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# WYONG SHIRE COUNCIL

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 14 July 2010 COMMENCING AT 5:00:00 PM

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### PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, 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, Acting Director Shire Services, Director Corporate Services, Acting Manager Future Planning, Manager Development Assessment.

Executive Manager Shire Services, Manager Contracts and Special Projects, Manager Legal & Policy, Manager Governance and Administration, Manager Customer and Community Services, Cultural Planner, Senior Transportation Engineer, Transport Engineer, and two administration staff.

Councillor Eaton introduced three young visitors from China who were in the Public Gallery.

The General Manager read an acknowledgment of country statement and delivered the opening prayer.

The Mayor, Councillor Graham, declared the meeting open at 5.03 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

### APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 2.2 and 2.4 , 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 Disclosure of Interest**

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**2.4 DA/93/2010 SINGLE STOREY DWELLING AT 1B COORANGA ROAD, WYONGAH**

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through CCGT, as he is the General Manager of CCGT left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

**2.4 DA/93/2010 SINGLE STOREY DWELLING AT 1B COORANGA ROAD, WYONGAH**

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the owner is a trainee of CCGT Ltd and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only an honorary chair not part of management."*

**5.5 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that Tracey Maguire runs a business in Mannering Park and is known to her and she has also been working with the staff on graffiti at the San Remo Neighbourhood Centre and participated in consideration of this matter.

Councillor Wynn 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 this knowledge has not influenced my decision to support this application."*

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

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

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

AGAINST: NIL

**1.2 Inspections - 7 July 2010**

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

***That Council receive the report on Inspections - 7 July 2010.***

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

AGAINST: NIL

### **1.3 Address By Invited Speakers**

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

***That Council receive the amended report on Invited Speakers.***

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

AGAINST: NIL

### **1.4 Confirmation of Minutes of Previous Meeting**

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 23 June 2010.***

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

AGAINST: NIL

### **Business Arising**

There was no business arising.

### **2.1 Local Government Shires Association Sustainable Choice Program**

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

- 1 That Council accept in writing the LGSA's invitation to join the Sustainable Choice program.**
- 2 That Council endorse and implement the Sustainable Choice procurement policy principles as set out in Attachment 1.**
- 3 The Staff provide a further report to Council outlining options for the funding of sustainability initiatives including the means of implementing a Sustainability Revolving Fund.**

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

AGAINST: NIL

**2.2 DA/790/2009 - Proposed Boundary Adjustment at Wyong Creek**

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Mr Anthony Cornwell, Applicant/Owner, addressed the meeting at 5.07 pm, answered questions and retired at 5.35 pm.

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.**
- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: COUNCILLORS VINCENT AND WYNN

**2.3 DA/44/2010 Proposed Boundary Adjustment at Dog Trap Road, Ourimbah**

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

***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 1979 with an indication that based on the information available to it, Council favours approval subject to appropriate conditions.***

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

AGAINST: NIL

**2.4 DA/93/2010 Single Storey Dwelling at 1B Cooranga Road, Wyongah**

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Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that a family member of the applicant is currently undergoing a traineeship through CCGT, as he is the General Manager of CCGT left the chamber at 5.39 pm, took no part in discussion, did not vote and returned to the chamber at 6.01 pm.

Councillor Eaton declared a non-pecuniary insignificant conflict of interest in the matter for the reason that the owner is a trainee of CCGT Ltd and participated in consideration of this matter.

Councillor Eaton stated:

*"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only an honorary chair not part of management."*

Mr William Porter, Applicant/Owner, addressed the meeting at 5.40 pm, answered questions and retired at 6.01 pm.

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.**
- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: NIL

**2.5 DA/66/2010 Two Storey Dwelling-house and Demolition of existing Structures at 26 Stewart Street, The Entrance North**

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

- 1 That Council indicate its approval in principle subject to the imposition of appropriate conditions.**
- 2 That Council consider a report on appropriate conditions at the next Council meeting.**

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

AGAINST: NIL

**2.6 Purchase of Land at Fountaindale**

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

- 1 That Council authorise the purchase of Lot 5 DP 563244 Brush Road, Fountaindale for a purchase price of \$200,000.00 (excl. GST).**
- 2 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of the land by Council.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the acquisition of the land by Council.**
- 4 That following purchase, Council classify Lot 5 DP 563244 Brush Road, Fountaindale as Community Land – Bushland.**

