

---

---

**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 25 MARCH 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, DIRECTOR CORPORATE SERVICES, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, STRATEGIC PLANNER AND SENIOR ENVIRONMENTAL HEALTH OFFICER.

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

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

**APOLOGIES**

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 1.4 AND 3.1 WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

## **1.1 Disclosure of Interest**

---

### **3.1 PROPOSED TWENTY LOT RESIDENTIAL SUBDIVISION AT LOT 312 DP 808521 AND LOT 8106 DP 1085360, JOHNS ROAD, WADALBA**

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT MADE A DONATION TO HIS LAST LOCAL GOVERNMENT ELECTION CAMPAIGN.

COUNCILLOR GRAHAM STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT DOES NOT FALL UNDER CLAUSE 7.23 OF THE MODEL CODE OF CONDUCT AND HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."*

### **4.2 RENEWAL OF LEASE TO TUNKUWALLIN TENNIS AND SPORTS CLUB LTD OF PART LOT 4 DP 263812, NO 20, SUMMERLAND ROAD, SUMMERLAND POINT**

COUNCILLOR SYMINGTON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS SECRETARY OF TUNKUWALLIN PARK COMMUNITY HALL, 355 COMMITTEE.

COUNCILLOR SYMINGTON 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."*

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

***That the report on Disclosure of Interest be received and advice of disclosures 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 EATON 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.

### **1.3 Proposed Inspections**

---

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

***That Council note that inspections previously scheduled for 25 March 2009 were cancelled.***

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 BEST 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.

### **1.5 Confirmation of Minutes of Previous Meeting**

---

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 11 March 2009.***

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

AGAINST: NIL.

### **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

## **2.1 Notice of Intention to Deal with Matters in Confidential Session**

---

COUNCILLOR BEST LEFT THE CHAMBER AT 5.46 PM AND RETURNED TO THE CHAMBER AT 5.47 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(c), (a) and (g) of the Local Government Act 1993:**
  - 10.1 Detailed Expressions of Interest – Conduct Review Panel**
  - 10.2 Notice of Motion – Waste and Environmental Management**
- 2 That Council note its reason for considering Report No 10.1 as it may confer a commercial advantage (Section 10A(2)(c)) and Report No 10.2 is that discussion is anticipated which concerns the rights of individuals (Section 10A(2)(a)) or Council's legal privilege (Section 10A(2)(g)) should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

AGAINST: NIL.

## **3.1 Proposed Twenty Lot Residential Subdivision at Lot 312 DP 808521 and Lot 8106 DP 1085360, Johns Road, Wadalba**

---

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT MADE A DONATION TO HIS LAST LOCAL GOVERNMENT ELECTION CAMPAIGN.

COUNCILLOR GRAHAM STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT DOES NOT FALL UNDER CLAUSE 7.23 OF THE MODEL CODE OF CONDUCT AND HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."*

MS MEGAN HITCHENS, REPRESENTING WADALBA-KANWAL ASSOCIATION INC, ADDRESSED THE MEETING AT 5.07 PM, ANSWERED SOME QUESTIONS FROM COUNCILLORS AND ADVISED SHE WAS UNABLE TO ANSWER FURTHER QUESTIONS ON THE BASIS OF LEGAL ADVICE AND RETIRED AT 5.13 PM.

MR TOM CUMMINS, REPRESENTING WESTMINISTER DEVELOPMENTS, ADDRESSED THE MEETING AT 5.13 PM, ANSWERED QUESTIONS AND RETIRED AT 5.24 PM.

