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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 WEDNESDAY, 10 OCTOBER 2007,**  
**COMMENCING AT 5.07 PM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), D J EATON, K M FORSTER, R L GRAHAM, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING ASSISTANT DIRECTOR SHIRE SERVICES, MANAGER FUTURE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT AND AN ADMINISTRATION OFFICER.

THE MAYOR COMPLIMENTED THE COMMUNICATIONS STAFF AND FORMER MAYOR ON THE PRODUCTION OF THE ANNUAL REPORT COMMEMORATING THE 60<sup>TH</sup> ANNIVERSARY OF WYONG SHIRE COUNCIL.

THE MAYOR NOTED THAT A DELEGATION FROM A LOCAL GOVERNMENT AUTHORITY IN KOREA RECENTLY INSPECTED WYONG COUNCIL'S SEWERAGE AND WATER TREATMENT FACILITIES. THEY ARE PLANNING TO CONSTRUCT WATER AND SEWER FACILITIES IN KOREA AND RECOGNISED WYONG COUNCIL AS BEING A LEADER IN THE FIELD OF WATER AND SEWER.

THE MAYOR REPORTED THAT HE AND THE GENERAL MANAGER HAD MET EARLIER IN THE WEEK WITH MINISTER KOPERBERG AND WITH MINISTER REES AND WOULD BE MEETING THE NEXT DAY WITH MINISTER WATKINS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.07 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

**APOLOGIES**

APOLOGIES FOR THE INABILITY TO ATTEND THE MEETING WERE RECEIVED ON BEHALF OF COUNCILLOR BEST WHO IS ON HOLIDAY WITH HIS FAMILY AND COUNCILLOR PAVIER DUE TO BUSINESS COMMITMENTS.

***RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEVENS:***

***That the apologies be accepted and leave of absence from the meeting be granted.***

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**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**418 Disclosures of Interest**

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F2006/02282 ED:MR

**427 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A STAFF MEMBER OF NORTHLAKES HIGH SCHOOL, LEFT THE CHAMBER AT 5.54 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.10 PM.

**427 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING GROUP 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."*

**427 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF STOP KOREAN COAL MINING GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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."*

***RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor STEVENS:***

***That the report be received and advice of disclosures noted.***

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**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**419 Proposed Inspections**

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F2006/02282 MW:SW

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor FORSTER:***

***That the report on inspections to be conducted on Wednesday, 31 October 2007 be received and the information noted.***

**420 Proposed Briefings**

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F2006/02282 ED:MR

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor STEVENS:***

***That the report be received and the information noted.***

**421 Address by Invited Speakers**

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F2006/02282 ED:MR

***RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor STEVENS:***

***That the report on Invited Speakers be received and the information noted.***

**422 Confirmation of Minutes of Previous Meetings**

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F2006/02282 ED:MR

***RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor ROSE:***

***That the minutes of the previous Extraordinary Meeting of Council held on 19 September 2007 and Ordinary Meeting of Council held on 26 September 2007 be received and confirmed.***

**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**423 Notice of Rescission – Vandalism Across our Shire**

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F2004/07937 MR

***RESOLVED on the motion of Councillor FORSTER and seconded by Councillor STEWART:***

***That the following resolution carried at the Ordinary Meeting of Council held on 26 September 2007 be rescinded:***

- 1 That Council on behalf of the residents and ratepayers increase our efforts to combat the ongoing escalation of vandalism across our Shire by doubling the reward to \$20,000, leading to a conviction, in an effort to identify those responsible for the mindless and methodic attacks on the evening of Saturday, 22 September 2007, on every public building in and around the Norah Head area.***
- 2 That Council note that these attacks are costing our residents and ratepayers approximately \$250,000 to restorate.***
- 3 That Council request the General Manager to formally commend administration and field staff for their efficiency in remediating the affected areas.***
- 4 That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also if they could investigate the costs of providing this service via a range of means.***

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS EATON AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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*It was MOVED on the motion of Councillor FORSTER and seconded by Councillor STEWART:*

