
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 14 NOVEMBER 2007,
COMMENCING AT 5.05 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE (JOINED THE MEETING AT 5.15PM), 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, ACTING MANAGER FUTURE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT AND AN ADMINISTRATION OFFICER.

THE MAYOR REPORTED THAT:

- * KIDS DAY OUT WAS HELD AT OURIMBAH CAMPUS RECENTLY AND COUNCIL AS A SPONSOR HAS RECEIVED A CERTIFICATE OF APPRECIATION.
- * THE MAYOR AND GENERAL MANAGER TOGETHER WITH THE MAYOR AND GENERAL MANAGER OF GOSFORD CITY COUNCIL RECENTLY MET THE HON TONY KELLY MINISTER FOR ECONOMIC REGIONAL DEVELOPMENT TO DISCUSS BUSINESS CENTRAL COAST AND STRATEGIES FOR ECONOMIC GROWTH ON THE CENTRAL COAST.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 471, 479 AND 490 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.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

464 Disclosures of Interest

F2006/02282 ED:MR

475 - ANNUAL RENT REVIEW OF COUNCIL COTTAGES

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM 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 HAVE NO ONGOING INTERACTION WITH THE GROUP AND HAVE NOT BEEN INFLUENCED BY THEM."

478 - PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECIPIENT OF FUNDS FOR KIDS DAY OUT, LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON ATTENDS THE TUGGERAH LAKES SECONDARY COLLEGE, THE ENTRANCE CAMPUS AND MAY BE INVOLVED IN THE PROGRAM NOTED ON THE BUSINESS PAPER LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

479 - STOP KOREAN COAL MINING

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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 THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

479 - STOP KOREAN COAL MINING (CONTD)

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF THE AUSTRALIAN COAL ALLIANCE 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 BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT AS MAYOR HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE ALONG WITH THE FORMER MAYOR COUNCILLOR BOB GRAHAM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM 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 HAVE NO ROLE IN THE DECISIONS OR ACTIONS OF THE GROUP AND THEY HAVE HAD NO INFLUENCE ON ME IN MY DECISION ON THIS MATTER."

484 - MINUTES OF THE CULTURAL DEVELOPMENT GRANTS PANEL – 12 OCTOBER 2007

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND ALSO HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 9.15 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.16 PM.

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

465 Proposed Inspections

F2006/02282 ED:MR

THE DIRECTOR SHIRE PLANNING ADVISED THAT ITEM NO 2 ON LIST OF PROPOSED INSPECTIONS, NO 2 DALGETY ROAD HAS NOW BEEN DELETED.

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

That the amended report on inspections to be conducted on Wednesday, 28 November 2007 be received and the information noted.

466 Proposed Briefings

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.

467 Address by Invited Speakers

F2006/02282 ED:MR

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

- 1 That the amended report on Invited Speakers be received and the information noted.***
- 2 That standing orders be varied to allow each item to be dealt with following the speaker's address.***

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

468 Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

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

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

W016 – Wyong Community Recreation Association.

2 That the reason for dealing with the Report No W016 confidentially is that it is 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.

469 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 31 October 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

470 Notice of Motion – Ferry Service between Wyong and The Entrance

CPA/105639 SG

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

- 1 That the Mayor highlight through media releases that Council has released The Entrance Strategy for public comment.**
- 2 That as part of the media releases highlight be made of the transport component of that strategy calling for a ferry service between Wyong and The Entrance and other possible lakeside destinations.**
- 3 That Council investigate government public transport subsidies for such a service.**
- 4 That Council investigate and report on wharf and passenger infrastructure required for such a service.**
- 5 That a report be brought back at the conclusion of the exhibition period of The Entrance Strategy with a view to Council then calling for expressions of interest.**

FOR: COUNCILLORS EATON, GRAHAM, PAVIER, STEVENS, VEUGEN AND WELHAM.

AGAINST: COUNCILLORS BEST, FORSTER, ROSE AND STEWART.

