
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 26 NOVEMBER 2008,
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, DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER CONTRACTS, MANAGER NATURAL RESOURCES, MANAGER FINANCIAL SERVICES, MANAGER PLANNING LEGAL AND POLICY, MANAGER HEADWORKS, MANAGER COMMUNITY STRATEGIC VISION, PRINCIPAL CORPORATE PLANNER AND SENIOR DEVELOPMENT PLANNER, MAJOR APPLICATIONS.

THE MAYOR SPOKE TO THE MEETING:

- * HE WELCOMED MS MARGARET FISCHER A COUNCILLOR FROM ESSEX COUNTY AND COALCHESTER BOROUGH WHO WAS VISITING HER FAMILY HERE IN AUSTRALIA.
- * HE REPORTED ATTENDED THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT HELD ON TUESDAY 18 NOVEMBER 2008 AT PARLIAMENT HOUSE CANBERRA. THE SUMMIT WAS BETWEEN THE PRIME MINISTER MR KEVIN RUDD MP AND THE LOCAL GOVERNMENT MAYORS AT WHICH IT WAS ANNOUNCED THAT WYONG SHIRE COUNCIL WOULD RECEIVE FEDERAL FUNDING OF \$1.5 MILLION AS PART OF THE NEW COMMUNITY INFRASTRUCTURE PROGRAM.
- * HE INFORMED COUNCIL THAT IT WAS WITH DEEP REGRET THAT HE HEARD YESTERDAY OF THE SUDDEN PASSING OF EMPLOYEE PETER ERKES ON FRIDAY 21 NOVEMBER 2008 AND SENT SINCERE CONDOLENCES TO PETER'S WIFE LEANNE AND HER FAMILY ON BEHALF OF COUNCIL.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF PETER ERKES.

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.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

JOHN HARDWICK DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

CONFIDENTIAL REPORTS

THE GENERAL MANAGER ADVISED THAT HE HAD WITHDRAWN THE FOLLOWING REPORTS FROM THE BUSINESS PAPER:

ORDINARY REPORT NO 507 – NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION.

CONFIDENTIAL REPORT NO WA024 – LAND AT TOUKLEY.

ORDER OF BUSINESS

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 503, 504, 505, 506, 512, 510, 520 AND 528, 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.

503 Disclosures of Interest

F2008/01064 MW:SW

511 - DRAFT DEVELOPMENT CONTROL PLAN 2005: CHAPTER 36 – NORTH WYONG INDUSTRIAL AREA
COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF A COMPANY WITH LAND IN THE DEVELOPMENT CONTROL PLAN AREA, LEFT THE CHAMBER AT 7:59 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8:03 PM.

523 - ANNUAL REPORT TO THE MINISTER FOR LOCAL GOVERNMENT

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF A COMPANY MENTIONED IN THE REPORT, LEFT THE CHAMBER AT 8:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8:40 PM.

539 - NOTICE OF MOTION – TUMBI ROAD POWERLINE POLLUTION

COUNCILLOR WEBSTER DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A RESIDENT IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WEBSTER 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 BEING A RESIDENT HAS NOT INFLUENCED MY JUDGEMENT."

539 - NOTICE OF MOTION – TUMBI ROAD POWERLINE POLLUTION

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA AND HAS REPRESENTED HER STREET AS A MEMBER OF THE RESIDENT FOCUS GROUP ADVISING ENERGYAUSTRALIA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

That the report be received and advice of disclosures noted.

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

AGAINST: NIL.

504 Proposed Inspections

F2008/00003 MW:SW

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

That Council receive the report on inspections and briefings conducted on Wednesday, 19 November 2008.

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

AGAINST: NIL.

505 Proposed Briefings

F2008/00003 MW:SW

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

That Council receive the report on proposed briefings with the exclusion of the Hunter Valley Research Foundation briefing.

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

506 Address by Invited Speakers

F2008/00003 MW:SW

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

- 1 That Council receive the amended report on Invited Speakers and the information noted.**
- 2 That Council agree standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.**

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

AGAINST: NIL.