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

AGAINST: NIL

**3.1 Easement for Electricity Purposes over Lot 48 DP 261539 and Lot 1 DP 210419 Benalla Close, Killarney Vale**

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

- 1 That Council grant an easement for electricity purposes over Lot 48 DP 261539 and Lot 1 DP 210419, Benalla Close, Killarney Vale to EnergyAustralia to accommodate the relocation of the electricity supply for an amount of compensation payable as assessed by a qualified valuer.**
- 2 That Council authorise the termination of the existing easement.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to related documents as required.**
- 4 That Council authorise the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.**

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

AGAINST: NIL

**4.1 Contract CPA/177882 Supply and Delivery of Domestic Water Meters**

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

- 1 That, Council agree to the contract between Hunter Councils Inc. and Elster Metering Pty Ltd for the supply and delivery of Domestic Water Meters, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 2 That Council authorise the estimated expenditure on Domestic Water Meters for Wyong Shire at \$240,000 (ex GST) for the contract period.**
- 3 That Council note that while the estimated annual expenditure against this contract is \$80,000 (ex GST), actual expenditure may vary significantly with fluctuations in demand.**

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

AGAINST: NIL

**4.2 Contract CPA/159848 Reservoir Lining - Tuggerah 1 and Ridgeway 1 & 2**

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

- 1 That Council accept the tender from Glindemann Industrial Coatings Pty Ltd in the lump sum and extended schedule of rates amount of \$274,652.90 (excl GST) for Contract CPA/159848 – Reservoir Lining - Tuggerah 1 and Ridgeway 1 & 2.**
- 2 That Council approve for Contract CPA/159848 a contract budget of \$315,652.90 (excl GST) that provides for a contingency amount of \$41,000 (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, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

**4.3 Contract CPA/179982 - Replacement of Pope Air Conditioning Equipment in Wyong Civic Centre**

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

- 1 That Council accept the tender from Air Conditioning Industries Pty Ltd in the lump sum and extended schedule of rates amount of \$203,792.00 (excl GST) for Contract CPA/179982 – Replacement of Pope Air Conditioning Equipment in Wyong Civic Centre.**
- 2 That Council approve for Contract CPA/179982, a contract budget of \$224,171.20 (excl GST) that provides for a contingency amount of \$20,379.20 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**
- 3 That Council approve the reallocation of \$12,000.00 within the existing Waste and Sustainability Improvement Grant to provide sufficient budget for the replacement of the Pope air conditioning.**

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

AGAINST: NIL

**5.1 Establishment of Alcohol Free Zone - Wadalba**

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

- 1 That Council propose the establishment an Alcohol Free Zone in Wadalba until 30 June 2013 at the following location:

**Wadalba:** *in the area opposite the Dam Hotel along Figtree Blvd from the Pacific Highway going south along Van Stappen Road to the Wadalba Sports Facility.*

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.
- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.

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

AGAINST: NIL

**5.2 Establishment of Alcohol Free Zone - San Remo**

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

**That Council formally adopt the proposal to establish an Alcohol Free Zone at the following location for a period up to 30 June 2013:**

**San Remo:** *The whole of Scribbly Gum Close and Brava Avenue and part of Goorama Avenue, Costa Avenue and Pacific Highway.*

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

AGAINST: NIL



### **5.3 ICTC Society Conference attendance**

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

- 1 That Council authorise interested Councillors to attend the 11<sup>th</sup> International Cities, Town Centres and Communities Society Conference.**
- 2 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.**

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

AGAINST: NIL

### **5.4 Payment of Public Liability Professional Indemnity Insurance Policy**

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

- 1 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2010 to 30 June 2011.**
- 2 That Council approve the premium payment of \$476,900 ex GST.**

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

AGAINST: NIL

### **5.5 Proposed Councillors' Community Improvement Grants**

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Councillor Wynn declared a non-pecuniary insignificant conflict of interest in the matter for the reason that Tracey Maguire runs a business in Mannering Park and is known to her and she has also been working with the staff on graffiti at the San Remo Neighbourhood Centre and participated in consideration of this matter.