471 Notice of Motion - Strategic Direction of Fire Services

F2004/07102 MR

COUNCILLOR ROSE JOINED THE MEETING 5.15PM

MR ADAM TROY, REPRESENTING THE VOLUNTEERS FROM THE RURAL FIRE SERVICE, ADDRESSED THE MEETING AT 5.16 PM, ANSWERED QUESTIONS AND RETIRED AT 5.30 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.56 PM AND RETURNED TO THE CHAMBER AT 5.58 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.06 PM.

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

- 1 That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.**

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 2 *That Council note with concern the apparent direction of the Rural Fire Service towards consolidation and amalgamation of local services and request it to advise Council and the community of its plans in this respect as a matter of urgency.*
- 3 *That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.*
- 4 *That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.*
- 5 *That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.*

An AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor WELHAM:

- 1 *That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.*
- 2 *That Council continue to support the Rural Fire Service in the role it plays in protecting our property and lives.*
- 3 *That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.*
- 4 *That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.*
- 5 *That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

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

- 1 That Council recognise the outstanding service and contribution made to our community through both the Rural Fire Service and the NSW Fire Department.**
- 2 That Council continue to support the Rural Fire Service in the role it plays in protecting our property and lives.**
- 3 That Council recognise the significant contribution of the volunteers and the Rural Fire Service and that Council support this with a media campaign for membership growth leading into summer.**
- 4 That staff brief Councillors on the funding of the two organisations and any deficiencies or opportunities to assist them in their community work.**
- 5 That the Rural Fire Service Chief be invited to address Council outlining the liaison between Council and the Rural Fire Service.**

472 Notice of Rescission – Central Coast Water Corporation

F2004/08792 MR

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.40 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.58 PM AND RETURNED TO THE CHAMBER AT 8.59 PM.

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

That the following resolution carried at the Ordinary Meeting of Council held on 31 October 2007 be rescinded:

- 1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:**
 - a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.**
 - b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.**

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- c *To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2 *That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
- 3 *That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
- 4 *That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
- 5 *That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
- 6 *That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
- 7 *That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, GRAHAM AND VEUGEN.

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

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

473 RZ/06/2005 – Lot 514 DP 729979, Bay Village Road, Bateau Bay – Request to rescind part of Resolution of 14 December 2005

RZ/06/2005 JLO

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

- 1 That Council rescind item 7 of resolution 615 of 14 December 2005 for preparation of Draft LEP Amendment No. 172 to Wyong Local Environmental Plan (WLEP) 1991 as follows:**
 - 7 That the land to be transferred in fee simple as part of the Deed of Agreement between The NSW Department of Lands (The Crown) and Council be transferred into Council ownership prior to the rezoning being referred to the Minister for Gazettal under s.69 of the Environmental Planning and Assessment Act 1979 or the site being sold, whichever happens first.**
- 2 That the land to be transferred from the Department of Lands to Council be transferred in fee simple (as part of the Deed of Agreement between The NSW Department of Lands and Wyong Shire Council) and be transferred into Council ownership after Gazettal of dLEP Amendment No. 172, or the site being sold (being the date of exchange of contracts), whichever occurs first.**

474 Dedication of Land - Part of Lot 3 DP 618884 and Part of Lot 63 DP 262025 at Berkeley Vale as Public Road

DA/563/1993/A PF

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

- 1 That Council agree to dedicate part of Lot 3 DP 618884 and part of Lot 63 DP 262025 Enterprise Drive Berkeley Vale as public road at no cost to Council.**
- 2 That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.**
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan of dedication and associated instruments of transfer that will allow the land in Item 1 to be dedicated as public road.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the plan of dedication and associated instruments of transfer that will allow the land in item 1 to be dedicated as public road.**

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

475 Annual Rent Review of Council Cottages

F2004/07036 SB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.03 PM AND RETURNED TO THE CHAMBER AT 9.04 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM 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 HAVE NO ONGOING INTERACTION WITH THE GROUP AND HAVE NOT BEEN INFLUENCED BY THEM."

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

- 1 That the weekly rent of Council owned cottages shown as Recommended Rent for 2007/2008 in Attachment 1 to this report be approved.**
- 2 That increased rentals apply after the statutory period of 60 days notification to the tenants.**
- 3 That the amount of the concessions of \$52,340.08 per annum for community groups be brought to account in Council's accounting records as a donation.**

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

AGAINST: COUNCILLOR VEUGEN.