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

That standing orders be varied to enable item 512 – Proposed Managed Resort and Residential Development, The Entrance Road West, The Entrance to be considered.

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

AGAINST: NIL.

507 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

THE GENERAL MANAGER ADVISED THAT THIS ITEM HAS BEEN WITHDRAWN.

508 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.54 PM AND RETURNED TO THE CHAMBER AT 7.57 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 12 November 2008.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

AGAINST: NIL.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

509 State of the Shire 2008-09 Report

F2004/06956 DM:DM

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.54 PM AND RETURNED TO THE CHAMBER AT 7.57 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council adopt the State of the Shire 2008-09 report.***
- 2 That Council distribute the State of the Shire Report widely throughout the Shire, including but not limited to;***
 - Government and Non-government Agencies***
 - Schools and University***
 - Precinct Committees and Progress Associations***
 - Chambers of Commerce***
 - Community Organisations***
 - Members of Parliament.***
- 3 That Council approach the Premier's Department seeking a staff presentation of the State of the Shire Report to the Regional Coordination Management Group (ie heads of government agencies).***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

**510 Proposed Boundary Adjustment at Lots 101 and 103 DP 806178
Corona Lane, Glenning Valley**

DA/408/2008 MLG

COUNCILLOR BEST LEFT THE CHAMBER AT 5.36 PM AND RETURNED TO THE CHAMBER AT 5.37 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 5.47 PM AND RETURNED TO THE CHAMBER AT 5.48 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 5.53 PM AND RETURNED TO THE CHAMBER AT 5.55 PM DURING CONSIDERATION OF THIS ITEM.

MRS HELEN MONKS, HIGHLIGHT CONSULTING, REPRESENTING THE OWNER, ADDRESSED THE MEETING AT 5.36 PM, ANSWERED QUESTIONS AND RETIRED AT 5.50 PM.

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

- 1 *That Council advise the applicant it favours the application.*
- 2 *That Council defer determination of the application and obtain legal advice on the necessity for seeking concurrence from the Department of Planning.*
- 3 *That Council consider a further report listing appropriate conditions to be attached to a development approval.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, GRAHAM AND McNAMARA.

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

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

- 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 refusal of the application subject to appropriate reasons for refusal.***
- 2 ***That Council not support the use of State Environmental Planning Policy No 1 in order to vary the subdivision standards of Wyong Local Environmental Plan 1991.***

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

AGAINST: COUNCILLORS BEST AND EATON.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

511 Draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area

F2008/01224 DAL:JD

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF A COMPANY WITH LAND IN THE DEVELOPMENT CONTROL PLAN AREA, LEFT THE CHAMBER AT 7:59 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8:03 PM.

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.02 PM AND RETURNED TO THE CHAMBER AT 8.05 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council adopt draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 36 within Development Control Plan 2005 on 1 December 2008.***
- 2 That Council publicise the major changes and that the provisions of the adopted Chapter will be operational, and applied to all relevant Development Applications received from 1 December 2008.***
- 3 That Council forward the Development Control Plan 2005 containing the amended Chapter 36 to the Director General of the NSW Department of Planning within 28 days.***
- 4 That Council annotate relevant s149 Certificates as to the adoption of Chapter 36.***
- 5 That Council advise all those who made submissions of its decision.***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

512 Proposed Managed Resort and Residential Development, The Entrance Road West, The Entrance

DA/2660/2004 DD:JD

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

- 1 That Council defer the application for discussion between the applicant and Council with the indication that:**
 - a Council supports the development of the site as a managed resort facility in accordance with the long-term strategic planning for the area.**
 - b Council recognises the significance of the proposed private investment in the Shire and the resulting potential for increased tourism and job creation.**
- 2 That a comprehensive briefing of the Councillors by the applicant and by staff be arranged as soon as possible and the applicant be requested to address the items mentioned in the Executive Summary of the GMUrban Design and Architecture report dated September 2006.**
- 3 That this matter be reported back to Council no later than 31 March 2009.**

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

AGAINST: COUNCILLOR SYMINGTON.

