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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, 13 AUGUST 2008,**  
**COMMENCING AT 5.08 PM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, R L GRAHAM, B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE PLANNING, ACTING DIRECTOR SHIRE SERVICES, ACTING DIRECTOR CORPORATE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, SENIOR TRANSPORTATION ENGINEER AND CONTRACTOR MARDI MANGROVE LINK.

THE MAYOR REPORTED THAT:

\* ON WEDNESDAY 30 JULY 2008, FOLLOWING THE EXTRAORDINARY MEETING, HE ATTENDED THE LOCAL GOVERNMENT WEEK AWARDS PRESENTATION EVENING HELD AT PARRAMATTA WITH STAFF MEMBERS. ALTHOUGH WYONG DID NOT, ON THIS OCCASION, RECEIVE AN AWARD MANY EXCELLENT IDEAS WERE OBTAINED FOR FUTURE NOMINATIONS.

\* ON FRIDAY 8 AUGUST 2008 HE ATTENDED THE RELEASE OF THE NSW GOVERNMENT PLAN FOR THE CENTRAL COAST AND HAD DISCUSSIONS WITH PREMIER MORRIS IEMMA, THE ACTING MINISTER FOR THE CENTRAL COAST, HON TONY KELLY, MINISTER FOR CLIMATE CHANGE AND THE ENVIRONMENT, HON VERITY FIRTH AND SENIOR MEMBERS FROM VARIOUS GOVERNMENT DEPARTMENTS INCLUDING SAM HADDAD THE DIRECTOR GENERAL, DEPARTMENT OF PLANNING.

THE PLAN REFERS TO KEY ISSUES SUCH AS IMPROVEMENT TO ROADS AND PUBLIC TRANSPORT, INVESTMENT IN WATER INFRASTRUCTURE AND IMPROVED HEALTH AND EDUCATION FACILITIES TOGETHER WITH BUSINESS GROWTH, PLANS FOR INFRASTRUCTURE TO SUPPORT THE GROWING POPULATION, BALANCING DEVELOPMENT AND PROTECTION OF THE ENVIRONMENT.

\* A CITIZENSHIP CEREMONY WAS HELD LAST NIGHT, 12 AUGUST 2008, WHERE 20 CANDIDATES OFFICIALLY BECAME AUSTRALIAN CITIZENS. COUNCILLOR ROBYN STEWART ASSISTED WITH THE ADMINISTRATION OF THAT CEREMONY, AS SHE HAS DONE SINCE BEING ELECTED TO COUNCIL IN 1991.

A LETTER OF APPRECIATION HAS BEEN RECEIVED FROM SENATOR CHRIS EVANS, LEADER OF THE GOVERNMENT IN THE SENATE AND MINISTER FOR IMMIGRATION AND CITIZENSHIP IN RECOGNITION OF COUNCILLOR STEWART'S COMMITMENT TO CITIZENSHIP CEREMONIES AND HE HAD GREAT PLEASURE IN PRESENTING THIS LETTER TO COUNCILLOR STEWART.

## **Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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COUNCILLOR PAVIER REPORTED THAT:

- \* LAST NIGHT, 12 AUGUST 2008, THERE WAS A PUBLIC MEETING REGARDING THE SALE AND PROPOSED CHANGE OF USE OF THE DOORALONG LODGE. HE ADVISED THAT BOTH HIMSELF AND THE PRESIDENT OF THE DOORALONG PROGRESS ASSOCIATION HAD RECEIVED INFORMATION FROM ADAM HOUDA, ONE OF THE PROPONENTS OF THE PROPOSED SALE OF THE LODGE, DUE TO TAKE PLACE ON 6 OCTOBER 2008, WHICH MADE IT CLEAR THAT THE INTENT IS TO KEEP THE RESORT IN ITS CURRENT FORM. PROPOSED CHANGES MAY INCLUDE CLOSING THE TAVERN AND REPLACING IT WITH A GYM/COFFEE SHOP PLUS SOME OTHER REFURBISHMENTS. HE HAS THIS PROPOSAL IN WRITING WHICH HE HAS CONVEYED TO THE MEDIA AND ALSO ANNOUNCED IT AT THE PUBLIC MEETING LAST NIGHT.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.08 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

### **APOLOGY**

AN APOLOGY FOR HER INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR FORSTER WHO WAS UNABLE TO ATTEND DUE TO FAMILY ILLNESS.

