
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 27 JANUARY 2010 COMMENCING AT 5:00:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Shire Planning, Director Shire Services, Director Corporate Services, Project Director Mardi to Mangrove Project, Acting Manager Future Planning, Acting Manager Development Assessment, Executive Manager Shire Services, Manager Contracts, Contracts & Special Projects, Manager Estuary Management, Sustainability Manager and two administration staff.

The Mayor extended his condolences to Cr McNamara whose mother recently passed away and then reported on the following Australia Day events which were a great success:

- * Celebrations held at Canton Beach,
- * the Poet's Breakfast held at Wyong,
- * the Citizenship Ceremony where 60 new Australian Citizens were sworn in and
- * the fireworks organized by the Entrance Town Centre Management.

Cr Best thanked all those involved in the organising of these events such as Council staff, the Police, St John's Ambulance Service without whom none of these events would be possible.

The Mayor, Councillor Graham, declared the meeting open at 5.09 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

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

APOLOGY AND REQUEST FOR LEAVE OF ABSENCE

An apology for the inability to attend the meeting was received on behalf of Councillor Matthews, Deputy Mayor, who is currently on annual leave.

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

That Council accept the apology and grant leave of absence from the meeting.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That Council approve the request from Councillor Wynn for leave of absence from Council meetings to be held on 10 and 24 February 2010.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

During the course of the Ordinary Meeting a change of meeting practice was made to allow Item no 10.1 to be brought forward for discussion. This item was dealt with after Item 4.6 then the remaining reports in order, however for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby

The Acting Manager, Development Assessment, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he and his family are members of the pony club and has friendships with some members of the pony club and chose to remain in the meeting and did not take part in discussions on the matter.

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

That Council receive the report on Disclosure of Interest and note advice of disclosures.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.2 Proposed Inspections

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

That Council receive the report on Proposed Inspections.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.3 Address By Invited Speakers

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

That Council receive the amended report on Invited Speakers and note the change in speaker on Item 10.1 from Mrs Carol Hannaford to Mr John Hannaford instead.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.4 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 December 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

Business Arising

There was no business arising.

2.1 DA 628/2009 - Proposed Torrens Title Subdivision at San Remo

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.2 DA 1257/2009 - Proposed Telecommunications Facility at Magenta

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

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.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.3 Review of Policy B1 - Bonding of Development Works and Deferment of Contributions

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

1 That Council place revised Policy B1 – Bonding of Development Works and Deferment of Contributions on public exhibition for a period of 28 days for public comment.

2 That following this exhibition period, the results of the exhibition be reported to Council.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.1 Proposed Licence Agreement with Wyong Pony Club and Central Coast Sporting Horse Association Inc over Crown Land Lot 206 DP 755271 Jilliby Road, Jilliby

The Acting Manager, Development Assessment, declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he and his family are members of the pony club and has friendships with some members of the pony club and chose to remain in the meeting and did not take part in discussions on the matter.

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

- 1 That Council endorse, as the Reserve Trust Manager of the Jilliby Park (R570041) Reserve Trust, a development application by Wyong Pony Club and Central Coast Sporting Horse Association Inc for the sporting purposes use proposed by both Clubs, an upgrade of existing facilities and installation of new amenities for activities associated with the sporting purposes of both Clubs.**
- 2 That Council, subject to a Development Consent being issued, grant a Licence, to Wyong Pony Club for the purpose of conducting horse related activities on land belonging to Wyong Shire Council, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby.**
- 3 That Council, subject to a Development Consent being issued, grant a Licence, to Central Coast Sporting Horse Association Inc for the purpose of conducting horse related activities on land belonging to WSC, namely Lots 206 and 217 DP 755271 Jilliby Road, Jilliby,**
- 4 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the above licences.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the above licences.**
- 6 That Council direct its communications department to provide a preliminary report on the most appropriate process for the joint promotion of this facility**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.2 Classification of Land - Lot 430 DP 1145240 at Hakone Road, Woongarra

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

- 1 That Council classify Council land Lot 430 DP 1145240 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.3 Proposed Lease over Part Lot 36 DP 755224 Forest Road, Kulnura for trunk radio extension

