
WYONG SHIRE COUNCIL

MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 9 November 2011
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, 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 Development Assessment, Manager Place Manager, Internal Auditor 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.

Announcements

Councillor Eaton presented to Council a framed certificate of appreciation for supporting Kids Day Out.

Councillor Best presented to Council a token of appreciation for supporting the work of the Central Coast Research Foundation as principal major sponsor for 2010/11.

Councillor Graham announced that it was Remembrance Day this Friday on 11 November 2011. The General Manager read the opening prayer and also a prayer for Remembrance Day for the fallen. The Council and gallery stood for a minutes' silence.

Councillor Matthews then read an acknowledgment of country statement .

APOLOGIES

There were no apologies.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 3.1, 4.3, 1.3, 1.4, 1.5 and 2.1, 4.8, 6.3 and 4.1 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

3.1 - Proposed Development Application and Lease of part of Lot 6, DP 863731 at 2 Mingara Drive, Tumbi Umbi to Mingara Leisure Group

Councillor Matthews declared a non-pecuniary significant interest in the matter for the reason that she has been nominated for a position of Director on the Board of Mingara left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 5.29 pm.

4.2 - Proposed Councillors' Community Improvement Grants

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Budgewoi Scouts 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 a member of Gwandalan or Tuggerah Lakes Scouts."

4.3 - Request for Funding – GOATS Family Festival 2011 – 2012

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a volunteer at the Festival 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 a member of the organising committee."

5.4 - Lake Munmorah Power Station

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.38 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

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

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 Address by Invited Speakers

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

- 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

1.3 Proposed Inspections and Briefings

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

That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.4 Notice of Intention to Deal with Matters in Confidential Session

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

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

Item 8.1 – CPA/199890 – Enterprise Risk Management Strategy Project Facilitator

- 2 That Council note its reason for considering Item No 8.1 as it may confer a commercial advantage (Section 10A(2)(d) should the discussions be held in a non-confidential environment.**
- 3 That Council request the General Manager to report on this matter in open session of Council.**

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

AGAINST: NIL

1.5 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the previous Ordinary Meeting and Confidential Meeting of Council held on 26 October 2011 with the following amendment;

- ***Councillor Graham as Chairperson and Councillor Eaton listed as present.***

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

AGAINST: NIL

Business Arising

There was no business arising.

2.1 DA 772/2011 - Proposed Strata Subdivision of an Approved Residential Flat Building at Ourimbah

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

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***
- 2 That Council assume the concurrence of the Director General of the Department of Planning for the use of State Environmental Planning Policy No 1 to vary the development standard of Clause 42D of Wyong Local Environmental Plan 1991 to permit the proposed development.***

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council allow meeting practice to be varied to consider item 4.8 – Lakes Beach Eco-Tourism Proposal as the next item due to the number of people present in the gallery for this particular item.

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

AGAINST: NIL

3.1 Proposed Development Application and Lease of part of Lot 6 DP 863731 at 2 Mingara Drive, Tumbi Umbi to Mingara Leisure Group

Councillor Matthews declared a non-pecuniary significant interest in the matter for the reason that she has been nominated for a position of Director on the Board of Mingara left the chamber at 5.12 pm, took no part in discussion, did not vote and returned to the chamber at 5.29 pm.

Mr Paul Barnett, CEO of Mingara Recreation Club, against the recommendation printed in the business paper, addressed the meeting at 5.13 pm, answered questions and retired at 5.17 pm.

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

- 1 That Council grant owner's consent for the lodgement of a Development Application and Construction Certificate by Mingara Leisure Group for the renovations to the existing pylon advertising sign.**
- 2 That Council lease part of Lot 6 DP 863731, 2 Mingara Drive, Tumbi Umbi to Mingara Leisure Group for the purpose of advertising for a term of 10 years plus a further 10 year right of renewal, subject to a development consent being granted and Mingara's partnership with Council being recognised on the sign.**
- 3 That Council set an annual rental of \$5,000 per annum subject to review every five years.**
- 4 That Council grant \$5,000 per year to an agreed community development grants program that is jointly managed by Wyong Shire Council and Mingara Leisure Group.**
- 5 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Mingara Leisure Group.**
- 6 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Mingara Leisure Group.**

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

AGAINST: NIL

PROCEDURAL MOTION

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

That Council allow meeting practice to be varied to consider item 6.2 – Notice of Motion – Popularly elected Mayor in conjunction with Item 4.1 – Conduct of the 2012 Local Government Election.

