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# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 13 JUNE 2012 COMMENCING AT 5:00 PM

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### PRESENT

Councillors R L Graham (Chairperson), G P Best (arrived at 5.02 pm), D J Eaton, L A Matthews, E M McBride (arrived at 5.44 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

### IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, General Counsel and Manager Development Assessment.

Executive Manager to the General Manager, Manager Place Management, Asset Planner, Manager Building Certification and Health, Communications and Marketing Co-ordinator and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Director Infrastructure Management advised that Council was awarded 'The Excellence in Regional Communities Award' at the recent 2012 Newcastle Division Engineering Excellence Awards by Engineers Australia.

Councillor Symington delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

### APOLOGY

An apology for the inability to attend the meeting was received on behalf of Councillor McBride.

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

***That Council accept the apology and grant Councillor McBride leave of absence from the meeting who, due to work commitments, will arrive late to the meeting.***

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

AGAINST: NIL

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3.4, 4.4, 5.3 and 5.4, 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 Disclosures of Interest**

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Councillor McBride arrived at the meeting at 5.44 pm and as a result took no part in voting.

**3.5 Proposed Councillors' Community Improvement Grants**

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer with '2261 Out of the Box' and participated in consideration of this matter.

Councillor Matthews 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 I have no voting power."*

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

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

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

AGAINST: NIL

**PROCEDURAL MOTION**

**SUSPENSION OF MEETING PRACTICE**

Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

**1 That Council allow meeting practice to be varied.**

**2 That Council use the exception method to deal with the balance of the Agenda.**

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

AGAINST: NIL

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

***That with the exception of report numbers 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3.2, 3.4, 3.5, 3.6, 4.2, 4.4, 4.5, 4.6, 5.1, 5.2, 5.3, 5.4 and 5.5 Council adopt the recommendations contained in the remaining reports.***

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

AGAINST: NIL

## **1.2 Proposed Inspections and Briefings**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

***That Council receive the report on Proposed Inspections and Briefings.***

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

AGAINST: NIL

## **1.3 Confirmation of Minutes of Previous Meeting**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

**1 *That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 May 2012 and the Extraordinary meeting held on 31 May 2012.***

**2 *That Council request the General Manager that the minutes of the Confidential extraordinary session – held on 31 May 2012 be made available to the general public and to include the various motions, decisions and record of voting.***

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

AGAINST: NIL

## **Business Arising**

There was no business arising.

#### **1.4 Address by Invited Speakers**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

- 1 That Council receive the amended report on Invited Speakers.**
- 2 That Council agree meeting practice 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, MATTHEWS, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

- 1 That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2)(c), (d) (i) and (f) of the Local Government Act 1993:**

**7.1 – Council Iconic Sites – Site 23 Active River Foreshore**

**7.2 – Lake Haven Centrelink Service Centre – Lease**

- 2 That Council note the reason for considering items in confidential session:**
  - **7.1 – The report contains information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it and the matter also affects the security of the Council, Councillors, Council staff or Council property.**
  - **7.2 –The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposed to conduct) business with and the matter also affects the security of the Council, Councillors, Council staff or Council property.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

AGAINST: NIL

**PROCEDURAL MOTION**

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

**That Council consider items 2.1, 2.2, 2.3 and 2.4 concurrently.**

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

AGAINST: NIL

**2.1 DA/1178/2011 - Proposed Dwelling and Attached Secondary Dwelling at Woongarra**

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

**1 That Council grant consent to Development Applications 1178/2011, 52/2012 and 246/2012 subject to the conditions detailed in the schedules attached to the relevant Council report for :**

- **Item 2.1- DA/1178/2011 - Proposed Dwelling and Attached Secondary Dwelling at Woongarra,**