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

- 1 That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.**
- 2 That Council keep confidential the places and site locations of Aboriginal Heritage items identified in the full version of the report prepared by Total Earth Care in February 2009 titled "Aboriginal Cultural Heritage Assessment and Management Plan, Wadalba Hill, Wyong Shire" to ensure the ongoing security of these sites.**

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

**AGAINST: NIL.**

### **3.2 Comprehensive LEP Review**

---

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

- 1 That Council commence, pursuant to Section 54(1) of the Environmental Planning and Assessment Act, 1979, the preparation of draft Wyong LEP 2011 in accordance with the Standard Instrument (Local Environmental Plans) Order, 2006.**
- 2 That Council notify the Department of Planning of the decision as soon as practicable.**
- 3 That Council advise the Department of Planning that it does not intend to request 'Written Authorisation to Exercise Delegation' under Section 65 and Section 69 of the Environmental Planning and Assessment Act, 1979.**
- 4 That Council refer the project to the appropriate authorities for comment under Section 62 of Environmental Planning and Assessment Act, 1979.**
- 5 That Council prepare a Settlement Strategy to support the preparation of draft Wyong LEP 2011 further to Council's resolution of 12 March 2008.**
- 6 That Council request the Department of Planning to confirm that the Settlement Strategy will replace the function of a Local Environmental Study required under Section 57 of the Environmental Planning and Assessment Act, 1979.**

- 7 That Council prepare pursuant to Section 74C of the Environmental Planning and Assessment Act, 1979, Development Control Plan (DCP) 2011 – Development Controls for Wyong Shire to support Wyong LEP 2011.**
- 8 That Council adopt the Rezoning Requests Strategy and fee schedule for the lodgement and receipt of anticipated rezoning requests during the life of the project.**
- 9 That Council still consider rezoning proposals that facilitate significant employment generating developments as matters of priority further to resolution 8 above.**
- 10 That Council revise the timeframe for the completion of the project to be consistent with the State Government’s program, that is March 2011.**
- 11 That Council update its Section 149 Certificates.**

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

AGAINST: NIL.

#### **4.1 Proposed Easement for Drainage over Lot 103 DP 24621 Barry Street Bateau Bay**

---

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

- 1 That Council acquire an easement for drainage 2m wide over Lot 103 DP 24621.**
- 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 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.

**4.2 Renewal of Lease to Tunkuwallin Tennis and Sports Club Ltd of Part Lot 4 DP 263812, No 20 Summerland Road, Summerland Point**

---

COUNCILLOR SYMINGTON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS SECRETARY OF TUNKUWALLIN PARK COMMUNITY HALL, 355 COMMITTEE.

COUNCILLOR SYMINGTON 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."*

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

- 1 That Council renew the lease to Tunkuwallin Tennis and Sports Club Ltd of part of Lot 4 DP 263812 for the club premises and tennis courts at 20 Summerland Road, Summerland Point for a period of five years commencing on 1 June 2009 for concessional rent of \$1,348 per annum plus annual CPI increases on condition that the club provides Council with a current business and activity plan for the term of the lease.**
- 2 That Council agree to an option for renewal of the lease for a further five years from 1 June 2014.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents as required between Wyong Shire Council and Tunkuwallin Tennis and Sports Club Ltd.**
- 4 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.

**5.1 Contract CPA 154992 - Supply, Delivery and Installation of a Modular Truck Wheel Washing Unit for the Buttonderry Waste Management Facility**

---

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

- 1 That Council accept Tender No 2.2 from Greenbank Terotech Pty Ltd in the amount of \$196,440.00 (excl GST).**
- 2 That Council approve a contract budget of \$216,440.00 (excl GST) that provides for a contingency amount of \$20,000.00 (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.**

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

AGAINST: NIL.

**5.2 Contract Variations - February 2009**

---

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

**That Council note the variations to contracts in Attachment 1.**

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

AGAINST: NIL.

**6.1 Councillor Attendance at Training**

---

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

**That Council note the Mayor and General Manager's approval for Councillor Eaton to attend the Councillor Weekend Program being held in Coffs Harbour on 27-28 March 2009 and for payment of reasonable expenses in accordance with the Facilities and Expenses Policy for Councillors.**

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

AGAINST: NIL.