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

AGAINST: NIL

4.1 Conduct of the 2012 Local Government Election

A MOTION was MOVED by Councillor EATON and SECONDED by Councillor WYNN:

- 1 That Council engage the NSW Electoral Commission to conduct the Local Government Election and any referendums or polls for Wyong Shire up to and including 2012.
- 2 That Council minimise the cost of the election by working cooperatively with Gosford City Council and other savings as outlined in this report.
- 3 That Council reaffirm its previous decision to provide our residents and ratepayers the opportunity at the upcoming Council elections to also vote on whether they support a popularly elected mayor or not.
- 4 That Council request the General Manager to report on any progress to date with regard to this issue and what further processes and time frames are required to achieve this outcome.
- 5 That Council retain its current wards and Councillor numbers, such that a popularly elected Mayor becomes the eleventh Councillor and forms Wyong Shire Council, subject to constitutional referendum being passed.
- 6 That Council conduct a constitutional referendum on a popularly elected Mayor and 11 Councillors; being the number to form Wyong Shire Council, be held in conjunction with the 2012 Wyong Shire Council Local Government Elections.
- 7 That Council request the NSW State Government return on a equitable basis to Councils across the state the amount collected in the form of fines imposed on the population that didn't vote to defray the cost of the Council election on ratepayers.
- 8 That the General Manager approach Gosford City Council to seek an agreement to share costs on common matters for the Central Coast region in the lead up to the 2012 Wyong Shire Council Local Government Elections.

AN AMENDMENT was MOVED by Councillor VINCENT and SECONDED by Councillor MATTHEWS:

- 1 That Council engage the NSW Electoral Commission to conduct the Local Government Election and any referendums or polls for Wyong Shire up to and including 2012.
- 2 That Council minimise the cost of the election by working cooperatively with Gosford City Council and other savings as outlined in this report.
- 3 That Council reaffirm its previous decision to provide our residents and ratepayers the opportunity at the upcoming Council elections to also vote on whether they support a popularly elected mayor or not.
- 4 That Council request the General Manager to report on any progress to date with regard to this issue and what further processes and time frames are required to achieve this outcome.
- 5 That Council request the NSW State Government return on a equitable basis to Councils across the state the amount collected in the form of fines imposed on the population that didn't vote to defray the cost of the Council election on ratepayers.

- 6 That the General Manager approach Gosford City Council to seek an agreement to share costs on common matters for the Central Coast region in the lead up to the 2012 Wyong Shire Council Local Government Elections.
- 7 That Council undertake a constitutional referendum on a popularly elected mayor and the creation of three wards with three Councillors in each ward thus making 10 Councillors in total to form Wyong Shire Council.
- 8 That Council conduct the constitutional referendum in conjunction with the 2012 Wyong Shire Council local government elections.

The AMENDMENT was put to the vote and declared LOST.

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

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

- 1 That Council engage the NSW Electoral Commission to conduct the Local Government Election and any referendums or polls for Wyong Shire up to and including 2012.
- 2 That Council minimise the cost of the election by working cooperatively with Gosford City Council and other savings as outlined in this report.
- 3 That Council reaffirm its previous decision to provide our residents and ratepayers the opportunity at the upcoming Council elections to also vote on whether they support a popularly elected mayor or not.
- 4 That Council request the General Manager to report on any progress to date with regard to this issue and what further processes and time frames are required to achieve this outcome.
- 5 That Council retain its current wards and Councillor numbers, such that a popularly elected Mayor becomes the eleventh Councillor and forms Wyong Shire Council, subject to constitutional referendum being passed.
- 6 That Council conduct a constitutional referendum on a popularly elected Mayor and 11 Councillors; being the number to form Wyong Shire Council, be held in conjunction with the 2012 Wyong Shire Council Local Government Elections.
- 7 That Council request the NSW State Government return on a equitable basis to Councils across the state the amount collected in the form of fines imposed on the population that didn't vote to defray the cost of the Council election on ratepayers.
- 8 That the General Manager approach Gosford City Council to seek an agreement to share costs on common matters for the Central Coast region in the lead up to the 2012 Wyong Shire Council Local Government Elections.