476 Renewal of Lease to Department of Commerce for Telecommunications Network at Berne Street Reservoir, Bateau Bay - Part of Lot 37 DP 228117

F2004/08386 JMT

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

- 1 That Council lease part of Lot 37 DP 228117 Berne Street, Bateau Bay to Department of Commerce for the purpose of maintaining and operating a telecommunications network generally on the same terms and conditions that currently apply.**

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 2 *That the term of the Lease to Department of Commerce be up to a maximum of 10 years at a commencing rent of \$6,380 per annum exclusive of GST, subject to annual 5% increases.*
- 3 *That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Department of Commerce.*
- 4 *That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Department of Commerce.*

477 Local Government Election – September 2008

F2007/01531 ED

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

- 1 *That Council make formal representations to Electoral Commission NSW and the local State and Federal Members of Parliament seeking their assistance in having the cost to be borne by Council, reduced.*
- 2 *That should item 1 above not result in a positive outcome, Council apply to pay the cost of the 2008 Local Government Election over four years.*
- 3 *That the Tony Sheridan Function Room at the Civic Centre, be offered to the Electoral Commission NSW as accommodation for the Returning Officer and principal polling place.*
- 4 *That due to the Electoral Commission's indicated costs, a maximum of 15 booths be established in each ward and that these booths be located as far as possible within Council owned premises.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

478 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A RECIPIENT OF FUNDS FOR KIDS DAY OUT, LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON ATTENDS THE TUGGERAH LAKES SECONDARY COLLEGE, THE ENTRANCE CAMPUS AND MAY BE INVOLVED IN THE PROGRAM NOTED ON THE BUSINESS PAPER LEFT THE CHAMBER AT 9.05 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.06 PM.

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

That an amount of \$8,945 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

479 Stop Korean Coal Mining

F2007/00729 SG

MR KEN SCALES, REPRESENTING STOP KOREAN COAL MINING (SKCM), ADDRESSED THE MEETING AT 6.07 PM, ANSWERED QUESTIONS AND RETIRED AT 6.37 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.07 PM AND RETURNED TO THE CHAMBER AT 6.11 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 6.59 PM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.12 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.07 PM AND RETURNED TO THE CHAMBER AT 6.11 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 7.01 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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 THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE STOP KOREAN COAL MINING COMMITTEE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE INTERESTS OF THE GROUP AND COUNCIL ARE IN ALIGNMENT."

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A MEMBER OF THE AUSTRALIAN COAL ALLIANCE 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 BECAUSE I HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 HAVE NO VOTING OR DECISION MAKING RIGHTS WITH THIS ORGANISATION."

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT AS MAYOR HE IS A CO-PATRON OF AUSTRALIAN COAL ALLIANCE ALONG WITH THE FORMER MAYOR COUNCILLOR BOB GRAHAM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM 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 HAVE NO ROLE IN THE DECISIONS OR ACTIONS OF THE GROUP AND THEY HAVE HAD NO INFLUENCE ON ME IN MY DECISION ON THIS MATTER."

It was MOVED by Councillor BEST and SECONDED by Councillor VEUGEN:

That an amount of \$1,300 be allocated to Stop Korean Coal Mining from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

POINT OF ORDER

COUNCILLOR PAVIER RAISED A POINT OF ORDER AGAINST COUNCILLOR BEST FOR COMMENTS HE MADE ABOUT HIS MOTIVES FOR MAKING AN AMENDMENT TO THIS ITEM.

THE MAYOR RULED THAT COUNCILLOR BEST WAS OUT OF ORDER.

POINT OF ORDER

COUNCILLOR BEST RAISED A POINT OF ORDER AGAINST COUNCILLOR VEUGEN FOR NOT KEEPING TO THE MOTION BY INTRODUCING THE SUBJECT OF HOUSE PRICES.

THE MAYOR RULED THAT THERE WAS NO POINT OF ORDER AS THIS TOPIC WAS RELEVANT TO THE DEBATE.

MOTION OF DISSENT

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

"I MOVE dissent from the Chairperson's ruling on the basis of that the Mayor is not being even, fair and without favouritism in the rulings of his office in the debate of this chamber in accordance with the Local Government Act".