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

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

### **360 Disclosures of Interest**

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F2008/01064 ED:MR

#### **366 - MAYORAL MINUTE - PROPOSED WAIVING OF FEES FOR BEECHWOOD HOMES**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SIGNIFICANT CREDITOR TO BEECHWOOD HOMES IN LIQUIDATION LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.21 PM.

#### **374 - UPDATE ON TUGGERAH LAKES ESTUARY MANAGEMENT PLAN THE KORES COAL MINE AND OVERHEAD POWERLINES AT TUMBI UMBI**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR THE FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON, AND THESE ISSUES ARE BEING DEALT WITH AT THAT OFFICE AND HE HAS SOME INVOLVEMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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."*

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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

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

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**361 Proposed Inspections**

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F2008/00003 ED:MR

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

***That the report on inspections to be conducted on Wednesday, 27 August 2008 be received and the information noted.***

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**362 Proposed Briefings**

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F2008/00003 ED:MR

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

***That the report, with the inclusion of the update on stockpile sites, be received and the information noted.***

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**363 Address by Invited Speakers**

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F2008/00003 ED:MR

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

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

**364 Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 ED:MR

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

**1 That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, the following report and Notice of Motion be dealt with in Confidential Session:**

**W020 Contract No CPA 135634 - Wyong South Sewage Treatment Plant Augmentation**

**W021 Notice of Motion - Bateau Bay Tip Contractor Meeting**

**2 That the reason for dealing with Item Nos W020 and W021 confidentially is that they both contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

**365 Confirmation of Minutes of Previous Meetings**

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F2008/00003 ED:MR

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

**That the minutes of the previous Ordinary Meeting of Council held on 23 July 2008 and the Extraordinary Meeting of Council held on 30 July 2008 be received and confirmed.**

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**366                      Mayoral Minute - Proposed Waiving of Fees for Beechwood Homes**

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F2004/07051

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SIGNIFICANT CREDITOR TO BEECHWOOD HOMES IN LIQUIDATION LEFT THE CHAMBER AT 5.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.21 PM.

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

***That Council waive fees for both the modifications and lodgement of new development application and construction certificates for Beechwood customers affected by the collapse of that company.***

**367                      Variation of Lease for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay**

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F2004/13049 JMT

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

- 1     That Council agree to the variation of the current lease to Toowoon Bay Surf Lifesaving Club of part of Crown Reserve R55566 at Toowoon Bay to provide for the change to the leased area.***
- 2     That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***
- 3     That Council authorise the Mayor and General Manager to execute the Deed of Variation of Lease between Wyong Shire Council and Toowoon Bay Surf Lifesaving Club.***

**368 Proposed Acquisition of Part Lot 550 DP 43398 Corner Evans Road and Oleander Street, Noraville for a T- deviation**

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F2008/01251 SB

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

- 1 That Council acquire part of Lot 550 DP 43398 at the corner of Evans Road and Oleander Street, Noraville as public road.**
- 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 owner 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 to the Department of Local Government 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 Department of Local Government.**

**369 Proposed Lease of Council Land at Mannering Park - part of Lot 137 DP 218427**

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F2008/01028 SB

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

- 1 That Council Lease part of Lot 137 DP 218427 Grace Street, Mannering Park to the Mannering Park Yacht Club for a term of five years, at nominal rent.**
- 2 That Council as owner of Lot 137 DP 218427 endorse, a Development Application by the Mannering Park Yacht Club for an extension to the Clubs existing building on the site .**
- 3 That should the development application referred to in Item 2 be approved, the area of the extension proposed in the development application to the Mannering Park Yacht Club be included in the area to be leased to the Club.**

**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***
- 5 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Mannering Park Yacht Club.***

**370 Proposed Acquisitions of Private Land Part Lot B DP 342273 and Part Lot 214 Section 3 DP 11935 Corner Boondilla Road and Gosford Avenue, The Entrance for a Roundabout**