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

PROCEDURAL MOTION

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

- 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 WYNN and seconded by Councillor BEST:

That with the exception of report numbers 4.2, 4.5, 4.6, 5.4, 5.5, 5.6, 6.1, 6.4, 6.5 and 7.1, Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

4.2 Proposed Councillors' Community Improvement Grants

Councillor McBride left the meeting at 7.18 pm and returned to the meeting at 7.24 pm during consideration of this item and as a result took no part in voting.

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of Budgewoi Scouts 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 a member of Gwandalan or Tuggerah Lakes Scouts."

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

That Council allocate an amount of \$3,665.00 from the 2011-12 Councillors' Community Improvement Grants as follows:

| | | |
|---|--|-------|
| 1st Gwandalan Scout Group (\$1800) (\$1400 already allocated) | To assist with minor purchases to complete the fit out of our new hall. These purchases will include items for the kitchen being fridge and stove. | 400 |
| 1st Tuggerah Lakes Scout Group (\$4500) | To purchase a safety boat for water activities. | 1,000 |
| Lions Club of Gwandalan Inc (\$165) | Request waiving of Council fees for the Annual Christmas Carols by the Lake. | 165 |
| The Entrance Amateur Swimming Club (\$2000) | To purchase a projector & screen, stopwatches & umbrellas. | 1,550 |
| Toowoona Bay Ocean Swim 2011 (\$500) (\$100 already allocated) | To purchase two shade gazebos and administration costs. | 150 |
| Toukley Adult Day Care (\$150) | Christmas Party and hamper distribution to each member. | 150 |
| Toukley Swimming Club Inc (\$3100) (\$2000 already allocated) | To purchase electronic timing equipment. | 250 |

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

AGAINST: NIL

4.3 Request for Funding - GOATS Family Festival 2011 – 2012

Ms Jillian Hogan, representing San Remo Neighbourhood Centre, in favour of the item, addressed the meeting at 5.30 pm, answered questions and retired at 5.45 pm.

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a volunteer at the Festival 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 a member of the organising committee."

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

- 1 That Council refer the application to the Grants Committee on 10 November 2011 and the item be submitted for consideration at Council's meeting of 23 November 2011.**
- 2 That Council consider the GOATS festival for recurrent funding in conjunction with the 2012/2013 strategic planning workshop.**

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

AGAINST: NIL

4.4 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

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

That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant :

- ***Lot 42 DP 75524, 26 Platypus Creek Lane, Palm Grove***
- ***Lot 43 DP 755224, 21 Platypus Creek Lane, Palm Grove***
- ***Lot 1 DP 774021, 153 – 175 Hakone Road, Woongarah***

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

AGAINST: NIL

4.5 Warnervale Town Centre August/September 2011 Progress Report

Councillor McBride returned to the chamber at 7.20 pm during consideration of this item.

Councillor Webster left the meeting at 7.20 pm and returned at 7.23 pm during consideration of this item.

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

- 1 ***That Council receive the report on Warnervale Town Centre August/September 2011 Progress Report.***
- 2 ***That Council endorse the Warnervale Town Centre Biodiversity Certification Assessment report***
- 3 ***That Council formally request the Office of Environment and Heritage to Biocertify the Warnervale Town Centre and authorise the General Manager to sign any relevant documentation required to support the application.***
- 4 ***That Council exhibit the Biodiversity Certification Application for 28 days upon acceptance of the report by the Office of Environment and Heritage.***
- 5 ***That Council refer to the Office of Environment and Heritage requesting the endorsement of the Minister for the Environment, subject to no significant objections being received the Warnervale Town Centre Biodiversity Certification proposal.***
- 6 ***That Council request the General Manager to seek assurance from the Office of Environment and Heritage that the biodiversity certification process will result in a net gain of protected bushland area and that appropriate relocation strategies for affected wildlife will be implemented where possible.***

