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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, 22 AUGUST 2007,**  
**COMMENCING AT 5.02 PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.02 PM AND FATHER STEVEN PULLEN DELIVERED THE OPENING PRAYER.

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR PAVIER DUE TO BUSINESS INTERSTATE.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 339, 340, 341, 342 AND 354, 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.

**339 Disclosures of Interest**

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F2006/02282 MW:SW

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

*That the report be received and the fact that no disclosures were made be noted.*

**340 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 conducted on Wednesday, 22 August 2007 be received and the information noted.*

**341 Proposed Briefings**

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F2006/02282 MW:SW

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

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

**342 Address by Invited Speakers**

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F2006/02282 MW:SW

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

- 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 22 August 2007 (contd)**

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

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F2006/02282 MW:SW

***RESOLVED 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 be dealt with in Confidential Session:***

***W013 – Contract CPA/116095 – Management of Toukley Aquatic Centre, Wyong Olympic Pool and The Entrance Ocean Baths***

- 2 That the reason for dealing with the Report No W013 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.***

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

AGAINST: COUNCILLORS BEST AND EATON.

**344 Confirmation of Minutes of Previous Meeting**

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F2006/02282 MW:SW

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

***That the minutes of the previous Ordinary Meeting of Council held on 8 August 2007 be received and confirmed.***

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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**345 Notice of Motion – Second Freeway Link Between the Hunter and Sydney**

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F2005/03087 DJE/SG

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.15 PM AND RETURNED TO THE CHAMBER AT 6.17 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council reiterate in principle its support for a second freeway link between the Hunter and Sydney.***

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

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**346 Notice of Motion – Renaming of Chain Valley Reserve**

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F2004/06023 NTR/SG

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

- 1 That should no significant objections be received following community consultation, Council recommend to the Geographical Names Board that the reserve east of the Chain Valley Bay Jetty be named the Joshua Porter Reserve.***
- 2 That in co-operation with the local community and the Porter family, consideration be given to erecting an information plaque explaining the background to the name of this reserve.***

**347 Notice of Motion – Speed Zones**

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F2004/06023 NTR/SG

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

- 1 That due to growing community concern and confusion over the proliferation of speed zones across the shire, Council as a matter of urgency request the Roads and Traffic Authority to review speed zones implementation policy with a view to streamlining speed zones where possible.**
- 2 That as Wyong Shire has a reportedly high incidence of speeding infringements, Council recognise where possible speed zone uniformity may assist genuine and responsible motorists while free up valuable policing resources.**
- 3 That Council reiterate its support for all school zones to have flashing warning lights.**

**348 Contract CPA/122702 – Hunter Councils Inc. Period Contract for the Manufacture, Supply and Delivery of Domestic Water Meters**

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CPA/122702 JM

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

- 1 That subject to all participating Councils of Hunter Councils Inc. agreeing to participate, Council agree to the contract between Hunter Councils Inc and Elster Metering Pty Ltd for the manufacture, supply and delivery of domestic water meters for the two year period commencing from the date of acceptance until 30 June 2009.**
- 2 That Council authorises the General Manager to agree to an option to extend the contract for a further 12 month period based on satisfactory performance and price.**
- 3 That Council notes the annual estimated expenditure against this contract is \$142,282 including GST (\$129,348 excluding GST) however, the tendered rates are subject to quarterly rise and fall adjustments based on the London Metal Exchange average monthly rate of copper.**
- 4 That Council notes the contract provides for the supply of water meters to Council on a non-exclusive basis.**

**349 Easement for Encroaching Structure on Council Land at Kanwal**

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F2007/01079 PF

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

- 1 That Council grant an Easement to Permit Encroaching Structure to Remain with variable width up to 1 metre wide on Lot 11 DP 1018572 Literary Close Kanwal as described in this report.**
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the plan and Section 88B Instrument that will create the easement referred to in Item 1.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the plan and Section 88B Instrument that will create the easement referred to in Item 1.**