**2 That Council not impose Section 94 Contributions in respect of each development.**

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

AGAINST: NIL

**2.2 DA 52/2012 - Detached Secondary Dwelling at 4 Campbell Avenue, The Entrance**

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

**1 That Council grant consent to Development Applications 1178/2011, 52/2012 and 246/2012 subject to the conditions detailed in the schedules attached to the relevant Council report for :**

- **Item 2.2 - DA 52/2012 - Detached Secondary Dwelling at 4 Campbell Avenue, The Entrance**

**2 That Council not impose Section 94 Contributions in respect of each development.**

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

AGAINST: NIL

**2.3 DA/246/2012 - Demolition of Existing Garage/Workshop and Carport,  
Proposed Carport and Detached Secondary Dwelling at Bateau Bay**

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

- 1 ***That Council grant consent to Development Applications 1178/2011, 52/2012 and 246/2012 subject to the conditions detailed in the schedules attached to the relevant Council report for :***
  - ***Item 2.3 - DA/246/2012 - Demolition of Existing Garage/Workshop and Carport, Proposed Carport and Detached Secondary Dwelling at Bateau Bay and***
- 2 ***That Council not impose Section 94 Contributions in respect of each development.***

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

AGAINST: NIL

**2.4 DA/253/2012 - Alterations and Additions of an Existing Detached  
Outbuilding to Create a Secondary Dwelling and Carport at Budgewoi**

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

- 1 ***That Council grant consent to Development Applications 1178/2011, 52/2012 and 246/2012 subject to the conditions detailed in the schedules attached to the relevant Council report for :***
  - ***Item 2.4 - DA/253/2012 - Alterations and Additions of an Existing Detached Outbuilding to Create a Secondary Dwelling and Carport at Budgewoi***
- 2 ***That Council not impose Section 94 Contributions in respect of each development.***

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

AGAINST: NIL

**2.5 DA/101/2012 - Change of use from Real Estate Office to Take Away Food Shop at 638 Pacific Highway, Lake Munmorah**

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Councillor Matthews left the chamber at 5.27 pm and returned to the chamber at 5.28 pm during consideration of this item.

Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

Mr Ron Game, resident, addressed the meeting at 5.10 pm, answered questions and retired at 5.16 pm.

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

- 1 That Council grant consent, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.**
- 2 That Council advise those who made written submissions of its decision.**

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

AGAINST: COUNCILLORS MATTHEWS, SYMINGTON, VINCENT AND WYNN

**2.6 Planning Proposal - RZ/1/2012 - 'Key' Site, The Entrance**

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Mr Wes Newman, President, representing The Entrance Chamber of Commerce, addressed the meeting at 5.42 pm, answered questions and retired at 5.43 pm.

Councillor McBride arrived at 5.44 pm during consideration of this item.

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

- 1 That Council initiate the Planning Proposal to amend Wyong Local Environmental Plan (WLEP) 1991 in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, by endorsing the planning proposal prepared by the applicant.**
- 2 That Council forward the Planning Proposal to the Director General, Department of Planning and Infrastructure requesting a 'Gateway' determination, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.**
- 3 That Council undertake community consultation on the Planning Proposal, in accordance with the Gateway Process and Director General's direction, subject to the Director General's approval.**
- 4 That Council request the Department of Planning and Infrastructure to prepare the draft Local Environmental Planning Instrument and that the Minister be requested to make the plan, subject to there being no objections received that cannot be resolved by minor amendments to the Planning Proposal.**

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

AGAINST: NIL

### **3.1 Review of Investment Policy**

Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

***That Council adopt the Investment Policy and Guidelines detailed in Attachment 1.***

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

AGAINST: NIL

### **3.2 Flexible Life Guard Service Options - July 2012 School Holidays**

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

- 1 *That Council receive the report on Flexible Service Options.*
- 2 *That Council resolve not to operate a Lifeguard Service during the July school holidays.*

***The MOTION was put to the vote and declared LOST.***

FOR: COUNCILLORS EATON, GRAHAM, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

