
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 08 FEBRUARY 2012 COMMENCING AT 5:00 PM

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 (arrived at 5.01pm), L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel.

Manager Land Use Planning, Chief Ranger, Manager Compliance and Regulation 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.

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

On behalf of Wyong Shire Council the Mayor stated that:

“Our thoughts are with the family of young Keon Sbrugnera, who sadly drowned when he became caught in a rip at The Entrance. You often hear me talk about the Wyong Shire family and when something like this happens it effects everyone in our community. Wyong Shire surf beaches are patrolled by volunteer surf lifesavers on the weekends, and I am sure they did everything they could; and I would like to thank everyone involved in the search. Tragically we didn't get the outcome that many had hoped and prayed for, and a promising young life has been lost. Incidents like this can only be described as an absolute tragedy and our sincere condolences go out to Keon's parents, brothers, sisters and friends. May he rest in peace.”

The Mayor reminded Councillors that the resolution made at the 23 November 2011 Council meeting regarding meeting close times was now in force.

The Director of Community and Recreation announced that Wyong Shire Council recently took part in the Lifeguard Challenge, which is an annual competition between Gosford and Wyong Councils, where Wyong succeeded in winning the Challenge.

Lifeguard Terrene Black stated that the lifeguards were really happy that they brought the trophies home and that they enjoy the friendly rivalry between Gosford and Wyong Councils. Terrene thanked Mayor Graham and Councillor Matthews for their support in attending the Challenge and presented the Mayor with the trophies won at the Lifeguard Challenge.

At the commencement of the ordinary meeting report nos 1.1, 3.1, 3.2, 5.1, 5.3, 6.2, 6.3, 6.4, 6.5, 6.6, 6.9, 6.10, 8.4, 8.2, 8.1, 8.3, 8.5, 8.6, 8.7 and 8.8 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

5.1 Tidy Towns Program

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which supports Tidy Towns Groups and participated in consideration of this matter.

Councillor Vincent 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 not involved in the sponsorship decision process."

6.2 Investment Report for November 2011

Councillor McBride declared a pecuniary interest in the matter for the reason that she is a volunteer director and shareholder of Wyong Town Financial Services (WTFS), which is the operator of the Wyong Community Bendigo Bank, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

6.3 Investment Report for December 2011

Councillor McBride declared a pecuniary interest in the matter for the reason that she is a volunteer director and shareholder of Wyong Town Financial Services (WTFS), which is the operator of the Wyong Community Bendigo Bank, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

8.4 Notice of Motion - Fast Tracking Warnervale Road

Councillor McNamara declared a pecuniary interest in the matter for the reason that he lives on Warnervale Road exactly where this project is situated, left the chamber at 6.56 pm, took no part in discussion, did not vote and returned to the chamber at 7.33 pm.

Councillor Best left the meeting at 5:15 pm and returned to the meeting at 5:18 pm and as a result took no part in voting.

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

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

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

AGAINST: NIL

Councillor Best left the meeting at 5:15 pm and returned to the meeting at 5:18 pm during consideration of this item.

PROCEDURAL MOTION

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

- 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, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

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

That with the exception of report numbers 3.1, 3.2, 5.1, 5.3, 6.2, 6.3, 6.4, 6.5, 6.6, 6.9, 6.10, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

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

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

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 14 December 2011.

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

AGAINST: NIL

1.4 Address by Invited Speakers

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

- 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, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.1 Mayoral Minute - Representations to Federal Ministers

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

That Council receive and note the Mayoral Minute – Representations to Federal Ministers.