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

- 1 That Council enter into a Lease with Government Chief Information Office (GCIO) of part of Lot 36 DP 755224 for a term of five years commencing 1 December 2009.**
- 2 That Council approve fees(ex. GST) consisting of**
 - a one-off application fee \$3,800.00,**
 - an annual rental of \$4,780.00 site sharing fee and**
 - an annual \$500.00 ground lease fee.****All annual fees to be indexed by CPI.**
- 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 GCIO.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.4 Proposed Dedication of Council Land as Road Reserve Lot 2 DP 1047484 Jack Grant Avenue, Warnervale

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

- 1 That Council dedicate part of Lot 2 DP 1047484 Jack Grant Avenue, Warnervale as public road.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Plan of Subdivision that will dedicate the required land as public road upon registration.**
- 3 That Council authorise the Mayor and the General Manager to execute the plan of subdivision that will dedicate the required land as public road upon registration.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

3.5 Proposed Lease of the former Wyong Tennis Club, Lot 4 DP 614523, 6 Ithome Street, Wyong

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

- 1 That Council decline the application from the Samaritans Foundation, noting that it did not comply with the terms of the Expressions Of Interest.**
- 2 That Council demolish the building and replace it with a temporary gravel carpark.**
- 3 That Council direct staff to assist the Samaritans Foundation in locating suitable alternative accommodation.**

FOR: COUNCILLORS BEST, EATON, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS GRAHAM, MCBRIDE, SYMINGTON AND VINCENT

4.1 Contract Variations and Finalisation - November 2009

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

- 1 That Council note the variations to contracts in Attachment 1 of the Contract Variations and Finalisation – November 2009 report.**
- 2 That Council note the contracts that reached a finalised status in Attachment 2 of the Contract Variations and Finalisation – November 2009 report.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.2 Contract CPA 144547 - Estuary Management Plan Stormwater Treatment Works Project - Colongra Bay Road, Lake Munmorah

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

- 1 That Council accept the tender from Environmental Land Contracting Pty Ltd for the sum of \$271,039.50 (excl GST) (adjusted extended Schedule of Rates) for Contract CPA/144547 – Estuary Management Plan Stormwater Treatment Works Project – Colongra Bay Road, Lake Munmorah.**
- 2 That for Contract CPA/144547, Council approve a contract budget of \$298,039.50 (excl GST) that provides for a contingency amount of \$27,000.00 (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, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.3 Contract CPA 160330 - Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire

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

- 1 That Council accept the tender from Smada Electrical Services Pty Ltd for the sum amount of \$431,505.00 (excl GST) for Contract CPA/160330 – Proposed Upgrade to Floodlighting at Various Ovals in the Southern Region of Wyong Shire.**
- 2 That for Contract CPA/160330, Council approve a contract budget of \$496,000.00 (excl GST) that provides for a contingency amount of \$64,495.00 (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 BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.4 Contract CPA 160331 - Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire

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

- 1 That Council accept the tender from Master Electrical Contractors Pty Ltd for the lump sum amount of \$736,577.50 (excl GST) for Contract CPA/160331 – Proposed Upgrade to Floodlighting at Various Ovals in the Northern Region of Wyong Shire.**

- 2 That for Contract CPA/160331, Council approve a contract budget of \$810,000.00 (excl GST) that provides for a contingency amount of \$73,422.50 (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, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.5 Contract CPA 171026 - Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields

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

- 1 That Council accept the tender from The Green Horticultural Group Pty Ltd (Option B) for the lump sum amount of \$286,442.60 (excl GST) for Contract CPA/171026 – Installation of Subsoil Drainage at Halekulani, Killarney Vale and Kurraba Playing Fields.
- 2 That for Contract CPA/171026, Council approve a contract budget of \$315,000.00 (excl GST) that provides for a contingency amount of \$28,557.40 (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, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.6 Contract CPA 172474 - Construction of 300mm Diameter Gravity Sewer main - Gavenlock Rd, Tuggerah

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

- 1 That Council accept the tender from Eire Contractors for the sum of \$470,000.00 (excl GST) (extended Schedule of Rates) for Contract CPA/172474 – Construction of 300mm Diameter Gravity Sewer Main – Gavenlock Road, Tuggerah.
- 2 That for Contract CPA/172474, Council approve a contract budget of \$541,000.00 (excl GST) that provides for a contingency amount of \$71,000.00 (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 BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

CHANGE OF MEETING PRACTICE

COUNCILLOR BEST LEFT THE CHAMBER AT 5.58 PM AND RETURNED TO THE CHAMBER AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council change meeting practice to allow consideration of Item 10.1 Notice of Rescission – Draft Climate Change Policy be brought forward in the Agenda for discussion at this point.

