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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 OCTOBER 2008,**  
**COMMENCING AT 5.00 PM**

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**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

**IN ATTENDANCE**

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

MANAGER ESTUARY MANAGEMENT (LEFT AFTER ITEM 466), MANAGER CONTRACTS (LEFT AFTER ITEM 466) AND MANAGER ROADS AND DRAINAGE (LEFT AFTER ITEM 466).

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM, ADVISED THAT THE MEETING IS BEING RECORDED.

COUNCILLOR MATTHEWS READ AN ACKNOWLEDGING COUNTRY STATEMENT.

PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

**APOLOGIES**

THERE WERE NO APOLOGIES.

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**435 Disclosures of Interest**

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F2008/01064 MW:SW

**449 PROPOSED ACQUISITION OF LAND AT WARNERVALE ROAD, HAMLIN TERRACE FOR ROAD WIDENING**

COUNCILLOR McNAMARA DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE OWNS LAND/HOUSE OPPOSITE THE AREA IDENTIFIED IN THE BUSINESS PAPER ITEM, LEFT THE CHAMBER AT 5.44 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.45 PM.

**455A DONATION – BREAST CANCER FUNDRAISER**

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE CENTRAL COAST MARINERS FOOTBALL CLUB 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 THERE IS NO BENEFIT FOR THE MARINERS WHO ARE ASSISTING WITH FUND RAISING FOR A VERY WORTHWHILE COMMUNITY CAUSE."*

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**436 Proposed Inspections**

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F2008/00003 MW:SW

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

***That the report on inspections conducted on Wednesday, 15 October 2008 be received and the information noted.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**437 Proposed Briefings**

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F2008/00003 MW:SW

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**438 Address by Invited Speakers**

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F2008/00003 MW:SW

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

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

**2** ***That standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**439 Confirmation of Minutes of Previous Meeting**

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F2008/00003 MW:SW

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

***That the minutes of the previous Ordinary Meeting of Council held on 27 August 2008 and the Extraordinary Meetings of Council held on 5 September 2008 and 1 October 2008 be received and confirmed.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**440 Proposed Section 82A for a Garage/Workshop, Carport and Attached Garage at Warnervale**

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DA/1791/2007 JW

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

- 1 That the application under Section 82A not be supported and Council adhere to the previous decision to refuse the application.**
- 2 That those who made written submissions be advised of Council's decision.**
- 3 That Council encourages the applicant to submit a revised garage/workshop application with a significantly reduced footprint and addresses stormwater drainage so the building is further away from the rear fence.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**441 Part 5 Application – Proposed Sports Fields at Woongarra**

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LA/62/2008 JW:KMW

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

- 1 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 228 of the Environmental Planning and Assessment Regulation and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.**
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**442 Contract CPA 114612 – Floodlighting Upgrade – Don Small Oval**

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CPA 114612 RW

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

- 1 That Council accept Tender No 4 from Musco Lighting Australia Pty Ltd in the lump sum amount of \$157,000.00 (excl GST).**
- 2 That Council approve a contract budget of \$172,700.00 (excl GST) that provides for a contingency amount of \$15,700.00 (excl GST) representing 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**443 Contract CPA 144336, CPA 144337, CPA 144338, CPA 144339, CPA 144340 – Construction of Stormwater Treatment Works - Saltwater Creek**

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CPA 144336, CPA 144337, CPA 144338, CPA 144339 & CPA 144340 JR

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

- 1 CPA 144336 - Reach 1B; That Council accept Tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$125,284.00 (excl GST)**
- 2 CPA 144337 - Reach 4; That Council accept Tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$176,360.00 (excl GST).**
- 3 CPA 144338 - Reach 9; That Council accept tender No 6 from Total Earth Care Pty Ltd in the lump sum amount of \$126,670.00 (excl GST).**
- 4 CPA 144339 - Reach 10; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$387,108.00 (excl GST).**
- 5 CPA 144340 - Reach 11; That Council accept tender No 2 from Environmental Land Clearing Pty Ltd in the lump sum amount of \$310,066.00 (excl GST).**