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

AGAINST: NIL

3.1 Proposed Exhibition of Draft Development Control Plan 2012

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

- 1 That Council place on public exhibition for a period of two months the draft Development Control Plan 2012 either in conjunction with the draft Wyong Local Environmental Plan, 2012 or preferably prior to that depending upon the outcome of the section 62 consultation.**
- 2 That Council receive a report detailing the issues and comments raised and amendments proposed to address matters of concern, following completion of the public exhibition period.**

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

AGAINST: NIL

3.2 Proposal to Establish an Alcohol-Free Zone - Wyong Road, Killarney Vale

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

- 1 That Council place the proposal to establish an Alcohol Free Zone at Wyong Road Killarney Vale until 30 June 2013, as described in attachment 1, on public exhibition for a period of 30 days.**
- 2 That Council adopt the Alcohol-Free Zone until 30 June 2013 as described in No.1 above subject to no significant objections being received as a result of the public exhibition period.**
- 3 That Council acknowledge the Bateau Bay/Killarney Vale Community Precinct Committee of its efforts in identifying this area.**
- 4 That Council advise the Bateau Bay/Killarney Vale Community Precinct Committee of this decision**

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

AGAINST: NIL

4.1 CPA/199549 - Kerb and Gutter and Associated Works - Tender Evaluation Report

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

- 1 That Council accept tender no. 1 from Gotrala Pty Ltd T/A Bolla Contracting in the estimated total amount of \$221,458.60 including GST (\$201,326.40 excluding GST).**
- 2 That Council approve a contingency amount of \$13,750.00 including GST (\$12,500.00 excluding GST) representing approximately 5% 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

5.1 Tidy Towns Program

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity which supports Tidy Towns Groups and participated in consideration of this matter.

Councillor Vincent 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 not involved in the sponsorship decision process."

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

- 1 That Council provide support to Tidy Towns as outlined in Option 3 of this report.**
- 2 That Council provide this option at no detriment to the current Landcare program.**
- 3 That Council direct the General Manager to ensure staff supporting Tidy Towns to focus on establishing a charter and policies and procedures.**
- 4 That Council direct the General Manager to ensure staff supporting Tidy Towns undertake community consultation to ensure minimal conflict with the community.**
- 5 That Council resource the identified option as part of the 2012/13 financial planning process.**

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

AGAINST: NIL

5.2 Conference Attendance - Alternative Futures Conference 2012

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

- 1 That Council authorise Councillor Wynn, and any other interested Councillor/s, to attend the 2012 Alternative Futures Conference being held in Newcastle from Monday 21 to Thursday 24 May 2012.**
- 2 That Council endorse reasonable expenses incurred by Councillors attending the above 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

5.3 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$12,765.50 from the 2011-12 Councillors'

Community Improvement Grants as follows:

Proposed Allocations for 08/02/2012		
C3 Church Tuggerah (\$2000) (\$600 already allocated)	Tuggerah Community Carols	100
Central Coast Dragon Boat Club (\$1020)	For the delivery and pick up of traffic barriers necessary to partition parking areas on regatta day - Sat January 14, 2012.	1,020.00
Central Coast Outreach Services (\$2000)	Create a website that would give the correct information to those who log in and attract funding from philanthropic and other organisations.	2,000
Charmhaven Lions (\$2500)	To assist with the purchase of a galvanised box trailer to assist with Cash-A-Can fundraising.	1,350
Killarney Kripples (\$1000) (\$500 already allocated)	Supporting Wyong Hospital Paediatric Ambulatory Care and men's Health Initiatives.	100
Lake Munmorah Public School (\$2000) (Emergency approved by GM)	Community Carols by Candlelight Thursday 8 December 2011.	1,500
Lakeland Park Fitness Exercise Group (\$300)	To assist with the purchase of a rowing machine to do circuit training in the park as a free service for the over 50's.	300
Lakes Beach United Dunecare Coastcare Inc (\$2000) (\$1350 already allocated)	Disability Access Project - disability access walkway and observation deck for those with mobility issues.	650
Michael Leard (\$2000)	To help participate at the Under 14's National Championships in Perth	450
Razorbacks Rugby Club (Ourimbah) (\$2000)	To purchase a shipping container to prevent vandals stealing stock and equipment.	500
Shelly Beach Surf Life Saving Club (\$2500)	Surf Life Saving Equipment	850
St John Fisher Catholic School (\$337)	To cover the costs of books for the children participating in the program "Experiencing grief and loss through the loss of a parent, sibling or significant other through death, divorce or separation".	337
The Anglican Parish of Gorokan (\$950)	To exhibit works of local artists and award prizes, provide art and craft workshops for children with tuition from an artist.	950
Warnervale Annual Fair Inc.(\$2000)	To pay for stage and sound costs for all day entertainment and payment of entertainers.	2,000
Wyong District Pistol Club (\$508.50)	To control and prevent erosion of banks and area surrounding the site.	508.50
Wyong Regional Chamber of Commerce (\$165) (Emergency Approved by GM)	Community Christmas Carols Event	150

