009-10, Community Plan 2008 and Cultural Plan 2008.

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

AGAINST: NIL.

9.4 Notice of Motion - Youth Employment Target

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE CHAIR OF CENTRAL COAST GROUP TRAINING LTD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE PUBLIC AND PRIVATE DUTY ARE NOT IN CONFLICT AND IT IS A NON REMUNERATED POSITION."

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.17 PM AND RETURNED TO THE CHAMBER AT 7.19 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council adopt in principle, a long term youth employment target of 15% of its workforce in recognition of the appalling local youth unemployment rate of some 38.7%.***

- 2 That Council provide a report on:**
- a implementation strategies to achieve this target in compliance with the Anti- Discrimination Act, Equal Employment Principles and;**
 - b current youth employment levels, job profiles filled and availability by young employees.**
- 3 That Council include in the annual Equal Employment Opportunity (EEO) report a section on youth employment and movement towards the target and that this report be an information report to a formal Council Meeting.**
- 4 That Council forward this motion to the Local Government Association Conference for consideration by all Councils for adoption and also for the Conference to consider a resolution to the State Government seeking an amendment to the Anti-Discrimination Act requiring Councils to also report in their EEO report on youth employment levels.**
- 5 That Council make a submission to the Keep Australia Working Forum regarding our region's Youth Employment Problem.**

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

AGAINST: NIL.

QUESTIONS WITHOUT NOTICE ASKED

Q044 - Wyong Chamber of Commerce Levy Increase

Councillor Eaton

F2005/00704

“Could Council advise Wyong Chamber of Commerce why its total levy has only increased by some \$500 this year despite a significant general rate rise?”

Q045 – Cabbage Tree Harbour Surveillance

Councillor Eaton

F2004/07782

“Could Council staff advise the cost to date of maintaining surveillance/security at Cabbage Tree Harbour and when this surveillance is expected to conclude?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.20 PM.

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CHAIRPERSON