## **6.2 Code of Conduct Review**

---

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 6.11 PM AND RETURNED TO THE CHAMBER AT 6.12 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 adopt the Model Code of Conduct as resolved at the Ordinary Meeting held on 22 October 2008.***

***2 That Council appoint:***

- ***Mark Brady,***
- ***Barry Davidow (Fraud Services),***
- ***John Gordon, Steve Kent (Internal Audit bureau of NSW)***
- ***James Marshall (Insite Social & Economic)***
- ***Colin Cowan (Insite Social & Economic),***
- ***Rob Malik,***
- ***Brian McHugh,***
- ***Kath Roach (Sinc Solutions )***

***as a Conduct Review Panel for the period 1 April 2009 until 20 June 2011.***

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

AGAINST: NIL.

## **6.3 Dedication of a Drainage Area**

---

COUNCILLOR WYNN LEFT THE CHAMBER AT 6.11 PM AND RETURNED TO THE CHAMBER AT 6.12 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council authorise the General Manager to obtain a Declaration of Drainage Areas with Wyong Shire in accordance with the Water Management Act 2000 (Section 308(2)).***

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

AGAINST: NIL.

## **6.4 Encouraging Responsible Disposal of Asbestos**

---

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

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

- 1 That Council note the information on the progress of the campaign to encourage Responsible Asbestos Disposal.***
- 2 That Council retain the current reward of \$500 for reporting of illegal dumping under the “dob in a dumper” (DIAD) campaign that leads to a fine.***
- 3 That Council lobby State Government to significantly increase penalty notices for illegal dumping from currently \$750 to \$2,000 to provide a greater deterrent for dumpers.***
- 4 That Council seek the support of the Local Government Association by resolution to the next Annual Conference in relation to increasing the fine as set out in item 3.***

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

AGAINST: NIL.

## **7.1 Information Reports**

---

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

***That with the exception of report number 7.2, 7.4, 7.5 and 7.7 the information reports be received and the recommendations adopted.***

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

AGAINST: NIL.

## 7.2 Proposed Managed Resort and Residential Development, The Entrance Road West, The Entrance

---

### POINT OF ORDER

COUNCILLOR EATON RAISED A POINT OF ORDER AGAINST COUNCILLOR WYNN AS THE ORIGINAL RESOLUTION OF COUNCIL HELD ON 26 NOVEMBER 2008 WOULD BE SIGNIFICANTLY AMENDED DUE TO THE ADDITIONAL CRITERIA IN THE MOTION SHE IS PUTTING BEFORE COUNCIL THIS EVENING.

THE MAYOR UPHELD THE POINT OF ORDER AND DIRECTED COUNCILLOR WYNN TO AMEND HER MOTION TO REFLECT THE COUNCIL RESOLUTION OF 26 NOVEMBER 2008.

COUNCILLOR WYNN AMENDED THE RECOMMENDATION ACCORDINGLY.

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

***That Council advise the applicants, Terrigal Grosvenor Lodge Pty Ltd, that prior to amended plans being lodged for Council's consideration, the following issues (as identified in the GM Urban Design and Architecture report) be addressed and appropriate changes be incorporated in those amended plans:***

- ***Connectivity and view corridors through the sites from north to south***
- ***Grain (scale and articulation) in building form, reinforcement of the street edge***
- ***Location of primary open space area for the residential buildings***
- ***Minimise the overshadowing of private and communal open spaces or consolidation of space to a central and more useable area***
- ***Appropriate scale relationship to the western boundary***
- ***Separation between buildings and privacy***
- ***Pedestrian connection to any future carpark along Manning Street through the site to the waterfront***
- ***General legibility (ease of identification of public access) within the development particularly to the public foreshore***
- ***Courtyards for private open space to ground floor apartments***
- ***General architectural treatment and articulation***
- ***Energy efficiency initiatives.***

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

AGAINST: NIL.

### **7.3 Activities of the Development Assessment Unit**

---

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

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

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

AGAINST: NIL.

### **7.4 Results of Water Quality Testing for Bathing Beaches, Lake and River Locations**

---

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

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

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

AGAINST: NIL.