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F2006/00117 F2006/00118 SB

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

- 1 ***That Council acquire part of Lot B DP 342273 and part of Lot 214 Section 3 DP 11935 at the corner of Boondilla Road and Gosford Avenue, The Entrance as public road.***
- 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 to the Department of Local Government 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 Department of Local Government.***

**371 Contract CPA 130010 - Construction of Mannering Park Sewage Treatment Plant (STP) Inlet Works**

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CPA/130010 LM

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

- 1 That Council accept Tender No 5 from Jenbuild Pty Ltd in the total lump sum amount of \$1,562,000.00 including GST (\$1,420,000.00 excluding GST).**
- 2 That Council approve a contingency amount of \$156,200.00 including GST (\$142,000.00 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

**372 Constitutional Recognition of Local Government**

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F2006/01711 ED

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

- 1 That the Local Government and Shires Association of NSW be advised of the ratings of the five objectives outlined in the report and that Council believes other objectives are equally important and further advice will be forthcoming on this issue.**
- 2 That this Item be referred to Precinct and Progress Committees for their information and urgent response and this matter be reported to Council together with staff comments as soon as is practicable.**

**373 Payment of Property Protection Premium**

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F2008/00918 MM

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

**That Council approve the payment of \$529,800.45 made up of \$481,636.77 premium and \$48,163.68 GST for the renewal of Council's Property Protection insurance policy with Statewide Mutual for the period 30 June 2008 – 30 June 2009.**



**Information Reports**

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

***That with the exception of report numbers 374, 377, 378, 379, 381 the information reports be received and the recommendations adopted.***

**374 Update on Tuggerah Lakes Estuary Management Plan the Kores Coal Mine and Overhead Powerlines at Tumbi Umbi**

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F2006/01080, F2004/00475, F2004/07086, F2007/00876 SG

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE WORKS FOR THE FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON, AND THESE ISSUES ARE BEING DEALT WITH AT THAT OFFICE AND HE HAS SOME INVOLVEMENT AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

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

**375 Schedules of Bank Balances and Investments – June 2008**

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F2004/06604 SJG

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

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

**376 Finalisation of Contracts**

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F2005/03113 GJP

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

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

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**377 Corridor for Future Rail Track Upgrades**

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F2004/06709 RCB:RE

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

- 1 That Council note with disappointment the abandonment by Railcorp of the "Very Fast Train Program".**
- 2 That Council write to all local State Members requesting that they clarify the Government's position and what transport option will replace the "Very Fast Train Program".**

FOR: COUNCILLORS BEST, EATON, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS GRAHAM, PAVIER, ROSE, STEVENS.

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**378 Impact on Retail Parking in Wyong**

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F2004/06676 RCB

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

- 1 That the report be received and the information noted.**
- 2 That Council make a request to the RTA for an extension of time to 31 October 2008 as a closing date for submissions in respect to the proposed Pacific Highway Upgrade.**

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**379 In Case of Emergency (ICE) initiative**

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F2004/07516 ED

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

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

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**380                      Recent and Extraordinary Price Increases and Effect on  
Council's Budget and Works Program**

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F2004/06579 KG

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

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

**381                      Changes to Developer Contributions and Housing Affordability  
in New South Wales**

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F2004/00552 SW

COUNCILLOR BEST LEFT THE CHAMBER AT 5.56 PM AND RETURNED TO THE CHAMBER AT 5.57 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.57 PM AND RETURNED TO THE CHAMBER AT 5.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.58 PM AND RETURNED TO THE CHAMBER AT 6.00 PM DURING CONSIDERATION OF THIS ITEM.

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

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

***2     That this Council apply for funding through the grants programs outlined in the letter from the Minister for Housing and the Minister for the Status of Women, Ms Tanya Plibersek, specifically in relation to the Greater Warnervale Area including the Town Centre and the Wyong Employment Zones.***

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

AGAINST:                COUNCILLORS BEST, EATON AND PAVIER.