513 Contract CPA 135454 - Investigation and Design - Toe Drainage Structure - Cabbage Tree Harbour

CPA 135454 GHK

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.02 PM AND RETURNED TO THE CHAMBER AT 8.05 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council approve the four urgent variations already directed with respect to Contract CPA 135454 in the amount of \$142,900.00 (excl GST).**
- 2 That Council approve the contract variation in the amount of \$59,161.70 (excl GST) to allow completion of the pre-construction works and assistance during construction as detailed in Attachment 1.**

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

AGAINST: NIL.

514 Contract Variations

F2007/01410 GP

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.02 PM AND RETURNED TO THE CHAMBER AT 8.05 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 8.14 PM AND RETURNED TO THE CHAMBER AT 8.15 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council approve additional contingency amounts for the following contracts to provide for further potential variations (values are excl GST).

- ***Design and Documentation For Mardi Water Transfer System and Dam Raising*** CPA/112242 \$10,000.00
- ***Documentation Concept and Detailed Design and Mardi High Lift Pump Station*** CPA/108619 \$10,000.00
- ***Supply and Installation of Switch Control Assemblies and Associated Work for Lower Wyong River Water Pump Station No 1*** CPA/122601 \$10,000.00
- ***Lower Wyong River to Mardi Upgrade Pump Station No 1 – Construction of High Voltage Power Supply*** CPA/123594 \$10,000.00
- ***Design and Construction - Woongarra Sportsground*** CPA/94559 \$20,000.00
- ***Intersection Upgrade – Warnervale and Minnesota Roads*** CPA/137955 \$60,000.00
- ***Warnervale Water Supply And Sewerage Review of Environmental Factors*** CPA/122995 \$40,000.00

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

515 Proposed Lease to the Scout Association of Australia of Lot 102 DP 635277 at 10 Levitt Street, Wyong

F2004/08838 JMT

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

- 1 That Council renew the lease to the Scout Association of Australia of Lot 102 DP 635277 at 10 Levitt Street, Wyong for a period of five years at nominal rent.**
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease Agreement between Wyong Shire Council and the Scout Association of Australia.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease Agreement.**

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

AGAINST: NIL.

516 Proposed Acquisition of Private Land at Yarramalong Road, Wyong Creek and Boyds Lane Wyong Creek for Road Widening

F2008/02123 F20008/02124 SB

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

- 1 That Council acquire part of Lot 122 DP 877259 Yarramalong Road, Wyong Creek and part of Lot 129 DP 755271 Boyds Lane, Wyong Creek as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisitions of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 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 formal documentation required to complete the transfer.**

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

- 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.

517 **Surrender of Lease and New Lease to Vodafone Network Pty Ltd of Part Lots 69, 70 and 71 DP 20749 at Long Jetty**

F2004/08734 JMT

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

- 1** *That Council accept the surrender of the current lease of part of Lots 69, 70 and 71 DP 20749 at the Reservoir, Gilbert Street, Long Jetty to Vodafone Network Pty Ltd.*
- 2** *That Council grant a new lease commencing on 1 January 2008, on similar terms to the existing lease, of part of Lots 69, 70 and 71 DP 20749 at the Reservoir, Gilbert Street, Long Jetty to Vodafone Network Pty Ltd until 31 December 2019.*
- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to formal documentation required to complete the transfer.*
- 4** *That Council authorise the Mayor and General Manager to execute all documents.*

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

AGAINST: NIL.

518 **Acquisition of Easement for Water Supply over Land in Crown Plan 7064-3070 at Chain Valley Bay**

F2008/01213 JMT

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

- 1** *That Council acquire an easement for water supply 5.0m wide over land in Crown Plan 7064-3070 Chain Valley Bay Road, Chain Valley Bay.*

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

- 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 or in the event that the property owner cannot be identified.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to formal documentation required to complete the transfer.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer Granting Easement and/or Plan and all documents relating to the applications to the Department of Water and Energy.**

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

AGAINST: NIL.