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

AGAINST: NIL

5.4 Draft Minutes - 30 November 2011 Governance Committee Meeting

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

- 1 That Council receive and note the draft minutes of the Wyong Shire Governance Committee Meeting held on 30 November 2011.**
- 2 That Council request the Internal Auditor to provide all Committee members with copies of any individual internal audit reports when they are issued.**
- 3 That Council adopt the following schedule of meeting dates for 2012, which now includes an Extraordinary Meeting scheduled for 15 February 2012 and note alternative start times and standard agenda items for the Governance Committee.**

Governance Committee Date	Required Agenda Items	Ordinary Meeting Date
Wed 15 February 2012 * Extraordinary Meeting	Discussions on appointment of External Auditor	22 February 2012
Wed 21 March 2012 (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	26 April 2012
Wed 20 June 2012 (5.00pm – 8.00pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	25 July 2012
Wed 19 September 2012 (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	22 August 2012
Wed 3 October 2012 (tentative) (5.00pm – 8.00pm)	Extraordinary Meeting subject to Audit timetable. • Annual Financial Statements	Next available meeting
Wed 5 December 2012 (9.30am – 12.30pm)	Standard Agenda Items approved by Council on 12 October 2011 (see list at Attachment 1)	First meeting in 2013

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

AGAINST: NIL

5.5 Joint Regional Waste Strategy between Gosford and Wyong Council's

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

- 1 That Council note the information.**
- 2 That the Regional Waste Strategy be developed and a report be prepared for the consideration of both Council's on the draft Regional Waste Strategy.**

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

AGAINST: NIL

5.6 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee - Eco-Tourism Park Proposal

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

- 1 That Council request the General Manager to direct the Director Environment and Planning Services to investigate the implications of the Darkinjung and future land claims.**
- 2 That Council request the General Manager to submit a report detailing the outcome of the above investigations for its consideration.**

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

AGAINST: NIL

5.7 Councillors' attendance at Retirement function for Leoni Baldwin, Central Coast Coordinator for the NSW Department of Premier and Cabinet.

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

- 1 That Council authorise any interested Councillor/s and their partners the Retirement Dinner in honour of Leoni Baldwin to be held on Saturday, 25 February 2012.**
- 2 That Council meet any reasonable expenses incurred by Councillors and their partners attending the above function 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

6.1 Information Reports

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

That Council receive the report on Information Reports.

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

AGAINST: NIL

6.2 Investment Report for November 2011

Councillor McBride declared a pecuniary interest in the matter for the reason that she is a volunteer director and shareholder of Wyong town Financial Services (WTFS), which is the operator of the Wyong Community Bendigo Bank, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

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

That Council receive the report on Investment Report for November 2011.

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

AGAINST: NIL

6.3 Investment Report for December 2011

Councillor McBride declared a pecuniary interest in the matter for the reason that she is a volunteer director and shareholder of Wyong town Financial Services (WTFS), which is the operator of the Wyong Community Bendigo Bank, left the chamber at 5.37 pm, took no part in discussion, did not vote and returned to the chamber at 5.38 pm.

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

That Council receive the report on Investment Report for December 2011.

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

AGAINST: NIL

6.4 Enforcement Policy for Control of Vehicles and Parking Around Schools

Councillor McBride left the meeting at 5.37 pm and returned at 5.38pm during consideration of this item.

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

- 1 That Council receive the report on Enforcement Policy for Control of Vehicles and Parking Around Schools**
- 2 That Council amend the Parking Enforcement Strategy to remove part of the sentence at the top of page 9, which states:**

“... to ensure that activity will result in projected income.”