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

- 1 *That Council receive and note the report on Flexible Life Guard Service Options – July 2012 school holidays.*
- 2 *That Council operate a Lifeguard Service during the July school holidays on Soldiers Beach and Shelly Beach between the hours of 9.30am and 4.30pm.*
- 3 *That Council consider allocating an amount of \$26,738 in the first quarte review of the 2012/13 to fund the additional service. This amount includes \$1,200 to fund additional signage on the two beaches.*
- 4 *That Council request a report on the usage and cost of this service be presented to Council at the completion of the trial.*



*An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor EATON:*

*That Council further consult with key stake holders, including members of the professional lifeguards service, to better deliver an effective progressive and cost effective lifeguard coverage.*

**MOTION BE PUT**

*It was MOVED by Councillor EATON and seconded by Councillor MCNAMARA:*

*That the MOTION be put.*

***RESOLVED that the MOTION be put.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND VINCENT

***The AMENDMENT was CARRIED the casting vote of the Mayor.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

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

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

***That Council further consult with key stake holders, including members of the professional lifeguards service, to better deliver an effective progressive and cost effective lifeguard coverage.***

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON AND VINCENT

**3.3 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2012-13**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

- 1 That Council implement the determination made by the Local Government Remuneration Tribunal in respect of Councillor and Mayoral fees.**
- 2 That Council set the annual Mayoral Fee at \$57,660 for the period 1 July 2012 to 30 June 2013.**
- 3 That Council set the annual Deputy Mayoral fee at \$8,072.40 for the period 1 July 2012 to 30 June 2013.**
- 4 That Council reduce the paid annual Mayoral Fee by 14% (\$8,072.40) to fund the annual Deputy Mayoral fee.**
- 5 That Council reduce the paid annual Mayoral Fee by \$1,906.64 for use of the Mayoral Motor Vehicle.**
- 6 That Council set the Annual Councillor Fee at \$21,700 for the period 1 July 2012 to 30 June 2013.**

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

AGAINST: NIL

**3.4 Works on Private Land - 370 and 380 Bruce Crescent, Wallarah**

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

- 1 That Council delegate to the General Manager the authority to negotiate with the landowner an agreement on an appropriate design that achieves the objectives of the Estuary Management Plan in respect of the Caring for Our Country parameters and respects the objectives of the landowner.**
- 2 That Council receive a report on the outcome of the negotiations.**

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

AGAINST: NIL

**3.5 Proposed Councillors' Community Improvement Grants**

Councillor Matthews declared a non-pecuniary insignificant interest in the matter for the reason that she is a volunteer with '2261 Out of the Box' and participated in consideration of this matter.

Councillor Matthews 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 I have no voting power."*

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

**That Council allocate an amount of \$24,878.00 from the 2011-12 Councillors' Community Improvement Grants as follows:**

<b>Proposed Allocations for 13 June 2012</b>		
<b>Australian Air League Doyalson Girls' Squadron (\$994)</b>	<b>Two laptops for Visual digital inter-active learning program to assist in dyslexia, dyspraxia and others</b>	<b>100.00</b>
<b>Bateau Bay Men's Shed Inc (\$1700)</b>	<b>Materials for new community garden</b>	<b>500.00</b>
<b>Berkeley Vale Soccer Club Inc (\$1500)</b>	<b>Training equipment for juniors</b>	<b>600.00</b>
<b>Budgewoi Netball Club Inc (\$1500)</b>	<b>Small lockable storage container</b>	<b>500.00</b>
<b>Camp Breakaway (\$5225) (\$1800 already allocated)</b>	<b>To purchase a bed-bath trolley for people with disabilities.</b>	<b>2000.00</b>
<b>Central Coast Group Training (\$2000)</b>	<b>Awards Night</b>	<b>1402.50</b>
<b>Central Coast Hash House Harriers (\$2000)</b>	<b>Administrative costs</b>	<b>474.00</b>
<b>Central Coast Multiple Sclerosis and Handicapped Group (\$1389)</b>	<b>Bus upgrade</b>	<b>1389.00</b>
<b>Central Coast Woodturners Co op Ltd (\$1098)</b>	<b>Fine particulate dust filters</b>	<b>1098.00</b>
<b>Coastal Knockouts Inc (\$1500)</b>	<b>Initial purchase of skates for children &amp; youth in Gwandalan area for after school activity</b>	<b>1500.00</b>
<b>Conquer Cancer (\$250)</b>	<b>Lesley Poulton to compete in Ride to Conquer Cancer</b>	<b>250.00</b>
<b>Homeless No More (\$2000) (\$800 already allocated)</b>	<b>Fundraising walkathon for needy</b>	<b>250.00</b>
<b>Lions Club of Gwandalan Inc (\$2238.50)</b>	<b>Marquee &amp; banners for Gwandalan Leo Club (Junior Lions)</b>	<b>1250.00</b>

**MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 13 JUNE 2012 contd**

<b>Proposed Allocations for 13 June 2012</b>		
<b>Long Jetty District Senior Citizens' Club Inc (\$1500)</b>	<b>Remove blinds &amp; tint all glass areas</b>	<b>500.00</b>
<b>Norah Head Ratepayers Residents &amp; Coastcare Ass Inc (\$500)</b>	<b>Replace &amp; upgrade community signs &amp; information boards</b>	<b>250.00</b>
<b>Northern Women's Health Centre Wyong (\$500) (\$50 already allocated)</b>	<b>Upgrade library with personal development texts</b>	<b>250.00</b>
<b>ORRCA Inc (\$2000)</b>	<b>Emergency hotline for injured marine mammals</b>	<b>750.00</b>
<b>Positive Support Network Inc (\$1800) (\$100 already allocated)</b>	<b>Printing of magazine for Gay &amp; Lesbian Community &amp; people with HIV &amp; Aids</b>	<b>300.00</b>
<b>San Remo Tidy Towns (\$1000) (\$100 already allocated)</b>	<b>To purchase equipment to maintain San Remo area</b>	<b>250.00</b>
<b>Summerland Point Gwandalan Tidy Towns &amp; Landcare (\$836)</b>	<b>Purchase of equipment &amp; funding of awards registration fees</b>	<b>750.00</b>
<b>The Entrance Rugby Club Inc (\$3983)</b>	<b>Sporting equipment</b>	<b>600.00</b>
<b>The Entrance Surf Club (Tuggerah Tuffs Winter Swim Club Inc) (\$1800)</b>	<b>Drinks fridge for use in surf club</b>	<b>600.00</b>
<b>Toukley Torch Bearers for Legacy (\$1000)</b>	<b>Annual Legacy Golf Day</b>	<b>411.50</b>
<b>Tuggerah Lakes Memorial Pistol Club Inc (\$1600)</b>	<b>Stormwater plumbing &amp; roadbase to Range 3 to prevent erosion</b>	<b>1000.00</b>
<b>Tuggerah United Football Club (\$2000)</b>	<b>Gazebos &amp; additional sporting equipment</b>	<b>600.00</b>
<b>Warnervale Family &amp; Community Centre (\$500)</b>	<b>Multicultural cooking classes - food &amp; venue</b>	<b>90.00</b>
<b>Woongarra Wildcats Football Club (\$2000) (\$300 already allocated)</b>	<b>To organise an Opening Day for the new Hamlyn Terrace Complex</b>	<b>870.00</b>
<b>Wyong District Netball Association Inc (\$2000)</b>	<b>Improvements to downstairs area</b>	<b>2000.00</b>
<b>Wyong Neighbourhood Centre Inc and Iris Foundation (\$10000) (\$100 already allocated)</b>	<b>Slither and Slumber Sleep Out - early intervention projects for prevention of suicide</b>	<b>1750.00</b>
<b>Wyong Shire Garden Competition Committee Inc (\$1930) (\$569.60 already allocated)</b>	<b>Function Room hire, expenses for 4 cars &amp; printing of competition schedules</b>	<b>593.00</b>
<b>2261 Out of the Box Inc (\$2000)</b>	<b>Activities, resources, media &amp; training of volunteers</b>	<b>2000.00</b>