**350 Assignment of Lease for Golf Driving Range at Bateau Bay**

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CPA/94523 JMT

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

- 1 That Council approve the assignment of the lease of part Lot 1 DP 614688 at The Entrance Road, Bateau Bay from Mr Andrew and Mrs Cathy Stolz to Mr Scott Cubis.**
- 2 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Deed of Assignment between the Wyong Shire Council, Mr Andrew and Mrs Cathy Stolz and Mr Scott Cubis.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Deed of Assignment between the Wyong Shire Council, Mr Andrew and Mrs Cathy Stolz and Mr Scott Cubis.**

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**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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**351 Proposed Licence to Optus for Road Reserve at Wyong Road, Berkeley Vale**

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F2004/12288 JMT

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

- 1 That Council grant a Licence to Optus Mobile Pty Limited for the location of its mobile telecommunications equipment hut on part of the road reserve located on the corner of Wyong Road and Pindarri Avenue, Berkeley Vale adjacent to Lot 112 DP 800594.***
- 2 That the Licence referred to in Item 1 commence on 1 November 2001 for an annual fee of \$17,325 with annual increases of 5 per cent.***
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.***
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence between the Wyong Shire Council and Optus Mobile Pty Limited.***

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**352 Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

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

***That an amount of \$1,400 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.***

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**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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**353 Amendment to Trade Waste Charges for Mars Food Australia**

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F2004/00167 KRG:VW

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

- 1 That the trade waste charges application to Mars Food Australia for the period 1 July 2006 to 30 June 2007 be extended to 30 September 2007.**
- 2 That the Director Shire Services be authorised to approve a further extension of these charges for up to 3 months beyond 30 September 2007 should further wet weather delay the construction of the Trade Waste Facility at Mars Food Australia.**

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**354 The Entrance Channel**

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F2004/06257 IR

MR TERRY MCDERMOTT, REPRESENTING THE AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARDS ASSOCIATION, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

MR BRIAN DALE, RESIDENT, IN FAVOUR OF THE PROPOSAL, ADDRESSED THE MEETING AT 5.28 PM, ANSWERED QUESTIONS AND RETIRED AT 5.36 PM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 5.41 PM AND RETURNED TO THE CHAMBER AT 5.44 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That staff install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.*
- 2 That staff undertake ongoing risk assessments of The Entrance Channel and report to Council on a quarterly basis.*
- 3 That Council provide a Lifeguard at The Entrance Channel, as a trial, before 24 August 2007.*



**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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An **AMENDMENT** was **MOVED** by Councillor **STEVENS** and **SECONDED** by Councillor **STEWART**:

- 1 *That Council install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.*
- 2 *That Council undertake ongoing risk assessments of The Entrance Channel until the commencement of the summer swimming season.*
- 3 *That Council provide a Lifeguard at The Entrance Channel prior to the commencement of the summer swimming season should the ongoing risk assessments indicate that supervision of the Channel is required.*
- 4 *That Council confirm a lifeguard will be provided at The Entrance Channel during the summer swimming season, as per Council's current Beach Strategy.*

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

**The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.**

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

- 1 ***That Council install advisory signage at eight coastal access locations adjacent to The Entrance Channel in compliance with Australian Standard 2416 – 2002 before the September 2007 school holidays at a cost of \$5,000.***
- 2 ***That Council undertake ongoing risk assessments of The Entrance Channel until the commencement of the summer swimming season.***
- 3 ***That Council provide a Lifeguard at The Entrance Channel prior to the commencement of the summer swimming season should the ongoing risk assessments indicate that supervision of the Channel is required.***
- 4 ***That Council confirm a lifeguard will be provided at The Entrance Channel during the summer swimming season, as per Council's current Beach Strategy.***

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

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**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**


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**355 Gosford and Wyong Councils' Water Authority Board Meeting  
– 15 August 2007**


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F2004/06808

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

***That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 15 August 2007 be received and the recommendations contained therein, adopted.***

**356 Community Benefit Grants Panel - 24 July 2007**


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F2004/06570 JV

COUNCILLOR BEST LEFT THE CHAMBER AT 6.48 PM AND RETURNED TO THE CHAMBER AT 6.50 PM DURING CONSIDERATION OF THIS ITEM.