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

6.5 Review of Fees Charged for School Usage of Sports Grounds

Councillor Matthews left the meeting at 6.00 pm and returned to the meeting at 6.04 pm during consideration of this item.

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

That Council note the information provided in this report for fees and charges for school usage of Council's sports grounds.

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

6.6 Responses to Coal Mining in Wyong Valley Letter

Councillor Best left the meeting at 6.23 pm and returned to the meeting at 6.24 pm during consideration of this item.

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

- 1 That Council receive the report on Responses to Coal Mining in Wyong Valley Letter.**
- 2 That Council invite KORES to brief Council on its latest proposal.**
- 3 That Council consider budgetary provisions in collaboration with Gosford City Council for consultants to respond to the likely new Environmental Impact Statement (EIS) in the 2012-13 budget.**

4 That Council reiterate its request to the State Government to pass special legislation to protect the Wyong Shire Council/ Gosford City Council water catchment and the valleys from mining.

5 That Council request the Federal Member for Dobell, Mr Craig Thomson, to honour his promise to put a private members bill to parliament to stop the export of coal from the Wyong Shire.

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

AGAINST: NIL

6.7 Response to Conduct of the 2012 Local Government Election

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

That Council receive the report on Response to Conduct of the 2012 Local Government Election.

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

AGAINST: NIL

6.8 Operational Activities and Trends Associated with the Animal Care Facility

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

That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2011/2012.

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

AGAINST: NIL

6.9 Central Coast Tourism Inc - Update

Councillor Wynn left the meeting at 6.29 pm and returned to the meeting at 6.31 pm during consideration of this item.

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

1 That Council receive the report on Central Coast Tourism Inc - Update.

2 That Council acknowledge and thank Central Coast Tourism for their input and ongoing working partnership with the Northern Lakes Disability Tourism Precinct.

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

6.10 Mardi to Mangrove Link Project Status

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

- 1 That Council note that there are issues and delay associated with the commissioning of the Mardi Pump Station.**
- 2 That Council note and endorse the actions taken by Council staff to date to seek to rectify those issues.**
- 3 That Council request that it continue to be kept informed of progress in the rectification of the issues associated with the commissioning of the Mardi Pump Station.**
- 4 That Council include a Community information sheet on the Council website.**

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

6.11 Outstanding Questions On Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions On Notice and Notice of Motions.

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

PROCEDURAL MOTION

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

That Council allow meeting practice be varied to consider items 8.4 - Notice of Motion - Fast Tracking Warnervale Road and 8.2 - Notice of Motion - Shirewide Wildlife Corridor System, before item 8.1 - Notice of Motion - Shared Pathways Strategy, due to the large number of attendees in the gallery in relation to these items.

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

8.1 Notice of Motion - Shared Pathways Strategy

It was MOVED by Councillor WYNN:

- 1 *That Council devote ten per cent of its total operational road budget to the implementation of the Shared Pathways Strategy or other specific shared pathway projects, as determined by Wyong Shire Councillors.*
- 2 *That Council devote ten per cent of the ten per cent to the maintenance of these Shared Pathways.*

The MOTION lapsed for want of a SECONDER.

8.2 Notice of Motion - Shirewide Wildlife Corridor System

Mr Denis Troy, on behalf of the Wyong Landowners Rights Action Group and speaking against the item, addressed the meeting at 7.34 pm, answered questions and retired at 7.44 pm.

Councillor McNamara left the meeting at 6.56 pm and returned to the meeting at 7.33 pm during consideration of this item.

Councillor Webster left the meeting at 7.33 pm and returned to the meeting at 7.35 pm during consideration of this item.

Councillor Best left the meeting at 7.34 pm and returned to the meeting at 7.40 pm during consideration of this item.

Councillor Vincent left the meeting at 7.46 pm and returned to the meeting at 7.49 pm during consideration of this item.

Councillor McBride left the meeting at 7.46 pm and returned to the meeting at 7.48 pm during consideration of this item.

Councillor Matthews left the meeting at 7.55 pm and returned to the meeting at 7.58 pm during consideration of this item.

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

That the MOTION be put.