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

AGAINST: NIL

4.6 Implementation of the Memorandum of Understanding between WSC, Newcastle University and Hunter TAFE

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

- 1 That Council request the General Manager to determine membership and implement the Project Steering Group.***
- 2 That Council endorse the Project scope, management framework and milestones as detailed in this report.***

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

AGAINST: NIL

4.7 Conference Attendance - Hunter Social Enterprise Forum 2011

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

- 1 That Council authorise Councillor Symington, and any interested Councillor/s, to attend the Hunter Social Enterprise Forum 2011 being held in Newcastle on Friday, 11 November 2011.***
- 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

4.8 Lakes Beach Eco-Tourism Proposal

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

- 1 That Council resolve not to support any development, including an eco resort on this Crown land as a result of the findings of the ecological studies undertaken by Conacher Environmental Group at Lakes Beach.**
- 2 That Council refer the final Ecological Report be referred to Council's Environment and Natural Resource Section for consideration and appropriate action.**
- 3 That Council request the Director of Environment and Planning to seek out investigate and report back to Council on other areas in Wyong Shire that would support Eco-Tourism developments including the possibility of a joint venture with the Darkinjung Local Aboriginal Land Council.**
- 4 That Council re-endorse the unanimous Council resolution from August 2009, supporting that the area between Werepi St Noraville and the Munmorah State Recreation park be placed under E2 (Environmental Conservation) in the current LEP review.**
- 5 That Council thank Hargraves Beach Dunecare, Budgewoi Beach Dunecare, & Lakes Beach Dunecare for their many hours of dune rehabilitation work on the Lakes Beach site and acknowledge objections and outrage of many local community groups to the Eco Tourism resort proposal on the established Lakes Beach Dunecare site.**
- 6 That Council request that the Land and Property Management revoke the license to investigate the development of Lot 7318 DP 1148096 from Werepi St Noraville to the Munmorah State Recreation park.**
- 7 That Council refer the final Ecological Report to be distributed to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee.**

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

AGAINST: COUNCILLOR EATON

PROCEDURAL MOTION

Councillor Vincent left the chamber at 6.23 pm and as a result did not vote.

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

That Council allow meeting practice be varied to consider item 6.3 – Notice of Motion – White Ribbon in Wyong, say NO to Domestic Violence after item 4.8 – Lakes Beach Eco-Tourism Proposal, to enable the speaker to address the meeting.

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

AGAINST: NIL

5.1 Information Reports

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

That Council deal with the following Information Reports by the Exception Method.

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

AGAINST: NIL

5.2 Central Coast Tourism Inc - Update

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

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

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

AGAINST: NIL

5.3 Mardi to Mangrove Link Project Status

RESOLVED unanimously on the motion of Councillor WYNN 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

5.4 Lake Munmorah Power Station

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity left the chamber at 7.38 pm, took no part in discussion, did not vote and returned to the chamber at 7.42 pm.

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

That Council receive the report on Lake Munmorah Power Station.

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

AGAINST: NIL

5.5 Conference Attendance - Tidy Towns

Councillor McNamara left the meeting at 7.42 pm and returned to the meeting at 7.44 pm during consideration of this item.

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

- 1 That Council note the approval given by the Mayor and Acting General Manager for Councillor Symington and partner to attend the Tidy Towns Awards Event in Lithgow held on 4 – 6 November 2011.**
- 2 That Council note that reasonable expenses incurred by Councillor Symington and his partner in attending the above event will be reimbursed in accordance with the WSC Policy on Facilities and Expenses for Councillors.**

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

AGAINST: NIL

5.6 Study Tour - Townsville City Council - The Strand Development - 23 and 24 October 2011

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

That Council receive the report on Study Tour - Townsville City Council - The Strand Development - 23 and 24 October 2011.