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

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F2008/00003 MR

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

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

**383 Notice of Motion - Central Coast Regional Strategy - Toukley**

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F2004/07926 GPB

MR ANDRE KUBECKA, A BUSINESS OWNER, ADDRESSED THE MEETING AT 6.05 PM, ANSWERED QUESTIONS AND RETIRED AT 6.23 PM.

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

***That as a result of the recent release of the Central Coast Regional Strategy by the Department of Planning, staff report on the implications of the strategy on existing Council projects. In particular, the report should address the impacts on the Future Planning Unit's work program and staff should also report on the now likely timelines and processes required to deliver the Toukley Strategy.***

**384 Notice of Motion - Central Coast Regional Strategy**

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F2006/00843 BJP

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

***That Council, in conjunction with Shire Planning staff, workshop the Central Coast Regional Strategy with a view to determining a position statement for the Department of Planning.***

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**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**


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**385 Notice of Motion - Clearing of Wetland Areas at Wadalba**


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F2005/00562 BJP

COUNCILLOR BEST LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 6.59 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That given recent clearing of wetland vegetation in the Wadalba area which has raised significant concern of the local community, staff provide:***
  - a ***a brief history of the agreement between developers and Council with the deemed concurrence of Department of Environment and Conservation - DEC (now Dept. of Environment and Climate Change) aimed at 'streamlining' the Species Impact Statement / environmental approvals process.***
  - b ***history of and reasons for Council apparently extending a number of Development Applications beyond their usual period.***
- 2 ***That in respect of the Wadalba Wildlife Corridor Management Plan (Conacher Travers Sept 2006), could staff outline further the history of inspections carried out, reports and follow-up action taken by Council officers in an endeavour to:***
  - a ***fulfil its responsibilities for a periodic review of the management plan.***
  - b ***ensure all other parties have properly fulfilled their responsibilities.***
- 3 ***That this report be brought back to Council as soon as is practicable .***

**386 Notice of Motion - Mardi Mangrove Pipeline Risk Analysis**


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F2007/01128 DJE

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.03 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.11 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

***That Council provide a Risk Based Analysis of the project cost estimate to determine a range of possible cost outcomes with associated likelihoods of not being exceeded, to enable Council to make informed decisions as to the level of risk it wishes to hold and how such costs could be funded.***

**QUESTIONS WITHOUT NOTICE ASKED****Q052 – Promotional Material on Kores Coal Mine on Display at Lake Haven Recreational Centre****Councillor Eaton**

F2004/00152

*“Could Council confirm that Kores Coal Mine promotional material is on display at Lake Haven Recreational Centre despite Council’s supposed opposition to this mine?”*

**Q053 – Printing of Council’s Annual Report****Councillor Eaton**

F2008/01498

*“Why did Council print the Annual Report in such small print that it is difficult to read?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 7.06 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 7.11 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W020                      Contract No CPA 135634 - Wyong South Sewage Treatment Plant Augmentation**

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CPA/135634 LM

- 1     *That in accordance with Clause 178(1) of the Local Government (General) Regulation 2005, Council not accept any tender for Contract CPA/135634 for the following reasons:***
  - a     *The tenders received did not represent value for Council.***
  - b     *Council intends to undertake a further review of the options available to achieve the required additional plant capacity.***
  
- 2     *That in accordance with Clause 178(3) of the Local Government (General) Regulation 2005, Council cancel the proposal for the contract as it is highly probable that the review of options will result in any future work at the plant being different from the work proposed under this contract.***

**Minutes of the Ordinary Meeting of Council held on 13 August 2008 (contd)**

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**W021 Notice of Motion - Bateau Bay Tip Contractor Meeting**

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CPA/115479 DJE

- 1 That Council request Neumann Contractors Pty Ltd representatives to meet with Councillors and senior staff to discuss issues concerning the tip rehabilitation project.**
- 2 That at the time of the request, Neumann Contractors Pty Ltd be advised that the meeting is to be entirely without prejudice to both Council and Neumann Contractors Pty Ltd and can only proceed on the basis that the position is agreed.**
- 3 That the discussions between Neumann Contractors Pty Ltd and senior staff, on the one hand, and Neumann Contractors Pty Ltd representatives, on the other, are to remain confidential.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.12 PM.

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CHAIRPERSON