The MOTION was put to the vote and declared CARRIED on the casting vote of the Mayor.

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

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

- 1 *That Council develop a wildlife corridor strategy for Wyong Shire to protect significant wildlife corridors and linkages from the ocean to the mountains.*
- 2 *That the outcome of this strategy is to establish a Shire wide system of contiguous corridors for wildlife from the ocean to the mountains. A significant portion of which is already identified in the NSW State Government's draft North Wyong Shire Structure Plan.*
- 3 *That Council examine the best suite of conservation incentives to secure conservation outcomes across different land tenures where major wildlife corridors occur.*
- 4 *That Council also advocate for and seek cooperation with other levels of Government in this quest.*
- 5 *That, in conjunction with the development of a wildlife corridor strategy for Wyong Shire, Council embark on an education program to inform the Shire's residents of the importance of these corridors and the positive outcomes for all that will be achieved by creating them.*

The MOTION was put to the vote and declared LOST on the casting vote of the Mayor.

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

At this point in the meeting being 8.21 pm, the Mayor adjourned the meeting for 2 minutes to allow the gallery to vacate.

The meeting was resumed at 8.23 pm.

8.3 Notice of Motion - Mayoral Invitations Procedures

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

That Council include in its policy of Mayoral functions and procedures, the following;

- a *When the Mayor is either unable or unwilling to attend a function or any event to which they have been invited that the Deputy Mayor be offered the first refusal for the function or event.*
- b *In the event the Deputy Mayor is also unable or unwilling to attend then the Mayor distribute the functions or events to the remaining Councillors in an open, fair and equitable manner.*

The MOTION was put to the vote and declared LOST on the casting vote of the Mayor.

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

8.4 Notice of Motion - Fast Tracking Warnervale Road

Councillor McNamara declared a pecuniary interest in the matter for the reason that he lives on Warnervale Road exactly where this project is situated, left the chamber at 6.56 pm, took no part in discussion, did not vote and returned to the chamber at 7.33 pm.

Mr Steve Rawlings, Resident of Warnervale Road and speaking in favor of the item, addressed the meeting at 6.56 pm, answered questions and retired at 7.05 pm.

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

- 1 That Council note its current commitment of \$2.08M to the reconstruction of Minnesota Road and the upgrade of Louisiana Road.**
- 2 That Council consider as a matter of urgency, all options to fast track the total reconstruction of the former rural road, now urban highway, known as Warnervale Road.**
- 3 That Council support in principle and encourage staff to thoroughly investigate the recently announced state government "infrastructure renewal scheme" which seeks to assist councils to fast track critical infrastructure projects within the 12-13 budgetary cycle.**
- 4 That Council list this important strategic infrastructure program as a matter of urgency for discussion and consideration at Council's upcoming annual budgetary and strategic planning workshop.**
- 5 That in the event that Council does not seek to pursue the State Government's "infrastructure renewal scheme" funding or as the project may be ineligible, Council recognises its responsibility to fund this critical infrastructure via Section 94 Funds or other revenue streams within the 2012-2013 Management Plan.**

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council suspend standing orders to allow the meeting to continue until 9.30 pm.

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

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND WYNN

8.5 Notice of Motion - Granny Flat, Second Dwelling Contribution Waiver

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

- 1 That Council reaffirm its commitment to the principles of affordable housing and its importance in assisting a broad cross section of our community and recognise that Section 94 contributions may be prohibitive to many affordable housing projects.**
- 2 That Council note the decision of Gosford City Council to assist in facilitating affordable housing through the trial waiver of Section 94 contributions for granny flats.**
- 3 That Council support this initiative thereby establishing a regional approach to affordable housing.**
- 4 That Council also wave Section 94 contributions for granny flats on a trial basis till September 2012, concurrent with Gosford City Council and that the outcome of this be reported to Council.**
- 5 That Council receive the report in a timeframe for inclusion in the 2012-13 Annual Plan.**
- 6 That Council implement the trial by way of reporting those relevant development applications to Council for determination.**

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

AGAINST: NIL

8.6 Notice of Motion - Ongoing Approval from State Government for Part 5 Assessments for Maintenance Works

Councillor Best left the meeting at 8.47 pm and returned to the meeting at 8.49 pm and as a result took no part in voting.