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

AGAINST: COUNCILLOR VINCENT

5.7 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

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

AGAINST: NIL

6.1 Notice of Motion - Assisting Community Events

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

- 1 That Council support in principle making smaller scale community events as exempt development.**
- 2 That Council delegate to the General Manager authority to determine small scale community events and further report back to Council how best to achieve this principle.**

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

AGAINST: COUNCILLOR WYNN

6.2 Notice of Motion - Popularly Elected Mayor - Referendum

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

That Council consider this item in conjunction with 4.1 – Conduct of the 2012 Local Government Election.

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

AGAINST: NIL

6.3 Notice of Motion - White Ribbon in Wyong, say NO to Domestic Violence

Sergeant John Dooley, Wyong Area Command, in favour of the item, addressed the meeting at 6.24 pm, answered questions and retired at 6.42 pm.

Councillor Vincent returned to the meeting at 6:26 pm during consideration of this item.

Councillor Symington left the meeting at 6:25 pm and returned to the meeting at 6:27 pm during consideration of this item.

Councillor Graham vacated the chair at 6:48 pm and Councillor Wynn assumed the chair.

Councillor Graham resumed the chair at 6:49 pm during consideration of this item.

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

- 1 That Council note with concern that Wyong Shire is now approaching the highest level of domestic violence in NSW.**
- 2 That Council recognise the contribution already made by WSC staff to previous White Ribbon Events and the efforts of the Tuggerah Lakes Area Command in its endeavours to battle this unacceptable behaviour.**

- 3 That Council **acknowledge** that a more community wide inclusive approach, which includes all levels of government, is needed to take a stand and reject this social scourge.
- 4 That Council **note** that the upcoming White Ribbon Event/Program commences on 25 November 2011 and continues for 16 days.
- 5 That Council **request** the General Manager to review the request for assistance from the Tuggerah Lakes Area Command to resource the White Ribbon Event/Program.
- 6 That Council **encourage** the community, individual Councillors and WSC staff to join the current 14,932 Australians who have pledged an oath of support to the White Ribbon Campaign.
- 7 That Council, through the Shire's community groups network and other education institutions **seek** to encourage their support of the White Ribbon initiative particularly, the adoption of the ambassador program.

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

AGAINST: NIL

6.4 Notice of Motion - Enforcement Policy for Control of Vehicles and Parking Around Schools

Councillor Best left the meeting at 8:39 pm and returned to the meeting at 8:41 pm during consideration of this item.

Councillor Matthews left the meeting at 8:44 pm and returned to the meeting at 8:47 pm during consideration of this item.

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

- 1 That Council **request** the General Manager to report on Wyong Shire Council's enforcement policy for the control of vehicles and parking around schools in Wyong Shire.
- 2 That Council **request** the General Manager to include in the report:
 - a Information including the guidelines, training and management directions provided to staff to ensure the balance between education of drivers, safety of children, and the issuing of Personal Infringement Notices.
 - b Details in relation to the frequency of Wyong Shire Council staff being present at schools for enforcement purposes and the management triggers to allocate staff resources to undertake enforcement operations at a particular school.

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

AGAINST: NIL

6.5 Notice of Motion - Independent Legal Advice

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

- 1 That Council propose an amendment to the Wyong Shire Council's Policy on Facilities and Expenses for Councillors as follows:**

Insert new clause:

"1 A Councillor/s may be reimbursed up to \$1,500 (including GST) for external legal services only where all of the following circumstances exist:

- (a) the legal advice is not on a matter excluded from being reimbursed by the Local Government Act and/or Regulations, or any other clause in this Policy; and**
- (b) the matter about which advice has been sought is a serious matter affecting the proper administration of Wyong Shire Council; and**
- (c) more than 4 Councillors have requested that Council staff provide legal advice on the subject matter of the advice, and Council staff have been unable to provide those councillors with legal advice, due to a conflict of interest or similar prohibition that precludes those staff from providing that advice, or where staff are unwilling to obtain independent legal advice; and**
- (d) the matter had not already been the subject of independent legal advice to Council; and**
- (e) the legal advice is proven to be valuable towards Council's decision making; and**
- (f) no more than one payment is to be paid to any one or more of the councillors in respect to advice provided by councillors on the subject matter; and**
- (g) the request for reimbursement, under this clause, has been authorised by the Council.**

2 The written brief, original written legal advice and tax receipt will need to be provided to Council as its record to allow consideration of payment."