- 1 That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also investigate the costs of providing this service via a range of means.*
- 2 That in implementing the above, Council staff explore best practice employed in other Council areas.*
- 3 That staff investigate the option of "public art murals" at locations hit regularly with graffiti.*
- 4 That a review of the graffiti walls at Bateau Bay and Lake Haven occurs.*

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

- 1 That the reward for reporting vandalism be doubled generally across the Shire for all incidents in accordance with current guidelines.*
- 2 That a telephone hotline be setup to allow anonymous reporting of incidents and information.*
- 3 That these measures be reported widely.*
- 4 That the local State Members of parliament be advised of these measures and requested to support Council's increased emphasis on protection of its community from vandalism by increased police activity.*
- 5 That a review of the graffiti walls at Bateau Bay and Lake Haven occurs.*

***The AMENDMENT was put to the VOTE and declared LOST.***

FOR: COUNCILLORS EATON, GRAHAM, AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, ROSE, STEVENS, STEWART AND WELHAM.

**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**RESOLVED on the motion of Councillor FORSTER and seconded by Councillor STEWART:**

- 1 That Council investigate the cost of employing a graffiti hit squad of two, one north and one south, and come back with a report on the costings and also investigate the costs of providing this service via a range of means.**
- 2 That in implementing the above, Council staff explore best practice employed in other Council areas.**
- 3 That staff investigate the option of "public art murals" at locations hit regularly with graffiti.**
- 4 That a review of the graffiti walls at Bateau Bay and Lake Haven occurs.**

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS EATON AND VEUGEN.

**424 Acquisition of Land for Water Supply Pump Station at Mardi**

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F2007/01509 PF

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

- 1 That Council acquire part of Lot 4 DP 587932 Old Maitland Road Mardi for water supply purposes associated with the Mardi Dam – Mangrove Dam Link project.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Minister.**

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**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**425          Renewal of Licence for Amusement Devices Memorial  
Park The Entrance**

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F2004/11749 PF

**RESOLVED unanimously on the motion of Councillor STEWART and seconded by Councillor FORSTER:**

- 1      That Council as Trust Manager of Reserve 71875 Memorial Park The Entrance renew the licence over the Reserve with The Entrance Town Centre Management Corporation Inc for the operation of amusement devices and entertainment on Memorial Park for a period of four years for an annual licence fee of \$380.**
- 2      That the licence operate to allow activities by Community Groups during major events and**
  - a      Those vendors who have existing businesses within The Entrance Town Centre and whose predominant activity within Memorial Park during the major events is practically identical to the activities being carried out by the business within The Entrance Town Centre.**
  - b      Those vendors who do not have existing businesses within The Entrance Town Centre and whose predominant activity is not in competition with any existing businesses within The Entrance Town Centre.**

**The decision on whether vendors meet these criteria is at the sole discretion of The Entrance Town Centre Management Corporation Inc.**

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**426          Rate Payment Incentive Scheme**

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F2004/06159 DT

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

- 1      That Council continue the Rate Incentive Scheme for the 2008/2009 rating year with a \$5,000 local shopping voucher.**
- 2      That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2007/2008.**

THE WINNER OF COUNCIL'S RATEPAYER INCENTIVE SCHEME FOR 2007/2008 IS MS V BARKER OF TOUKLEY.

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**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**427 Proposed Councillors' Community Improvement Grants**

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F2007/00729 MW

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A STAFF MEMBER OF NORTHLAKES HIGH SCHOOL, LEFT THE CHAMBER AT 5.54 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.10 PM.

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING GROUP 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."*

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF STOP KOREAN COAL MINING GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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."*

COUNCILLOR WELHAM VACATED THE CHAIR AND COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor ROSE and SECONDED by Councillor FORSTER:*

- 1 *That an amount of \$5,650 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 2 *That the allocations, totalling \$1,300 nominated to Stop Korean Coal Mining be deferred pending the preparation of a report by staff.*
- 3 *That staff prepare a report on Stop Korean Coal Mining that includes;*
  - a *an outline of their goals and objectives*
  - b *a copy of their constitution*
  - c *a copy of their membership list*
  - d *a copy of minutes of meetings, and*



**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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- e *a copy of their submission to the State Government Strategic Inquiry into the potential impacts of coal mining in Wyong Shire.*

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor VEUGEN:

*That an amount of \$6,950 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*

**The AMENDMENT was put to the VOTE and declared LOST.**

FOR: COUNCILLORS EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, ROSE AND STEVENS.