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

AGAINST: NIL

**3.6 Format of Future Notices of Motion - Resource Utilisation Leading up to the Local Government Election - September 2012**

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

**1 That Council receive the report on Format of Future Notices of Motion – Resource Utilisation Leading up to the Local Government Election – September 2021.**

**2 That Council amend the Wyong Shire Council Code of Meeting Practice as follows:**

**(A) Insert New Definition –**

**Unlawful means, for the purposes of cl. 3.1.1 and 5.2.2 of this Code, any of the following:**

- (a) any act or omission that infringes a statutory or common law prohibition; or**
- (b) any act or omission constituting an offence against domestic or foreign law”; or**
- c) any act or omission that :**
  - (i) is inconsistent with the Charter set out in s. 8(1) of the Local Government Act 1993; or**
  - (ii) is not in the proper exercise of a function conferred on Council under the Local Government Act 1993 or any other Act or law; or**
  - (iii) where it involves a councillor exercising his or her role as a member of the governing body of Council, is inconsistent with the scope of that role as prescribed by s. 232(1) of the Local Government Act 1993, which states:**

**The role of a councillor is, as a member of the governing body of the council:**

- to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council’s delivery program**
- to direct and control the affairs of the council in accordance with this Act**
- to participate in the optimum allocation of the council’s resources for the benefit of the area**
- to play a key role in the creation and review of the council’s policies and objectives and criteria relating to the exercise of the council’s regulatory functions**
- to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.**

**(B) by inserting the statement: “That the General Manager’s opinion on what is unlawful will be influenced by the context of the Notice of Motion with regards to how and why the Notice of Motion may have been put forward by a Councillor.”**

(C) *by inserting the statement: "That in accordance with Clause 240(2) of the Regulation, the general manager must report and provide reasons (without giving details of the Notice of Motion) any such exclusion to the next meeting of the council."*

**3** *That Council give public notice of its intention to amend its Code of Meeting Practice allowing 42 days for the making of public submissions.*

**4** *That Council adopt the amended WSC Code of Meeting Practice should no significant objection be received to the proposed amendment.*

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

AGAINST: COUNCILLORS BEST AND MCNAMARA

#### **4.1 Information Reports**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

*That Council receive the report on Information Reports.*

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

AGAINST: NIL

#### **4.2 Coal Seam Gas Enquiry**

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

**1** *That Council receive the report on Coal Seam Gas Enquiry.*

**2** *That Council direct the General Manager to write to the State Minister for Resources and Energy requesting information and confirmation of any coal seam exploration licences within the Local Government Area of Wyong Shire and a copy of this request be forwarded to all Local State Members of Parliament.*

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

AGAINST: NIL

#### **4.3 Coal Mining under Wyong Valleys**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

***That Council receive the report on Coal Mining under Wyong Valleys.***

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

AGAINST: NIL

#### **4.4 Aboriginal Land Claims on land adjacent to Lakes Beach Surf Club Precinct**

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Councillor Vincent left the chamber at 5.57 pm and returned to the chamber at 5.59 pm during consideration of this item.

Mr Gary Blaschke OAM, representing Lakes Beach United Dunecare Coastcare Inc, addressed the meeting at 5.57 pm, answered questions and retired at 6.01 pm.