The MOTION OF DISSENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

An AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor STEVENS:

- 1 *That Council note the composition of the steering committee of the Stop Korean Coal Mining group. A specific mention of a role of that Committee is Spokesperson Greg Best (26 July 2007 Minutes) and there is a further mention of Doug Eaton (2 October 2007 Minutes) attending that Committee.*

That as a direct result of Clause 1, Council raise concern about the possible failure in the set procedure of Local Government and other laws, Wyong Shire Council procedures and by laws/code of meeting practice, etc being followed and or adopted by the two respective members of the Committee, those being Greg Best and Doug Eaton, both councillors of Wyong Shire Council.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

Having regard to the above

- 2 *Council seek legal opinion on whether due process of declarations on items such as Community Improvement Grants, both at the paper and declaration stage on that item and the formal Council meeting has been adhered to.*

Further legal investigation

- 3 *That a meeting on Wednesday 7 November 2007, where Council resources were used, Greg Best did not clearly state his position as a member of the Stop Korean Coal mining group steering committee and his conflict of interest in regards to his relationship with Doug Eaton. Greg Best is CEO of Central Coast Group Training, where Doug Eaton is the Chairman of the Board, and is the campaign manager for Doug Eaton in the upcoming Federal Election.*
- 4 *That Council note the flyer produced by the Stop Korean Coal Mining, which was publicly distributed to ratepayers, (which is now tabled) outlining details of the anti coal mine event at the Wyong Civic Centre, the following statement: "At the end of the five minutes each candidate will be subjected to questions from the people in attendance. No Dorothy Dix questions (that is set questions from the forum floor) from accomplices designed to make the candidate look good ..."*

Yet this distributed flyer conflicts directly with set questions established by the Chairman of the Stop Korean Coal Mining Group sent out via email on the night of the debate at 5.40pm 7 November 2007.

Dear friends (reference to steering committee members) "Attached are some questions that should be asked tonight. Sorry you didn't get these earlier. Please ask at least one each plus the ones you have prepared. I'll print out a copy and bring it with me. Cheers! John (John Lewer)" with an urging to ask these set questions i.e. Dorothy Dix questions to the candidates

On the mailing email list of the Chairman, who asked one of the Dorothy Dix questions, is the moderator of the night, Greg Best and one of the candidates Doug Eaton and the Mayor, Warren Welham.

- 5 *That Council raises concern about the procedural fairness to our elected Federal Member of Parliament, Ken Ticehurst, ALP candidate Craig Thompson and Greens Candidate, Scott Rickard. The Council write to these people seeking their comments on the disadvantage that they may have felt on the night.*

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 6 *That Council note there is no listed written submission by the Stop Korean Coal Mining group to the recent Department of Planning and State Government Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA, and I table information in support of that claim.*
- 7 *That Council read back into the records of the Motion of Councillor Greg Best on 9 June 1999 (ref C064) which states “That the peak community group on coal related matters – the Minestop Group, be invited to give a response briefing at the regular quarterly briefings by COAL Operations Australia Ltd on mining and exploration matters”, which is still the same group now known as the Australian Coal Alliance – spearheading the community fight against KORES.*
- 8 *That Council note the minute of the Stop Korean Coal Mining Steering Committee held on 16 October 2007, and I quote “Members (members of the steering committee) expressed their surprise and disappointment at this response (of the Tuggerah Supa Centre), because we are all fighting for the same cause and it is in everyone’s best interests that we be united in our fight to stop the coal mine.’*
- 9 *That Council request, given the above minute of the Stop Korean Coal Mining group, the best interests of Council and the community are best served by a united front of opposition against the KORES coal mine proposal.*
- 10 *That as a result of Clause 9, Council believes that the monies identified by Councillors Best Eaton and Veugen should be held in reserve pending the aforementioned investigation and legal advice.*
- 11 *That Council reaffirm its support of the community based group the Australian Coal Alliance in our fight against the proposed coal mine in the Wyong Shire Valleys.*
- 12 *That a report comes before Council in due course on the above requested action.*

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

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, ROSE, STEWART AND VEUGEN.