- 2 That Council acknowledge that the proposed amendment is substantial and give public notice of its intention to amend its policy for the Payment of Expenses and Provision of facilities allowing 28 days for the making of public submissions.**
- 3 That Council adopt the amended Wyong Shire Council's Policy on Facilities and Expenses for Councillors should no significant objection be received to the proposed amendment.**
- 4 That Council forward the amended policy to the Director General in accordance with Section 253 of the Local Government Act, 1993.**

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

AGAINST: NIL

7.1 Rescission Motion - DA/1486/2010 Proposed Restaurant and Drive-Through Facility at Ourimbah

A MOTION was MOVED by Councillor WYNN and SECONDED by Councillor VINCENT:

That the following resolution carried at the Ordinary Meeting of Council held on 26 October 2011 be rescinded:

- 1 That Council grant consent subject to the conditions as amended in the schedule attached to the report having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.
- 2 That Council vary Development Control Plan 2005 Chapter 61 and 65 to permit the development.
- 3 That Council delete, from the list of proposed conditions attached to the report, the second bullet point under Condition 11 – Landscaping Design Requirements which states:

“The landscape architect is to nominate trees and shrubs that will provide a dense screen to the front of the property. The planting is to achieve tree heights greater than 10 metres and shrubs that will achieve a height greater than 2 metres upon maturity.”

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

QUESTIONS ON NOTICE

Q28/11 Dangerous Driveway at Ruttleys Road

Councillor Greg Best

P2008/00677

“Mr General Manager, my question is to you. You will recall I raised a safety issue on another property on the same road at our last meeting, it has now been drawn to my attention that there is another even more dangerous driveway on this road. The site in question is at the model aero club, I am particularly concerned as I understand this land may be owned by Council. Please advise what Council can do with this gravel driveway, on an almost blind corner, to assist the safety of club members and the community at large?”

Q29/11 Carbon Tax on Council

Councillor Greg Best

F2004/06579

“Mr General Manager, now that the Federal Government has levied its new carbon tax and that the costing methodology is clearer, could staff please update Council on what extra costs will now likely be passed on to the ratepayers and also as to what compensation is available to offset this new tax on Council?”

Q30/11 Wyong Swimming Pool Grandstand

Councillor Emma McBride

DA/932/2011

“Could staff please advise of the plans for the Wyong Swimming Pool Grandstand?”

Q31/11 Status of Community Park at Killarney Vale

Councillor Emma McBride

DA/1572/2007

“Could staff please advise of the status of the Community Park on Wyong Road, Killarney Vale?”

OPEN SESSION

The General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

CONFIDENTIAL

8.1 CPA/199890 Enterprise Risk Management Strategy Project Facilitator

- 1 That Council reject all tenders for Contract CPA/199890 Enterprise Risk Management Strategy Project Facilitator.**
- 2 That Council enter into negotiations with the two highest rated tenderers identified in the General Manager’s Report**
- 3 That Council delegate to the General Manager (or his delegate) the function of undertaking those negotiations.**
- 4 That Council authorise the General Manager to execute any contract resulting from those negotiations to a maximum of \$165,000 including GST.**
- 5 That Council note the following for the purposes of cl. 178(4) of the Local Government (General) Regulation 2005:**
 - a The reasons for not inviting fresh tenders in accordance with cl. 178(3)(b)-(d) (inclusive) of the Local Government (General) Regulation 2005 are:**
 - (i) Council has already undertaken a robust competitive tender process with twenty respondents; and**

- (ii) Council will incur significant additional costs and delay if it invites fresh tenders or applications from interested persons, and those additional costs and delay will prejudice the timely and cost efficient delivery of the Enterprise Risk Management Strategy.*
- c** *The reasons for determining to enter into negotiations with the two highest rated tenderers is that those two tenderers are considered to have provided high quality tenders and that direct negotiation with them will allow for a contract to be entered in to that will provide a closer alignment with Council's needs.*

THE MEETING closed at 9.17 pm.