519 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Trees of Cultural Significance at Budgewoi East

F2004/06954, F2004/07986 PJK:PJK

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

- 1 That Council endorse the listing of the large stand of old growth paperbark trees, located at East Budgewoi, as Trees of Cultural Significance.**
- 2 That Council amend its Legal and Policy Works Program to incorporate a revision to Development Control Plan 2005, Chapter 14 to list the relevant vegetation as Trees of Cultural Significance.**

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

520 Presentation on 2007-08 Annual Financial Reports

F2008/00864 SG

MR DENNIS BANICEVIC, EXTERNAL AUDITOR, ADDRESSED THE MEETING AT 6.13 PM, ANSWERED QUESTIONS AND RETIRED AT 6.33 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.35 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council present the Audited Financial Reports for 2007-08 in accordance with the Local Government Act 1993.***
- 2 That Council invite the External Auditor, Mr Dennis Banicevic (representing Price Waterhouse Coopers) to present the Auditor's report on Council's Annual Financial Reports for 2007-08.***

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

AGAINST: NIL.

521 Proposed Grants Funding Changes

F2008/02110 F2004/06624 ED

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

- 1 That Council adopt the proposed Charter for the Wyong Shire Grants Committee.***
- 2 That Council elect Committee representatives, for the term of Council, in accordance with the Charter.***
- 3 That Council use its Code of Meeting Practice to conduct all business of the Wyong Shire Grants Committee.***
- 4 That Council adopt the amended Policy C5 Councillor's Community Improvement Grants.***
- 5 That Council appoint Councillors Eaton, Matthews and Vincent as delegates to the Wyong Shire Grants Committee.***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

522 Councillor Workshop

F2004/06466 KMA

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

That Council approve a strategic workshop for Councillors to be held at Nelson Bay on 6 February to 8 February 2009.

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

AGAINST: NIL.

523 Annual Report to the Minister for Local Government

F2008/01498 SG

COUNCILLOR EATON DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A DIRECTOR OF A COMPANY MENTIONED IN THE REPORT, LEFT THE CHAMBER AT 8:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8:40 PM.

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

- 1 That Council adopt the Annual Report for 2007-08.***
- 2 That Council give notice, in accordance with clause 38(c) of the "Code of Meeting Practice", of the intention to post a copy of the Annual Report on Council's website and provide a copy to the Department of Local Government before the statutory reporting date of 30 November 2008.***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

524 Review of Council's Project Management Processes

F2007/01410 GHK

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

- 1 That Council defer the engagement of a consultant until after such time as Blue Visions Management Pty Ltd have completed the implementation of the current contract and staff training has been conducted for a minimum of 6 months.**
- 2 That Council request a staff report on the Blue Visions Management Pty Ltd project including a copy of their brief.**

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

AGAINST: NIL.

525 Adoption of Amendments to the 2008-09 Management Plan

F2004/07006 NS:BR

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

- 1 That the 2008-09 Management Plan be amended by incorporating additional expenditure of \$1,040,000 for the design, investigation and approval of a number of capital works projects including the upgrading of Darren Kennedy Oval, floodlighting, subsoil drainage, playground construction, and surf club refurbishments/rebuilding works.**
- 2 That Council acknowledge that if recommendation 1 is adopted, that Item 6 of the resolution of Council at its meeting held on 23 July 2008 will also need to be considered for funding during the development of the Management Plans in 2009-10-11 to complete the remaining \$6,090,000 in construction works.**
- 3 That Council note that staff have explored where matching or other grants could be sourced and that details of funding sources are contained within this report.**
- 4 That Council adopt the lists of works and timetables as contained in this report (including adopting staff recommendations for minor changes to the \$7.13 Million funding split between the lists of works) for consideration for implementation, subject to the timing and availability of revenue.**

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

- 5** *That Council's Section 13 of the Fees and Charges in the 2008-09 Revenue Policy be amended to exempt school canteens operated by the P&C or P&F Committee from Fee 13.1 Food Shops Annual Administration Charge, Fee 13.2 Improvement Notice Served Under Food Act and Fee 13.3 Reinspection.*

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

AGAINST: NIL.