FOR: COUNCILLORS EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, WEBSTER AND WYNN

AGAINST: COUNCILLOR VINCENT.

5.1 Infilling of Dredged Channel at Mouth to Tumbi Umbi Creek

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.00 PM AND RETURNED TO THE CHAMBER AT 8.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 8.03 PM AND RETURNED TO THE CHAMBER AT 8.05 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That Council consider the feasibility of a program of dredging for Tumbi Umbi Creek pending the completion of the study into sediment loads within the tributary creeks entering the Tuggerah Lakes estuary.***
- 2 ***That Council continue to monitor the sediment build up in the mouth of Tumbi Umbi Creek to ensure that it poses no flooding risk to local residents.***
- 3 ***That Council promote the newly refurbished Picnic Point boat ramp as an alternate access to the Tuggerah Lakes until the sediment load study is finalised and decisions are made regarding long term dredging operations for all of the tributary creeks entering the Tuggerah Lakes estuary.***
- 4 ***That Council adopt the recommendations of the peer review prepared by Worley Parsons dated 19 January 2010.***
- 5 ***That Staff be requested to lobby David Harris MP, Parliamentary Secretary to the Minister for the Central Coast to address the navigation issues at Tumbi Umbi Creek given Tumbi Umbi Creek and the Tuggerah Lakes are State owned assets.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE, VINCENT AND WYNN

5.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Geotextile Bag Sand Dune Stabilisation Trial

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

- 1 That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee:**
- 2 That Council support a limited trial of the geotextile bag technology in the stabilisation of the rapidly eroding Yellowa Island affecting its heritage Date Palm.**
- 3 That Council refer this matter to the Tuggerah Lakes Estuary and Coastal and Floodplain Management Committee, at its next Committee Meeting on 4 February 2009, for its urgent consideration as to the processes and approvals necessary to effect such a trial.**
- 4 That Council consider the above report as a matter of urgency.**
- 5 That Council request a further report be prepared for Council that details the costs and beneficial effects of the current dredging program as a component of the overall Estuary Management Plan. The report should also detail the socioeconomic role the dredging program has in relation to flood mitigation and the sand renourishment of the local beaches.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE, VINCENT AND WYNN

ADOPTION OF THE EXCEPTION METHOD

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

That Council consider the remaining reports and recommendations on the Agenda by the exception method.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That Council receive the remaining reports on the Agenda and adopt the recommendations therein with the exception of:

- 1 Item number 6.1 which has been nominated for discussion and**
- 2 Item 10.2 which has been withdrawn from the Agenda by Councillors Wynn and Symington.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.3 The Entrance Community Precinct Committee - Proposed Name and Boundary Change

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

- 1 That Council change the name of The Entrance Community Precinct Committee to The Entrance Peninsula Community Precinct Committee.**
- 2 That Council include the suburb of Magenta within The Entrance Peninsula Community Precinct and establish the appropriate new boundary for the precinct.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.4 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$4,230 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.1 Minutes of the Strategic Finance Committee Meeting - 9 December 2009

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

That Council receive the minutes of the Strategic Finance Committee meeting held on 9 December 2009 and the recommendations contained therein be adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.1 Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference

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

That Council receive the Delegate's Report - 10th International Cities, Town Centres and Communities Society Conference .

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.2 Delegate's Report - Local Government Information Technology Conference

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

That Council receive the Delegate's Report - Local Government Information Technology Conference.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 Information Reports

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

That Council receive the information reports and adopt the recommendations.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.2 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Review of Possible Issues Relating to Level of Turbidity as a Result of the Recent Dust Storms

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

- 1 That Council note the recommendations of the Tuggerah Lakes Estuary Coastal and Floodplain Management Committee.**
- 2 That Council note that there was no significant pollution event following the unprecedented dust storm.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.3 Activities of the Development Assessment Unit

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.4 Results of Water Quality Testing for Beaches and Lake Locations

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.5 Investments for November 2009

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

That Council receive the report on Investments for November 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.6 Disclosure of Interest Returns - 1 October to 31 December 2009

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

That Council receive the report on Disclosure of Interest Returns - 1 October to 31 December 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.7 Mardi to Mangrove Link Project Status

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

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.8 General Works in Progress

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

That Council receive the report on General Works in Progress.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.9 Water and Sewerage - Works in Progress

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

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.10 Outstanding Questions Without Notice and Notices of Motion

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT, WEBSTER AND WYNN

AGAINST: NIL

10.1 Notice of Rescission - Draft Climate Change Policy

CR BEST RETURNED TO THE CHAMBER AT 5.59PM DURING CONSIDERATION OF THIS ITEM.