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

- 1 That Council receive the report on aboriginal land claims on land adjacent to the Lakes Beach Surf Club Precinct.**
- 2 That Council reaffirm the continuous partnership with Hargreaves Dunecare for the last 17 years and Budgewoi Beach Dunecare Inc and landcare groups on the lands under claim to improve and repair the endemic native vegetation.**
- 3 That Council confirm previous motions to rezone the land under the claim as E2.**
- 4 That Council note that the proposed new zone classification of E2 under the DLEP will provide the highest level of protection for the land.**

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

AGAINST: NIL

#### **4.5 Mardi to Mangrove Link Project Status**

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

- 1 That Council receive the report on Mardi to Mangrove Link Project Status.**
- 2 That Council recognise the outstanding efforts of staff and management in delivering the largest public works project in the history of Wyong Shire, now at 99% completion, and providing excellent communication and updates to the community and Council.**

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

AGAINST: NIL

**4.6 Private Construction of Shared Footpath on Southern Side of Alison Road, Wyong**

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

- 1 That Council receive the report on Private Construction of Shared Footpath on Southern Side of Alison Road, Wyong.**
- 2 That Council request the General Manager to provide a briefing on the next stages of this proposal.**

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

AGAINST: NIL

**4.7 Outstanding Questions on Notice and Notices of Motion**

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Councillor McBride arrived at 5.44 pm and as a result took no part in voting on this item.

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

**That Council receive the report on Outstanding Questions on Notice and Notices of Motion.**

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

AGAINST: NIL

**5.1 Notice of Motion - Hunter Link Opportunities**

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

- 1 That Council note that the F3 freeway extension to Branxton is due for completion in about 1 year.**
- 2 That Council note that the link will reduce travel time from Wyong Shire to the Hunter mines to around 1 hour in comparison to travel from Newcastle to the mines of around 90 minutes.**
- 3 That Council investigate the opportunities for employment and economic development that the completion of this link will provide.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN



**5.2 Notice of Motion - Circuses Using Council Facilities**

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

- 1 *That Council immediately cease hiring parks, reserves and other Council facilities to circuses which include trained wild animals in their performances, such as elephants, lions, tigers, monkeys and apes.*
- 2 *That Council require circuses using Council premises to limit their use of animals to domesticated animals.*
- 3 *That Council note that the relevant enforcement authority is the RSPCA.*
- 4 *That Council request the RSPCA to ensure that such animals are kept in appropriately sized enclosures and undertake an appropriate level of inspection for the duration of time the circus is in operation.*
- 5 *That Council direct the General Manger to investigate Council's ability to enforce this prohibition on private land within the Shire.*

***The MOTION was LOST on the casting vote of the Mayor.***

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

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

**5.3 Notice of Motion - Cabbage Tree Bay, Norah Head Spearfishing Closure**

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The invited speaker left the chamber prior to discussion on this item.

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

- 1 ***That Council recognise the potential risks associated with the confined and conflicting recreational usages within Cabbage Tree Bay, Norah Head, as a consequence of the increased popularity of family bathing, spear fishing and recreational boating.***
- 2 ***That Council proactively commence dialogue with Fisheries and Waterways (RMS) to better manage the environs and reduce risks associated with conflicting usages and with a view to establishing a spear fishing closure within the Cabbage Tree Bay.***

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

AGAINST: NIL

**5.4 Notice of Motion - Whale Dreamers Festival 2012**

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

- 1 That Council recognise the outstanding conservational and educational efforts of our local community and council staff in the delivery of the seventh annual Whale dreamers festival scheduled for 1 July 2012.
- 2 That Council actively promote this important event through its various media/communications mediums.
- 3 That Council reaffirms, as an advocate on behalf of our local community, its strong opposition to the continued commercial whaling within the Antarctic's Marine/Whale Sanctuary.

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

AGAINST: NIL

**5.5 Notice of Motion - Shooting in National Parks and Conservation Areas**

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Councillor Webster left the chamber at 8.12 pm and returned to the chamber at 8.13 pm during consideration of this item.

Councillor Vincent left the chamber at 8.13 pm and returned to the chamber at 8.15 pm during consideration of this.