**RESOLVED on the motion of Councillor ROSE and seconded by Councillor FORSTER:**

- 1** *That an amount of \$5,650 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 2** *That the allocations, totalling \$1,300 nominated to Stop Korean Coal Mining be deferred pending the preparation of a report by staff.*
- 3** *That staff prepare a report on Stop Korean Coal Mining that includes;*
  - a** *an outline of their goals and objectives*
  - b** *a copy of their constitution*
  - c** *a copy of their membership list*
  - d** *a copy of minutes of meetings, and*
  - e** *a copy of their submission to the State Government Strategic Inquiry into the potential impacts of coal mining in Wyong Shire.*

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE AND STEVENS.

AGAINST: COUNCILLORS EATON, STEWART AND VEUGEN.

COUNCILLOR WELHAM RESUMED THE CHAIR.

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**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**428 Wyong Shire Governance Committee Meeting –  
10 October 2007**

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F2004/07245 MW

***RESOLVED unanimously on the motion of Councillor ROSE and seconded by Councillor STEWART:***

***That the minutes of the Wyong Shire Governance Committee meeting held on 10 October 2007 be received and the recommendations contained therein, adopted.***

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**Information Reports**

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***The information reports were dealt with by the exception method. Report numbers 429, 430 and 433 were called for debate.***

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**429 Recruitment Activities of the Staff Services Unit**

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F2004/00355 DB:KB

***RESOLVED unanimously on the motion of Councillor FORSTER and seconded by Councillor STEVENS:***

***That the report be received and the information noted.***

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**430 Local Government Association Conference Motion -  
Unaffordable Housing And Mortgage Stress**

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F2004/09609 ED

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

***That a late Notice of Motion be submitted to the Local Government Association Conference as follows:***

- 1 That the Association commission a report into the level of housing/rental stress in NSW and the social impacts this has on our communities.***
- 2 That the Association make recommendations to Councils, State and Federal Governments on means to alleviate housing/rental stress.***

**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**431 Schedule of Bank Balances and Investments – August 2007**

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F2004/06604 HS

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

***That the report be received and the information noted.***

**432 Activities of the Development Assessment Unit**

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F2004/07830 NL

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

***That the report be received and the information noted.***

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

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F2006/02282 ED:MR

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

***That the report be received and the information noted.***

**QUESTIONS WITHOUT NOTICE ASKED**

**Q102 – Condition of the Tiles in The Entrance CBD  
Councillor Stewart**

F2004/07982

*“Would Council please look urgently at the condition of the tiles in The Entrance CBD as the replacement tiles are dark grey and match nothing. There is also a patch of plain cement which has been there for some time with no further work being undertaken. There are still many, many damaged tiles which still have to be replaced. There have been two very hard slips reported over the past few weeks. Council urgently needs to address these problems. When will this be happening?”*

**Minutes of the Ordinary Meeting of Council held on 10 October 2007 (contd)**

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**Q103 – Oasis Youth Centre**

**Councillor Forster**

F2004/11275

*“Can Councillors be given a briefing on current status of Oasis Youth Centre – including the current funding status, current activities/programs run at the Centre, and attendance/participation rates and what future plans are in place for the Centre?”*

**Q104 – Days/Hours Mayor will be Acting as Mayor**

**Councillor Eaton**

F2004/06509

*“Could the Mayor advise Councillors and the public which days and hours (during Council Business hours) he will be acting as Mayor compared to being a State Government employed teacher?”*

**Q105 – Possible Conflict of Interest for Mayor as a State Government Employee**

**Councillor Eaton**

F2004/06509

*“Could the Mayor advise how he intends to deal with the embedded and inherent conflict of interest between being a State Government employee and representing often adverse community interests as Mayor?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.35 PM.

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CHAIRPERSON