526 2008-09 Management Plan – September 2008 Quarter Review

F2004/07006 BR

COUNCILLOR WYNN LEFT THE CHAMBER AT 8.47 PM AND RETURNED TO THE CHAMBER AT 8.49 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WEBSTER LEFT THE CHAMBER AT 8.50 PM AND RETURNED TO THE CHAMBER AT 8.51 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.55 PM AND RETURNED TO THE CHAMBER AT 8.58 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council receive and note the report and endorse budget amendments proposed in this report.***
- 2 That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

**527 Minutes of the Wyong Shire Governance Committee Meeting –
12 November 2008**

F2004/07245 MW:SW

COUNCILLOR VINCENT LEFT THE CHAMBER AT 8.55 PM AND RETURNED TO THE CHAMBER AT 8.58 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive the minutes of the Wyong Shire Governance Committee meeting held on 12 November 2008 and the recommendations contained therein be adopted.

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

AGAINST: NIL.

**528 Minutes of the Gosford/Wyong Councils' Water Authority
Board Meeting – 19 November 2008**

F2004/06390 ED

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 6.35 PM AND RETURNED TO THE CHAMBER AT 6.36 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.35 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.19 PM AND RETURNED TO THE CHAMBER AT 7.20 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.54 PM AND RETURNED TO THE CHAMBER AT 7.57 PM AND AS A RESULT TOOK NO PART IN VOTING ON ITEM WA008.

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

That Council receive the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 19 November 2008 and the recommendations contained therein be adopted with the exception of items WA004, WA006, WA007 and WA008.

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

That Council resolve in respect to Item WA004:

- 1 That, for Sector 3, the pipeline route corridor be amended to a minor extent, from the previously approved 'white' route, to the alternative 'blue' route, as depicted on Enclosure 1.*
- 2 That, for Sector 6 the 'green' road route be adopted as the pipeline route corridor.*
- 3 That, for both Sector 3 and Sector 6, work proceeds to acquire the necessary easements and to finalise the pre-construction activities necessary to allow for the calling of tenders for construction of the Mardi to Mangrove Link Project, including the pipeline from Mardi Dam to Mangrove Dam.*

An AMENDMENT was MOVED by Councillor SYMINGTON and SECONDED by Councillor McNAMARA:

That Council defer a decision pending an inspection by Councillors of specifically Sector 6, but also embracing the whole route and if possible more accurate costings be supplied for the 'green route'.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON AND WYNN.

The AMENDMENT became the MOTION.

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

That Council defer a decision pending an inspection by Councillors of specifically Sector 6, but also embracing the whole route and if possible more accurate costings be supplied for the 'green route'.

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

AGAINST: COUNCILLOR BEST.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

That Council resolve in respect to Item WA006:

That Council defer the matter and Gosford/Wyong Councils' Water Authority Board be asked to reconsider this matter in light of the Federal rebate program and to consider ways to create further incentives for existing tank to be internally connected.

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

That Council resolve in respect to Item WA006:

- 1 To adopt the alternative rainwater tank rebate program as outlined in Table 7.*
- 2 That a further report be brought back to the Authority to outline what additional incentives could be given to encourage the installation of rainwater tanks connected internally by increasing rebates.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST AND EATON.

The AMENDMENT became the MOTION.

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

That Council resolve in respect to Item WA006:

- 1 To adopt the alternative rainwater tank rebate program as outlined in Table 7.***
- 2 That a further report be brought back to the Authority to outline what additional incentives could be given to encourage the installation of rainwater tanks connected internally by increasing rebates.***

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

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

AGAINST: COUNCILLORS BEST AND EATON.

It was MOVED by Councillor EATON:

That Council resolve in respect to Item WA007:

To allow the existing development approvals for the beach temporary desalination sites to lapse on 24 January 2009.

The MOTION lapsed for want of a SECONDER.

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

That Council resolve in respect to Item WA007:

- 1 To withdraw the existing development application with Wyong Shire Council (no. 632/2007) for the construction and operation of an 8ML/d temporary desalination plant at Mannering Park.**
- 2 To allow the existing development approvals for the beach temporary desalination sites to lapse on 24 January 2009.**

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

AGAINST: COUNCILLOR EATON.