### **7.5 General Works In Progress**

---

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

***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.

## **7.6 Water and Sewerage - Works in Progress**

---

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

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

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

AGAINST: NIL.

## **7.7 Further Response to the Central Coast Express Advocate Article Concerning the Welcome to Wyong Shire Sign at Tuggerah**

---

COUNCILLOR BEST LEFT THE CHAMBER AT 7.13 PM AND RETURNED TO THE CHAMBER AT 7.14 PM DURING CONSIDERATION OF THIS ITEM.

### **POINT OF ORDER**

COUNCILLOR SYMINGTON RAISED A POINT OF ORDER AGAINST COUNCILLOR BEST FOR NOT KEEPING TO THE MOTION BY INTRODUCING THE SUBJECT OF QUALITY AND DESIGN OF THE SIGNS.

THE MAYOR RULED AGAINST THE POINT OF ORDER AS COUNCILLOR BEST'S COMMENTS WERE RELEVANT TO THE MOTION.

### **MOTION OF DISSENT**

*It was MOVED by Councillor VINCENT and seconded by Councillor SYMINGTON:*

*"I MOVE dissent from the Chairperson's ruling in respect of the Mayor's decision on Councillor Symington's Point of Order".*

***The MOTION OF DISSENT was put to the vote and declared LOST on the CASTING VOTE of the MAYOR.***

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

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

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

***That Council receive the report on Further Response to the Central Coast Express Advocate Article Concerning the Welcome to Wyong Shire Sign at Tuggerah.***

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

AGAINST: NIL.

## **7.8 Outstanding Questions Without Notice and Notices of Motion**

---

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

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

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

AGAINST: NIL.

## **9.1 Notice of Motion - Woodfired Heaters**

---

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

***That in accordance with Council's support for sustainability initiatives and to minimise the potential negative social and environment impacts of woodfired heaters, Council staff report on:***

- 1 Options to encourage the community to embrace the responsible operation of woodfired heaters, including the use of legislation and enforcement; and***
- 2 Options for promoting the responsible operation of woodfired heaters by way of a media campaign leading into the winter months.***

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

AGAINST: NIL.

## **9.2 Notice of Motion - Proposed Trial of Green Concrete**

---

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 7.29 PM AND RETURNED TO THE CHAMBER AT 7.32 PM DURING CONSIDERATION OF THIS ITEM.

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

***That, following the report on the use of 'Green Concrete', from the 11 March 2009 Ordinary Council meeting:***

- 1 Council notify Zeobond or other manufacturers of E-crete that, if the company wishes to have a small scale field trial in NSW, this Council would be interested in being in that trial.***
- 2 Council endeavour to purchase and use the material to replace partially or wholly Portland cement where it is deemed a suitable if E-crete becomes available in NSW.***

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

AGAINST: NIL.

## **9.3 Notice of Motion - Ensuring Compliance of Guttering with Building Code of Australia**

---

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

***That Council alert the Australian Building Codes Board and Standards Australia in writing of the problem regarding high fronted gutters and bring this issue to the next Local Government Association Conference.***

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

AGAINST: COUNCILLOR SYMINGTON.

#### **9.4 Notice of Motion - Safety Concern Regarding an Unfenced Pool at Summerland Point**

---

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS WAS GRANTED LEAVE BY THE MAYOR AND LEFT THE MEETING AT 8.18 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.19 PM AND RETURNED TO THE CHAMBER AT 8.20 PM DURING CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor SYMINGTON and SECONDED by Councillor BEST:*

- 1 That Council as a matter of urgency erect a temporary construction type fence along the North West boundary of the public walkway between 32 and 34 Gordon Avenue Summerland Point. The fence is to extend from the front boundary along Gordon Avenue, down to the waters edge of Lake Macquarie in such a manner as to make safe the unfenced pool in the rear yard of No 34 Gordon Avenue.*
- 2 That Council contact the appropriate State Government Minister and request that pool fencing legislation be revised and/or amended to ensure this ridiculous anomaly is removed from the legislation.*

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

- 1 That Council report on the issue of waterfront properties with unfenced pools.*
- 2 That Council report on the number of unfenced waterfront pools, cost of fencing, legal issues, precedent and any other relevant issues.*

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

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

AGAINST: COUNCILLORS McBRIDE, SYMINGTON AND VINCENT.