Mr Troy Hogarth, Stakeholder Services Manager, representing Game Council of NSW, addressed the meeting at 8.00 pm answered questions and retired at 8.20 pm.

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

- 1 That Council note that the NSW Government is to allow shooting in National Parks and other conservation reserves.
- 2 That Council note that the NSW Government is to allow shooting in the Watagans National Park in the Wyong Shire Local Government Area.
- 3 That Council note that it is irresponsible for any government to be proposing an activity which will endanger members of the public and others who use conservation reserves for recreational purposes.
- 4 That Council oppose this dangerous proposal by the NSW government.
- 5 That Council request the General Manager to write to the Premier of NSW and the Environment Minister in opposition to the proposal to allow private shooting in conservation reserves.

**The MOTION was LOST on the casting vote of the Mayor.**

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

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

**QUESTIONS ON NOTICE**

**Q22/12 Regional Development Australia (RDA) Funding**

**Councillor Doug Eaton**

F2011/01221

*“Could Council staff advise on the cost to date of its unsuccessful applications for RDA Funding Rounds 1 and 2, the reasons advanced for non-support of Council applications, and any remedial actions contemplated to ensure success in 3<sup>rd</sup> Round applications, if any?”*

**Q23/12 Wyong Skills Centre Grant**

**Councillor Doug Eaton**

F2010/02334

*“Could Council staff advise on progress in obtaining the \$2.8m Skills Centre Grant as promised by the Member for Dobell?”*

**Q24/12 Drainage at Killarney Vale Soccer Club Ground**

**Councillor Lisa Matthews**

F2010/00500

*“Could staff please advise when Killarney Vale Soccer Club home ground will have their drainage upgraded?”*

**Q25/12 Central Coast Mariners**

**Councillor Sue Wynn**

F2011/02504

*“Given the recent disclosure in the print media claiming the Australian Taxation Office is pursuing a former Director of the Central Coast Mariners for the Mariner’s \$1.45m taxation bill and the alleged cross claim of the other Directors of the Mariners, how is Wyong Shire Council’s governance in relation to our \$100,000 sponsorship of the Mariner’s by our ratepayers that gives confidence as to the expenditure of these monies at the running of the Mariners?”*

**Q26/12 Warnervale Town Centre Project Update**

**Councillor Doug Vincent**

F2010/00500

*“Could Council staff please provide an update on the status of the Warnervale Town Centre project? As part of the update could staff include a list of any recent material changes that may have made to the project?”*

**Q27/12 Warnervale Road Upgrade Works**

**Councillor Doug Vincent**

F2010/00500

*“Could Council staff please provide an update on the Warnervale Road upgrade works? As part of the update could staff nominate and provide details of the allocated budgets for both the drainage and road works?”*

Councillor Graham left the chamber at 8.45 pm and did not return.

The General Manager reported the resolutions on the Confidential Items to the Ordinary meeting of council as follows:

**7.1 Council Iconic Sites - Site 23 Active River Foreshore**

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- 1 ***That Council approve the removal of Lots 1,2,3,4 DP 421613 and Lot 4 DP 659489 from the Wyong Shire Council Expression of Interest for the Development of Council Owned Iconic Development Sites.***
- 2 ***That Council approve the to removal of Lots 1,2,3,4 DP 421613 and Lot 4 DP 659489 from the Stage 2 Council Iconic Sites Selective Tender Process.***

**7.2 Lake Haven Centrelink Service Centre - Lease**

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- 1 ***That Council resolve to enter into six consecutive five (5) year leases with Stirloch Investments Pty Ltd for the land known as Lot 11 DP 814394 and part Lot 2 DP 1084245 allowing for the design and construction of a Centrelink Customer Service Centre.***
- 2 ***That Council authorise the General Manager or his delegate to enter into the recommended lease with Stirloch Investments Pty Ltd***

**THE MEETING** closed at 8.47 pm.