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

That Council, in respect to Item WA008 and subject to agreement by Gosford City Council;

- 1 Amend level 2b restrictions, as detailed in attachment 2, and implement from 1 March 2009 while still keeping voluntary residential targets at 150 litres per person per day.*
- 2 Replace the current water banking scheme by the water restriction exemption process.*
- 3 Conduct a media campaign to explain the situation and to increase awareness of the ongoing need to manage water usage.*

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

An AMENDMENT was MOVED by Councillor BEST:

That Council advise the Water Authority that;

- 1 This Council favours the retention of the current water restriction levels.
- 2 The trigger level process be revised to reflect a more conservative approach.

The AMENDMENT lapsed for want of a SECONDER.

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

That Council, in respect to Item WA008 and subject to agreement by Gosford City Council:

- 1 Amend level 2b restrictions, as detailed in attachment 2, and implement from 1 March 2009 while still keeping voluntary residential targets at 150 litres per person per day.**
- 2 Replace the current water banking scheme by the water restriction exemption process.**
- 3 Conduct a media campaign to explain the situation and to increase awareness of the ongoing need to manage water usage.**

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

AGAINST: COUNCILLORS BEST AND SYMINGTON.

Information Reports

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

That with the exception of report numbers 531 and 532 the information reports be received and the recommendations adopted.

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

532 Maintenance of Stormwater Treatment Devices

F2004/00165 KEG

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

That Council receive the report on the maintenance of stormwater treatment devices.

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

AGAINST: NIL.

533 Water and Sewerage – Works in Progress

F2004/07830 IC:DP

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

AGAINST: NIL.

534 General Works in Progress Report

F2004/07830 JEM

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

That Council receive the general works in progress report.

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

536 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SG

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

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

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

AGAINST: NIL.

537 Notice of Motion – Affordable Housing

F2004/09609 SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.18 PM AND RETURNED TO THE CHAMBER AT 9.32 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council acknowledge that adequate, safe, secure and affordable housing is a human right:*
- 2 *That Council note, however, that the NSW State Government currently empowers only two councils, via SEPP 70, to levy affordable housing contributions as a condition of development approval.*
- 3 *That Council therefore urge the State Government to:*
 - a *categorise the provision of affordable housing as 'key community infrastructure' in planning legislation; and*
 - b *support the Environmental Planning and Assessment Amendment (Affordable Housing Development Contributions) Bill 2008, moved by Greens MLC Sylvia Hale, which is currently before the NSW Legislative Council.*
- 4 *That Council note that the Affordable Housing Bill would enable Council to levy developer contributions for affordable housing where:*
 - *Council has identified a need within the Local Government Area for more affordable housing to support objectives for community sustainability;*

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

- *Council's development contributions plan includes provision for affordable housing contributions (with reference to the Council's housing strategy, where such a strategy has been developed);*
 - *Council's Local Environment Plan includes affordable housing provisions and specifies in which locations levies are to be imposed;*
 - *Council has determined the quantum of levies to be imposed (which may vary from 0% to a maximum of 25%) in the context of levies imposed for other public and community purposes and Council's identified priorities;*
 - *the development to which the levy is applicable is a multi-unit development of 10 dwellings or more.*
- 5 *That Council write to the Premier, Hon. Nathan Rees MP, the Minister for Planning, Hon. Kristina Kenneally MP, the Minister for Housing, Hon. David Borger MP, the Leader of the Opposition, Barry O'Farrell MP, the Shadow Minister for Planning, Brad Hazzard MP, and local Member of Parliament informing them of Council's resolutions and seeking their support for the Bill.*

An AMENDMENT was MOVED by Councillor MATTHEWS and SECONDED by Councillor EATON:

- 1 *That Council acknowledge that adequate, safe, secure and affordable housing is a human right.*
- 2 *That Council restate its commitment to its adopted policy on affordable housing, being "Promoting Choice: A Local Housing Strategy for Wyong Shire".*
- 3 *That Council acknowledge that the appropriate role for Local Government in encouraging affordable housing is as outlined in the objectives of the above policy; being the development of policies and a statutory framework that supports and enables private and public investment in housing choice and diversity for our community.*
- 4 *That Council endorse and support their Federal Member for Dobell, Mr Craig Thomson MP, and the State Member for Wyong, Mr David Harris MP, in their efforts to obtain affordable housing for residents of Wyong Shire.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST AND WYNN.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

The AMENDMENT became the MOTION.