Councillor Wynn 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 this knowledge has not influenced my decision to support this application."*

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

- 1 That Council allocate an amount of \$9,409.00 from the 2009-10 Councillors' Community Improvement Grants as outlined in the report.**
- 2 That Council allocate an amount of \$5,799.00 from the 2010-11 Councillors' Community Improvement Grants as outlined in the report.**

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

AGAINST: NIL

**5.6 Formation of Berkeley Vale, Chittaway Bay, Chittaway Point  
Community Precinct Committee**

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

**That Council agree to the formation of the Berkeley Vale/ Chittaway Bay/ Chittaway Point Community Precinct Committee.**

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

AGAINST: NIL

**5.7 Establishment of Policies**

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

**That Council adopt the policy for the Establishment of Policies in Wyong Shire Council.**

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

AGAINST: NIL

**5.8 Access from F3 Freeway to Hue Hue Road**

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Councillor Wynn left the chamber at 6.26 pm and returned to the chamber at 6.27 pm during consideration of this item.

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

**1 That Council receive the report on Access from F3 Freeway to Hue Hue Road.**

**2 That Council consider a report identifying the benefits of such an interchange.**

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE, VINCENT AND WYNN

**5.9 Wyong Shire Cultural Centre**

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

- 1 That Council endorse changing the name of 'Wyong Shire Cultural Centre' to the 'Central Coast Arts and Conference Centre' in the interim until the public competition is decided.**
- 2 That Council endorse the centre concept design including a 500 seat theatre venue with construction and design cost estimates as approximately \$18.0M (building only cost approximately \$11.7M) for Stage 1 and approximately \$24.0M (building only cost approximately \$15.5M) for Stages 1 and 2.**
- 3 That Council note there is likely to be an estimated annual gross recurrent cost to Council of approximately \$2.0M (including, staffing, running costs, maintenance and depreciation).**
- 4 That Council endorse the implementation of the Fund Raising and Promotional Strategy outlined within this report to secure funds to construct Stages 1 and 2.**
- 5 That Council undertake a public competition to name and create a logo for the new Centre.**
- 6 That Council aim to achieve a 6 star NABERS (National Australian Built Environment Rating System) rating for the building.**
- 7 That Council consider a report with regards to the Wyong Town Centre Car Parking Arrangements.**

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

AGAINST: NIL

**6.1 Information Reports**

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

**That with the exception of report number 6.4 Council receive the information reports and adopt the recommendations.**

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

AGAINST: NIL

**6.2 Disclosure of Interest Returns - 1 April to 30 June 2010**

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

***That Council receive the report on Disclosure of Interest Returns - 1 April to 30 June 2010.***

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

AGAINST: NIL

**6.3 Traffic Gridlock San Remo**

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

***That Council receive the report on Traffic Gridlock San Remo.***

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

AGAINST: NIL

**6.4 F3 Freeway Traffic Management**

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Councillor Vincent left the chamber at 7.09 pm and returned to the chamber at 7.10 pm during consideration of this item.

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

- 1 *That Council receive the report on F3 Freeway Traffic Management.***
- 2 *That Council write to the State Minister for Roads and the opposition spokesperson for roads advocating for the government to set a performance standard for the RTA for the operation of the F3 Freeway to include for instance a maximum delay of two hours for traffic accidents.***
- 3 *That Council request that a breach of such standard should result in compensation to affected motorists similar to consumers affected by significant electrical outages.***
- 4 *That Council submit a Notice of Motion to the Local Government Association Conference in support of this matter.***

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

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

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

**6.5 Mardi to Mangrove Link Project Status**

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

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

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

AGAINST: NIL

**6.6 Australian Local Government Association Conference 2010**

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

***That Council receive and note the report.***

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

AGAINST: NIL

**6.7 Outstanding Questions Without Notice and Notices of Motion**

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

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

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

AGAINST: NIL

**8.1 Notice of Motion - Clause 14 Fund improving conservation outcomes**

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Councillor Best left the chamber at 7.15 pm and returned to the chamber at 7.17 pm during consideration of this item.

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

***That staff investigate and report back to Council on the best use of the Clause 14 (3) (b), funds for improving conservation outcomes.***

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

AGAINST: NIL

## **8.2 Notice of Motion - Energy Efficient Street Lighting**

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Councillor Webster left the chamber at 7.25 pm and returned to the chamber at 7.27pm during consideration of this item.