***The AMENDMENT became the MOTION.***

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

- 1 That Council report on the issue of waterfront properties with unfenced pools.***
- 2 That Council report on the number of unfenced waterfront pools, cost of fencing, legal issues, precedent and any other relevant issues.***

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

AGAINST: COUNCILLORS McBRIDE, SYMINGTON AND VINCENT.



## **9.5 Notice of Motion - Surf and Sand Series (SSS)**

---

COUNCILLOR MATTHEWS WAS GRANTED LEAVE BY THE MAYOR AND LEFT THE MEETING AT 8.18 PM AND AS A RESULT TOOK NO PART IN VOTING.

*It was MOVED by Councillor BEST and SECONDED by Councillor WEBSTER:*

- 1 *That further to Surf Life Savings Central Coast's request for Council assistance with their proposed new surf championship initiative known as Surf and Sand Series, Council give consideration as to the benefits of sponsoring such an event.*
- 2 *That subject to Councils support, Council fund the event from the line item 1.1.15 08/09 budget unallocated residual funds.*

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

- 1 *That Council use the unallocated funds for sponsorship of Central Coast Pro Surfing Competition under 1.1.15 of the Council's Management Plan and be reallocated to item 1.1.11 Community Financial support to be allocated under the Community Benefits Grants Program.*
- 2 *That Council maintains due process and equity of distribution of its limited Community Development Grants Program funding by adhering to appropriate processes for the assessment of Community Funding Requests.*
- 3 *That Council invites Surf Lifesaving Central Coast to make an application under the Community Benefits Grants Program for Surf and Sand Series.*

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

FOR: COUNCILLORS McBRIDE, SYMINGTON, VINCENT AND WYNN.

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

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

- 1 ***That further to Surf Life Savings Central Coast's request for Council assistance with their proposed new surf championship initiative known as Surf and Sand Series, Council give consideration as to the benefits of sponsoring such an event.***
- 2 ***That subject to Councils support, Council fund the event from the line item 1.1.15 08/09 budget unallocated residual funds.***

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

AGAINST: NIL.

## **QUESTIONS WITHOUT NOTICE ASKED**

### **Q017 – Submission on Variation of the \$20,000 Section 94 Cap**

**Councillor Eaton**

F2004/00552

*“Could staff provide to Councillors copies of the Council submission to the Department of Planning seeking a variation of the \$20,000 Section 94 cap?”*

### **Q018 – Amalgamation of Central Coast Area Consultative Committee (CCACC) and Business Central Coast (BCC)**

**Councillor Eaton**

F2004/12960

*“Could staff report on the amalgamation of Central Coast Area Consultative Committee (CCACC) and Business Central Coast (BCC)?”*

## **CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 8.35 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

## **OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 8.40 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

### **10.1 Detailed Expressions of Interest - Conduct Review Panel**

---

***That Council receive the report on Detailed Expressions of Interest - Conduct Review Panel.***

**10.2 Notice of Motion - Waste and Environmental Management**

---

- 1 That Council endorse the letter sent by the General Manager to DECC as requested by Council at its recent confidential briefing in respect to DECC's current investigation of Waste Management Matters and the actions taken by the General Manager to upgrade Councils Environmental Management Systems.**
  
- 2 That Council recognise the value of the Council's Internal Auditor. By acting in an independent and professional manner, continuing to raise with the General Manager, Governance Committee and Council sensitive and substantial issues he has thereby facilitated Council to be in a more informed position. This has enabled Council to make better decisions in the interest of Council and its ratepayers.**
  
- 3 That the General Manager report to Council on DECC's response to item 1.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.42 PM.

.....  
CHAIRPERSON