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

- 1** *That Council acknowledge that adequate, safe, secure and affordable housing is a human right.*
- 2** *That Council restate its commitment to its adopted policy on affordable housing, being "Promoting Choice: A Local Housing Strategy for Wyong Shire".*
- 3** *That Council acknowledge that the appropriate role for Local Government in encouraging affordable housing is as outlined in the objectives of the above policy; being the development of policies and a statutory framework that supports and enables private and public investment in housing choice and diversity for our community.*
- 4** *That Council endorse and support their Federal Member for Dobell, Mr Craig Thomson MP, and the State Member for Wyong, Mr David Harris MP, in their efforts to obtain affordable housing for residents of Wyong Shire.*

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

AGAINST: COUNCILLORS BEST AND WYNN.

538 Notice of Motion – Building and Construction Industry Improvement Act 2005 (BCII) and Australian Building and Construction Commissioner (ABCC)

F2007/01819 SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.18 PM AND RETURNED TO THE CHAMBER AT 9.32 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That this local Council notes that:-

- i The Building and Construction Industry Improvement Act 2005 (BCII Act) renders virtually all forms of industrial action unlawful and subjects unions and individual workers to massive fines.*

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

- ii *The BCII Act gives the Australian Building and Construction Commission (ABCC) unprecedented coercive powers to force people to answer questions under oath, provide information or documents about everyday industrial relations issues, and establishes gaol terms of up to 6 months for those who refuse to comply.*
- iii *A Victorian unionist, Noel Washington, has been charged with breaching these laws and now faces the prospect of six months imprisonment.*
- iv *The International Labour Organisation's Committee of Experts and Committee on Freedom of Association have condemned these laws as with International Conventions signed by Australia.*

That this local Council calls on the Federal Labor Government to immediately repeal the BCII Act and to disband the ABCC.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS SYMINGTON, VINCENT AND WYNN.

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

539 Notice of Motion – Tumby Road Powerline Pollution

F2006/00475 DE

COUNCILLOR WEBSTER DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A RESIDENT IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WEBSTER 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 BEING A RESIDENT HAS NOT INFLUENCED MY JUDGEMENT."

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA AND HAS REPRESENTED HER STREET AS A MEMBER OF THE RESIDENT FOCUS GROUP ADVISING ENERGYAUSTRALIA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That Council express its disappointment at the visual pollution and increased motor vehicle accident potential caused by Energy Australia along Tumby Road.

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

AGAINST: COUNCILLOR WEBSTER.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

540 Notice of Motion – Super Clinic Sites

F2004/11290 DE:GB

COUNCILLOR BEST LEFT THE CHAMBER AT 9.40 PM AND RETURNED TO THE CHAMBER AT 9.41 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council staff report on the availability of zoned land in the shire for large medical centres such as the proposed GP Super Clinics.

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

AGAINST: NIL.

541 Notice of Motion – Extended Safety of Surf Patrol Beaches

F2004/06257 GB

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

- 1 That having regard to the increasing incidence of unseasonably warm weather associated with global warming and the resultant high beach usage outside current patrol hours Council take a proactive approach with a view to providing our residents and ratepayers with greater coverage of patrolled surf beaches.***
- 2 That Council receive a briefing on current coverage and resources required to patrol our Shire's beaches including any recommendation for Council to consider a more flexible approach to beach patrol timetables.***

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

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

542 Notice of Motion – Continuing Erosion of Cabbage Tree Bay

F2004/07782 GB

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

That having regard to continuing erosion of Cabbage Tree Bay and that this situation will likely be exacerbated by the approaching Christmas King Tides staff report to Council on the progress to date regarding current initiatives proposed. Further the report should cover a brief indicative outline as to the possible merits of considering ocean sand dredging as a part solution to replenishment and re-establishment of Cabbage Tree Beach.