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

***That the reports and recommendations of the Community Benefit Grants Panel be received and the recommendations contained therein be adopted.***

**357 Wyong Shire Governance Committee – 8 August 2007**


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F2004/07245 MW

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

- 1 *That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.*
- 2 *That Council write to the residents of the Greater Warnervale Area outlining the delays from the State Government in delivering the Town Centre and associated facilities.*

*An AMENDMENT was MOVED by Councillor ROSE and SECONDED by Councillor STEWART:*

*That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.*

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

AGAINST: COUNCILLORS BEST, EATON, GRAHAM AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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***The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.***

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

***That the minutes of the Wyong Shire Governance Committee meeting held on 8 August 2007 be received and the recommendations contained therein, adopted.***

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

AGAINST: COUNCILLOR VEUGEN.

**Information Reports**

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***The information reports were dealt with by the exception method. Report number 359 was called for debate.***

**358                      Prospects for Community Hall in Chittaway Road, Chittaway Bay**

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F2006/00917 PF

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

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

**359                      Scientific Whaling**

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F2004/10946 ED

***RESOLVED unanimously on the motion of Councillor VEUGEN 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 22 August 2007 (contd)**

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**360 Works in Progress Report – Water and Sewerage**

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F2004/07830 KRG:DP

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

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

**361 Works in Progress Report - General**

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F2004/07830 JEM

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

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

**362 Wyong Shire Library Statistics**

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F2004/11651 JM

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

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

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

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F2006/02282 MW:SW

***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****Q079 – Roads and Traffic Authority Work on Tuggerah Straight****Councillor Eaton**

F2004/13054

*“Did the Roads and Traffic Authority work on Tuggerah Straight exacerbate local flooding in recent rain events and if so, what liability may exist in relation thereto?”*

**Q080 – Traffic Impacts on Wyong Road****Councillor Eaton**

DA/912/2007

*“Could Council briefly report on likely traffic impacts on Wyong Road and the already congested Wyong Road and Pacific Highway roundabouts of the latest Westfield Expansion Proposal?”*

**Q081 – Cleanest Beach Award – Toowoomba Bay****Councillor Stewart**

F2004/08803

*“Would Council please look at the erection of a sign at Toowoomba Bay Beach, acknowledging the fact that the Surf Life Saving Club not only recently won the cleanest beach award for NSW, but won the Australian Award for the cleanest beach?”*

**Q082 – Wyong Shire Traffic Committee****Councillor Stewart**

F2004/06556

*“Will Council now be receiving and passing official minutes of the Wyong Shire Traffic Committee and could the new duties of the Traffic Committee be circulated?”*

**Q083 – Life Guards' Uniform****Councillor Best**

F2004/06257

*“My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?”*

**Q084 – Warnervale Airport Update****Councillor Best**

F2004/07714-03

*“My question Mr General Manager is – Could staff update Council and its ratepayers on the current status of the Warnervale airport with regard to its proposed redevelopment and whether any developers are discussing assignment of the lease between Council and the Aero Club with a view to developing the airport as a business park and/or maintaining or upgrading the airport services?”*

**Minutes of the Ordinary Meeting of Council held on 22 August 2007 (contd)**

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**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 7.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 7.36 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W013                      Contract CPA/116095 – Management of Toukley Aquatic Centre,  
Wyong Olympic Pool and The Entrance Ocean Baths**

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CPA/116095 MDL

- 1     *That Council enter into contract CPA/116095 with the Young Men's Christian Association (YMCA) for a period of up to nineteen months with the additional conditions that Council will pay to the YMCA an annual management/licence fee of \$75,000 per annum, plus all verified operational costs less any income received from operation of the three aquatic facilities.***
  
- 2     *That the General Manager be authorised to sign all documents.***

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.41 PM.

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CHAIRPERSON