The AMENDMENT then became the MOTION.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

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

- 1 That Council note the composition of the steering committee of the Stop Korean Coal Mining group. A specific mention of a role of that Committee is Spokesperson Greg Best (26 July 2007 Minutes) and there is a further mention of Doug Eaton (2 October 2007 Minutes) attending that Committee.**

That as a direct result of Clause 1, Council raise concern about the possible failure in the set procedure of Local Government and other laws, Wyong Shire Council procedures and by laws/code of meeting practice, etc being followed and or adopted by the two respective members of the Committee, those being Greg Best and Doug Eaton, both councillors of Wyong Shire Council.

Having regard to the above

- 2 Council seek legal opinion on whether due process of declarations on items such as Community Improvement Grants, both at the paper and declaration stage on that item and the formal Council meeting has been adhered to.**

Further legal investigation

- 3 That a meeting on Wednesday 7 November 2007, where Council resources were used, Greg Best did not clearly state his position as a member of the Stop Korean Coal mining group steering committee and his conflict of interest in regards to his relationship with Doug Eaton. Greg Best is CEO of Central Coast Group Training, where Doug Eaton is the Chairman of the Board, and is the campaign manager for Doug Eaton in the upcoming Federal Election.**
- 4 That Council note the flyer produced by the Stop Korean Coal Mining, which was publicly distributed to ratepayers, (which is now tabled) outlining details of the anti coal mine event at the Wyong Civic Centre, the following statement: "At the end of the five minutes each candidate will be subjected to questions from the people in attendance. No Dorothy Dix questions (that is set questions from the forum floor) from accomplices designed to make the candidate look good ..."**

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Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

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Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

- 11 ***That Council reaffirm its support of the community based group the Australian Coal Alliance in our fight against the proposed coal mine in the Wyong Shire Valleys.***
- 12 ***That a report comes before Council in due course on the above requested action.***

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

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, ROSE, STEWART AND VEUGEN.

AT THE CONCLUSION OF DISCUSSION ON THIS ITEM THE MEETING WAS ADJOURNED AT 7.38 PM. THE MEETING RESUMED AT 7.48 PM WITH DISCUSSION ON ITEM 490.

480 Use of Chittaway Point Hall

F2004/11423 RIA

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

- 1 ***That the Chittaway Point Hall be retained as a Community Facility.***
- 2 ***That Council continue to support the Section 355 Committee of the Chittaway Point Hall in the promotion of the facility.***
- 3 ***That the Chittaway Point Hall 355 Committee be advised accordingly.***

COUNCILLOR BEST NOTED THE WORK DONE BY THE MEMBERS OF THE 355 COMMITTEE AND EXPRESSED APPRECIATION FOR THAT WORK.

481 Public Presentation of 2006/2007 Audited Annual Financial Reports

F2007/00545 BMD

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

That the Audited Annual Financial Reports for 2006-07 be received and noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

482 Proliferation of Speed Zones

F2004/06696 AP: MD

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

- 1 That the response from the RTA in regard to the proliferation of speed zones across the Shire be noted.**
- 2 That, in regard to the request by the RTA for the reduction in speed limit on Sparks Road, Woongarra, that the RTA be advised that Council supports the proposal.**
- 3 That Council further request the RTA to consider reviewing speed zones along Sparks Road to the intersection with Albert Warner Drive.**

483 Term of Appointment of Mayors Elected by Councillors

F2004/06511 ED

It was MOVED by Councillor PAVIER and SECONDED by Councillor STEVENS:

That Council should have the flexibility of having a Mayoral term of 1 or 2 years.

An AMENDMENT was MOVED by Councillor ROSE:

That all Mayors be elected by popular election.

The MOTION lapsed for want of a SECONDER.

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

That Council advise the Ministerial Advisory Council that Councils should have the flexibility of having a Mayoral term of 1 or 2 years.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

**484 Minutes of the Cultural Development Grants Panel –
12 October 2007**

F2005/02419 ED

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FATHER IS AN EXECUTIVE MEMBER OF THE FAMILY HISTORY GROUP AND ALSO HE IS PRESIDENT OF GOROKAN PUBLIC SCHOOL, SCHOOL COUNCIL LEFT THE CHAMBER AT 9.15 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.16 PM.