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

AGAINST: NIL.

QUESTIONS WITHOUT NOTICE ASKED
**Q065 – Scheduling of Garbage Collection on Scenic Drive
Councillor Vincent**

F2007/02028

“Could staff report on the feasibility of undertaking garbage collections on Scenic Drive, Budgewoi earlier in the morning prior to traffic conditions increasing for the day?”

**Q066 – Discussions with Developers
Councillor Symington**

F2004/06496

“With reference to Report 512 Proposed Managed Resort and Residential Development, The Entrance Road West, The Entrance, could staff report on previous directions given to Councillors regarding discussions with developers who have development applications being currently assessed?”

**Q067 – Location of Bus Stops
Councillor Eaton**

CPA/101062

“Can Council advise on how many more new bus stops will be installed at ridiculous locations such as just before the Wyong River Bridge?”

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

Q068 - Education Program into Toddler Drowning

Councillor Best

F2004/06027

"It would appear that my Notice of Motion 297 Education Program into Toddler Drowning unanimously endorsed by Council on 25 June 2008 has fallen off the radar and is currently not listed in report 536 Outstanding Questions without Notice and Notices of Motion on this business paper. It has been some six months since the motion attached was moved. Having regard to the recent backyard pool tragedies experienced in Gosford, when will staff report on this critical community issue?"

WYONG SHIRE COUNCIL

25 June 2008

To the Ordinary Meeting of Council

297 Notice of Motion – Education Program into Toddler Drowning

F2004/06027

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 25 June 2008 he will move the following Motion:

- "1 *That as drowning is the leading cause of accidental death of children below the age of five years and further to staff advice that Wyong Shire has approximately 10,000 backyard pools, Council review effectiveness of its current swimming pool audit program, which has only achieved 140 pool inspections with almost 50% failing to comply with pool safety requirements.*

- 2 *That to assist staff in delivering this important compliance / education program, staff report to Council on the likely benefits of redeployment of Council's professional lifeguards from their winter / off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education."*

ORDINARY MEETING HELD ON 25 JUNE 2008

MR JOHN ANDREWS, NATIONAL SECRETARY/TREASURER REPRESENTING THE AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARD ASSOCIATION INC, ADDRESSED THE MEETING AT 8.14 PM, ANSWERED QUESTIONS AND RETIRED AT 8.26 PM.

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

- 1 *That as drowning is the leading cause of accidental death of children below the age of five years and further to staff advice that Wyong Shire has approximately 10,000 backyard pools, Council review effectiveness of its current swimming pool audit program, which has only achieved 140 pool inspections with almost 50% failing to comply with pool safety requirements.***

- 2 *That to assist staff in delivering this important compliance / education program, staff report to Council on the likely benefits of redeployment of Council's professional lifeguards from their winter / off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education.***

Minutes of the Ordinary Meeting of Council held on 26 November 2008 (contd)

Q069 – Alleged Illegal Council Tip Site

Councillor Best

F2004/12982

“Mr General Manager, further to staffs’ recent media alert calling an on-site press conference to expose illegal private dumping on Darkinjung land in Tooheys Road, when Mr General Manager, will senior staff decide to report to Council the existence of a further likely illegal Council tip site, known to staff for some time now, located in McLeay Drive, Halekulani?”

Q070 – Breaching of Dam

Councillor Wynn

DA/1081/2005

“Could Council Officers provide a report on the breaching of a dam on 21 November 2008 at Figtree Boulevard West, within the forested treeline of the Wadalba release area given the ecological value of this dam and the resulting disturbance of wildlife that used this dam?”

Q071 – Legal Requirements of Breaching of Dam

Councillor Wynn

DA/1081/2005

“Could Council check the legality of breaching the dam at Figtree Boulevard West given EPA and DECC requirements and the legal need to have a Council Officer on site to supervise correct environmental procedures are carrying out work of this nature?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.08 PM.

.....
CHAIRPERSON