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

*That Council lobby the Federal Minister for Climate Change, Energy Efficiency and Water to legislate for the compulsory installation of energy efficient street lighting to replace the current light fittings, which do not meet best practice, within a five year period, and specifically to support a standard of energy efficient luminaries such as the compact fluorescent and LED.*

*The cost of the change over should not be borne by Wyong Shire Council.*

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

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

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

## **8.3 Notice of Motion - Council's Opposition to Commercial Whaling**

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Ms Nikki Freeburn, resident, addressed the meeting at 7.32 pm, answered questions and retired at 7.46 pm.

Councillor McNamara left the chamber at 7.39 pm and returned to the chamber at 7.40 pm during consideration of this item.

Councillor Matthews left the chamber at 7.50 pm and returned to the chamber at 7.51 pm during consideration of this item.

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

- 1 That Council reaffirm its strident opposition to the prospect of the reintroduction of commercial whaling, in particular the recent push to include humpbacks in the cull in the Antarctic Marine Sanctuary.***
- 2 That Council thank the Federal Government and our Federal local members for their strong opposition to this outrageous activity and further commend the Federal Government's initiative of legal action in the international courts.***
- 3 That Council also congratulate the organisers and supporters of this year's Community Whale Dreamers Festival held at the Norah Head lighthouse on Sunday 4 July for their highly successful and outstanding community event.***
- 4 That Council consider a report, compiled in conjunction with the organisers of the Whale Dreamers Festival key stake holders including the Norah Head Lighthouse Reserve Trust, outlining key issues, costs and administrative activities associated with Council considering this event in Council's community calendar of events.***

**5 That Council formulate a suitable resolution supporting whale conservation for inclusion at the upcoming State and National Local Government Association Conferences.**

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

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

Councillor Best sought leave to introduce a motion of urgency concerning the proposed Drug And Alcohol Clinic At Canton Beach which, residents have advised, is currently being readied for operation.

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

***That Council consider a motion of Urgency regarding the Proposed Drug and Alcohol Clinic at Canton Beach which, residents have advised, is currently being readied for operation.***

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

The Mayor ruled that the matter was of great urgency and could be introduced as a motion of urgency

**U20/10 Proposed Drug and Alcohol Clinic at Canton Beach**

Councillor McBride left the chamber at 8.09 pm and returned to the chamber at 8.11 pm and as a result took no part in voting.

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

- 1 That further to Council's resolution 9 June 2010 Item 9.6, Council now as a matter of urgency and in response to local rate payers' concerns investigate reports by local residents that the premises are being readied for occupancy/use by the proposed Drug and Alcohol Clinic.**
- 2 That Council, subject to staff confirming the above and the intention of the applicant regarding occupation, staff move expeditiously to commence legal action to prevent any occupancy/use without the appropriate DA application and due processes.**
- 3 That Council consider a report on their findings to the next round of Council.**
- 4 That, if the investigation by staff provides evidence of an unauthorised occupancy/use of the premises, then Council take immediate action to stop this illegal use.**

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

AGAINST: NIL

**QUESTIONS WITHOUT NOTICE**

**Q88/10 Management of Fox Infestation at Lake Munmorah and North of Doyalson**

**Councillor Sue Wynn**

F2004/06940

*“Could Council contact the State Government body responsible for the management of feral animals and ask them to explain to Wyong Shire Council the program that is in place for the control and management of foxes in the Lake Munmorah and areas north of Doyalson, as the areas have been named as being fox infested, with one small land holder at Lake Munmorah told that the property could be supporting up to 150 foxes?”*

**Q89/10 Valhalla Development Chain Valley Bay**

**Councillor Sue Wynn**

DA/2338/2005

*“Could Wyong Shire Council explain the situation of the expansion and extension of the Valhalla development at Chain Valley Bay?”*

**Q90/10 Council's Call Centre Activities**

**Councillor Greg Best**

C2010/05339

*“We are very mindful of the need for Council to present a professional image when dealing with its ratepayers.*

*It is with this understanding that I have been reviewing our call centre activities and note of the 116,672 calls received at Council's call centre over 2009/10, 80% were answered within one minute. This is an outstanding result and I for one, and also on behalf of my Council colleagues, would request that you pass on our sincere appreciation to the department's frontline operators and indeed their management for the initiatives that have resulted in these outcomes. Thank you.”*

**THE MEETING** closed at 8.15 pm.