THE DEPUTY MAYOR ASSUMED THE CHAIR.

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

That the reports and recommendations of the Cultural Development Grants Panel meeting held on 12 October 2007 be received and adopted.

THE MAYOR RESUMED THE CHAIR.

485 International Cities Town Centres and Communities Conference

F2004/06466 ED

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

That the report be received and the information noted.

486 Annual Report to the Minister for Local Government

F2007/00739 SG

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

487 Schedule of Bank Balances and Investments – September 2007

F2004/06604 HS

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

That the report be received and the information noted.

488 Response Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire

F2004/06939 ED

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

That the report be received and the information noted.

489 Review of NSW Legislation to Stop Graffiti Vandalism

F2004/07937 JM

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

That the report be received and the information noted.

490 Colour of Life Guards' Uniform

F2004/06257 DC

MR IAN VAUGHAN, REPRESENTING AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARDS ASSOCIATION, ADDRESSED THE MEETING AT 7.48 PM, ANSWERED QUESTIONS AND RETIRED AT 9.10 PM.

RESOLVED on the motion of Councillor GRAHAM and seconded by Councillor STEWART:

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

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

AGAINST: COUNCILLOR BEST.

491 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED**Q111 – Sites in Council Caravan Parks****Councillor Eaton**

F2007/01304

“Can Council issue a progress report on the transfer of affected sites within Council’s caravan parks?”

Q112 – Shire boundary alteration**Councillor Eaton**

F2004/06544

“When will Councillors and the public be notified of the giveaway of land at the northern boundary of the Shire to Lake Macquarie Council and the associated boundary change?”

Q113 – Exemption from liability**Councillor Rose**

F2004/05399

“Could a report be provided in relation to any exemption from liability to individual Councillors regarding flood liable land and land in the coastal zone, as provided by Section 733 of the Local Government Act, where they act contrary to a staff recommendation?”

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

Q114 – Float trikes**Councillor Welham**

F2007/01635

“Could Council staff make representations to the State Member for Swansea, Mr Robert Coombes MP regarding the apparent non action of the State Authorities being the Civil Aviation Service Authority (CASA) and the Maritime Services Authority (MSA) in relation to the illegal float trike operation taking place at Sandy Beach, Lake Macquarie. In particular Council is aware of specific noise complaints regarding this activity which are the responsibility of CASA and MSA to follow up and control. Could Council staff report back on the outcome of these representations?”

Q115 – Roadworks at Pacific Highway and Amy Close, North Wyong**Councillor Welham**

DA/1325/2005

“Could Council staff make urgent representations to the Roads and Traffic Authority regarding the confusing and misleading linemarking along the Pacific Highway at the corner of Amy Close where roadworks are being undertaken in conjunction with the Service station and KFC development at North Wyong? In particular that staff urge the Roads and Traffic Authority to require the contractor to remedy this dangerous traffic situation without further delay as the current unsafe situation has been ongoing for at least six weeks without rectification.”

Q116 - Upgrade of Minnesota Road**Councillor Best**

F2007/01397

“Mr General Manager, on behalf of the good people of the greater Warnervale / Wadalba districts regarding the unacceptable state of Minnesota Road, both in terms of condition and safety particularly having regard to the escalation of traffic movements as a result of the soon to be opened Public School (corner Warnervale Road and Minnesota Road), could staff report on the future timelines for the upgrade of this important corridor?”

Q117 –Additional Parking in Wyong**Councillor Best**

F2004/06676

“Mr General Manager, on behalf of Council staff and the residents and ratepayers of our Shire who frequently access the Hely Street Council facility, I believe it only fair and reasonable that Council address the provision of additional local parking as a priority. Can the General Manager report on assisting our staff and ratepayers with regard to these facilities?”

Minutes of the Ordinary Meeting of Council held on 14 November 2007 (contd)

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.21PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.33PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W016 Wyong Community Recreation Association

F2004/10762

That having regard to the Governance and legal complexities of this sensitive issue Council refer this matter for expert advice to an urgent meeting of Council's Governance Committee while also seeking legal advice on our obligations and responsibilities.

W017 Land in Wyong

That staff action the resolution in accordance with the report

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.36 PM.

.....
CHAIRPERSON