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

- 1 That Council request the General Manager to investigate options contained within relevant legislation to enable longer term approvals (including licences) to be issued for annual and repeat activities undertaken by Council within, on the foreshore and adjacent to the Shire's lakes, and other locations in relation to Part 5 Assessments.**
- 2 That Council request the General Manager to report back on the current costs borne by Council due to the need to apply for approvals and licences on an individual basis, with a view to minimising and/or avoiding any unnecessary waste of staff resources and ratepayer funds.**

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

AGAINST: NIL

8.7 Notice of Motion - Tree Vandalism Norah Head

Councillor Best left the meeting at 8.46 pm and returned to the meeting at 8.49 pm during consideration of this item.

Councillor Best left the meeting at 8.52 pm and returned to the meeting at 8.53 pm during consideration of this item.

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

- 1 That Council note with concern acts of environmental vandalism in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.***
- 2 That Council direct the General Manager to urgently prepare a report regarding the actions and responses available to Council concerning acts of environmental vandalism in general, and specifically in relation to the poisoning of several mature trees in Mazlin Reserve at Norah Head.***
- 3 That Council direct the General Manager to discuss the possibility and capacity of Council to erect and maintain a "view blocking" barrier in the report.***

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

AGAINST: NIL

8.8 Notice of Motion - Criminalisation of the Act of Burning the Australian Flag

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

That Council seek the support of the National Assembly of Local Government by way of a formal notice of motion to its forthcoming June Congress calling on the Federal government to urgently legislate against the disgraceful and unpatriotic act of burning or desecration of the Australian flag.

The MOTION was put to the vote and declared LOST on the casting vote of the Mayor.

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

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

QUESTIONS ON NOTICE

Q1/12 Culvert Erosion of Creek at Bruce Crescent, Warnervale
Councillor Doug Eaton
C2012/05362

“Could staff confirm:

- a) *That Council previously gave a written undertaking to Ms Kylie Albanese of Bruce Crescent, Warnervale to rock stabilise the creek from Council’s road culvert at the front of her property for some 30 metres.*
- b) *That this work would be performed in the 2011/12 financial year.*
- c) *That this work has not been performed, and can I be advised when this work will be performed?”*

Q2/12 Rezoning of Wadalba Estate as a New Housing Area
Councillor Doug Eaton
F2010/01744

“I note that Wadalba Estate has been submitted, direct to the State government, as a new housing area for rezoning. As part of its request for submission, I understand, the Department of Planning has required councils to respond to all such proposals after their first Council meeting in February. My question is why hasn’t a report on this proposal come to this Council meeting?”

U1/12 Lusted House DA/1340/2010
Councillor Doug Eaton
DA/1340/2010

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Eaton sought leave to introduce a Motion of Urgency concerning Lusted House DA/1340/2010, as the matter is going back to court in the next few weeks for a hearing where significant costs will be incurred on both sides and by raising this as a matter of urgency it will save these costs being incurred.

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

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

- 1 That Council consider a motion of Urgency regarding Lusted House DA/1340/2010.***
- 2 That Council consider this matter in Confidential Session, pursuant to Sections 10A(2)(g) of the Local Government Act 1993.***

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

AGAINST: NIL

CONFIDENTIAL SESSION

At this stage of the meeting being 9.09 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

Council resumed in open session at 9.18 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

U1/12 Lusted House DA/1340/2010
Councillor Doug Eaton
DA/1340/2010

That Council seek to settle the pending proceedings in the Land and Environment Court of NSW against Mr Matthew Lusted on terms to the following effect:

- 1 That the appeal be upheld.***
- 2 That Council grant consent to development application DA/1340/2010, such consent to be subject to the same conditions that were the subject of Council's resolution of 11 May 2011 in respect to DA/1340/2010.***
- 3 That Council and Mr Lusted each bear their own costs of the appeal proceedings.***

THE MEETING closed at 9.19pm.