CR VINCENT LEFT AT 5.59PM AND RETURNED AT 6.00PM DURING CONSIDERATION OF THIS ITEM.

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

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 9 December 2009:

- 1 That Council place the draft Climate Change Policy and Technical Guidelines on public exhibition for a period of 56 days for public comment.**
- 2 That the draft policy be reported back to Council with details of submissions received following the close of the exhibition period.**
- 3 That Council acknowledge its legislative responsibility to apply the precautionary principle to planning and management decision – making when considering the risks associated with Climate Change.**
- 4 That Council acknowledge that as a consequence of the requirement to apply the precautionary principle and in recognition of the State Government Policy Statement, the planning benchmarks within the draft Climate Change Policy and Technical Guidelines are currently being applied.**
- 5 That Council lobby the State and Federal Government through its Local Members and the Local Government and Shires Associations for a whole of government approach to address the significant broad implications in adapting to Climate Change.**
- 6 That Council receive a further briefing from experts, including its lawyers, whilst this policy is on exhibition.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER.

AGAINST: COUNCILLORS VINCENT, MCBRIDE AND WYNN.

MR JOHN HANNAFORD, RESIDENT, ADDRESSED THE MEETING AT 6.21 PM, ANSWERED QUESTIONS AND RETIRED AT 6.39 PM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.14 PM AND RETURNED TO THE CHAMBER AT 7.16 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.23 PM AND RETURNED TO THE CHAMBER AT 7.25 PM DURING CONSIDERATION OF THIS ITEM.

REQUEST FOR AN EXTENSION OF TIME

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

That Council grant an extension of time to Councillor Eaton to allow him to speak for an additional 5 minutes.

FOR COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST COUNCILLOR VINCENT, MCBRIDE AND WYNN.

REQUEST FOR AN EXTENSION OF TIME

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

That Council grant an extension of time to Councillor Wynn to allow her to speak for an additional 5 minutes.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

- 1 That Council note the NSW Department of Environment, Climate Change and Water's projected upper sea level rises for the year 2100 of up to .91m as the basis for Council staff and the community to proceed with risk assessment, policy development and community empowerment decisions.**
- 2 That Council continue to monitor, review and manage the risks associated with climate change relating to local government functions.**
- 3 That Council review the above figures if and when the NSW Government specifically mandates a level under its planning policies, guidelines, or manuals, and/or in the light of new scientific evidence.**
- 4 That Council continue to undertake community consultation and community empowerment activities in partnership with adjoining councils and other key stakeholder partners.**
- 5 That Council defer consideration of a Climate Change Policy pending;
 - a Further legal advice on all methods to minimise all possible risks and on the legal necessity to adopt new flood levels.**
 - b Data series on local sea levels and lake levels.**
 - c Reports on physical barriers to protect property from sea level/lake level rise.**
 - d Valuation reports on the risk to the community on property values in adoption of the proposed Draft Climate Change Policy.****
- 6 That Council commission MHL to produce lake level data on a continuing basis with biannual reporting to Council and the community.**
- 7 That Council staff cease using the Proposed Draft Climate Change Policy in planning applications.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS MCBRIDE, SYMINGTON, VINCENT, AND WYNN

10.2 Notice of Motion - Peabody Lake Coal

Councillor WYNN and Councillor SYMINGTON withdrew this Motion from the Agenda.

QUESTIONS WITHOUT NOTICE

Q60/10 Charitable Organisations Leases of Council Buildings

Councillor Doug Eaton

F2004/07018

“Could staff briefly report, in table form, on all Charitable tenants of Council properties whose leases have not been renewed in the last twenty years?”

Q61/10 Upgrade of the Pacific Highway through Wyong township

Councillor Doug Eaton

F2004/13054

“Could staff advise on the progress, or non progress, of the RTA’s upgrade of the Pacific Highway through Wyong township?”

Q62/10 Councillors Weekend Workshop 20 - 21 February 2010

Councillor Greg Best

F2004/06517

“Could I please have a copy of the Agenda of the upcoming weekend workshop?”

THE MEETING closed at 8.26 pm