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 6** *That Council approve a contract budget of \$1,238,000.00 (excl GST) that provides for a contingency amount of \$112,550.00 (excl GST) representing 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**444** **Contract CPA 145814 – Design and Tender Documentation of No 3 Aeration Tank at Charmhaven Sewage Treatment Plant (STP)**

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CPA 145814 LM/LM

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

- 1** *That Council accept Tender No 2 from Cardno QLD Pty Ltd in the lump sum amount of \$144,755.00 (excl GST).*
- 2** *That Council approve a contract budget of \$159,230.00 (excl GST) that provides for a contingency amount of \$14,475.00 (excl GST) representing approximately 10% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**445** **Contract CPA 147662 – Asphaltic Concrete Works**

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CPA 147662 DM:JEM

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

*That Council accept tender (Schedule of Rates) No 3 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with an estimated expenditure against this contract of \$5,255,213.00 (excl GST).*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**446 Contract CPA 147661 – Asphaltic Concrete Heavy Patching Works**

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CPA 147661 PM:JEM

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

***That Council accept tender (Schedule of Rates) No 2 from Pioneer Road Services for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$676,154.00 (excl GST).***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**447 Contract CPA 147664 – Sprayed Bituminous Surfacing Works**

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CPA 147664 PM:JEM

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

***That Council accept tender (Schedule of Rates) No 1 from Gosford City Council for a period of two years commencing on 1 November 2008, with the estimated expenditure against this contract of \$2,995,272.00 (excl GST).***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**448 Contract CPA 149276 – Provision of Security Gatekeeping Services at Buttonderry Waste Management Facility**

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CPA 149276 MGL:EBL

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

- 1 *That Council accept Tender No 2 from Citiguard Protection Services Pty Ltd for a period of three years commencing on 1 December 2008 for a total estimated expenditure of \$643,710.00 (excl GST) and subject to a total estimated adjustment for Rise and Fall of \$60,000.00 (excl GST).***

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 2** *That Council approve a contract budget of \$774,081.00 (excl GST) that provides for a contingency amount of \$35,185.50 (excl GST) representing approximately 5% of the contract sum, to provide for any unforeseen additional works that may become necessary during the course of the project.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**449** **Proposed Acquisition of Land at Warnervale Road, Hamlyn Terrace for Road Widening**

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F2008/01867 & F2008/01883 SB

COUNCILLOR McNAMARA DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE OWNS LAND/HOUSE OPPOSITE THE AREA IDENTIFIED IN THE BUSINESS PAPER ITEM, LEFT THE CHAMBER AT 5.44 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.45 PM.

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

- 1** *That Council acquire part of Lot 323 DP 623590 and part of Lot 34 DP 7091 at Warnervale Road, Hamlyn Terrace as public road.*
- 2** *That Council authorise the payment of compensation if necessary for the acquisitions 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.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL



**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**450 Charter – Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee**

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F2004/07986 F2004/06395 ED

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

- 1 That Council amend the Charter of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee to allow:**
  - a four Councillor representatives to be appointed by Council**

*(the Mayor is a member of all Committees in accordance with Section 260(2) of the Local Government (General) Regulation 2005).*
  - b expansion of the issues upon which the Committee should advise Council in accordance with the report of 22 October 2008.**
- 2 That Councillors Graham, McBride, Webster and Wynn be appointed as delegates to the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee for the term of the Council.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**451 Review of Code of Conduct**

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F2004/06498 TD

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

- 1 That Council place the Department of Local Government Model "Code of Conduct" on public exhibition for a period of 28 days for comment.**
- 2 That Council determine a panel of five members who the General Manager can call upon from time to time to form the Conduct Review Committee.**
- 3 That Council invite expressions of interest from appropriately qualified persons who are independent of Council to fill the positions on the Conduct Review Panel and provide appropriate remuneration.**

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**


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- 4 That Council consider any public submissions on the 'Code of Conduct' for possible inclusion in the Code.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS AND VINCENT.

AGAINST: COUNCILLORS SYMINGTON, WEBSTER AND WYNN.

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**452 Local Government Association Conference**


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F2004/06466 GA/MW

COUNCILLOR BEST LEFT THE CHAMBER AT 6.05 PM AND RETURNED TO THE CHAMBER AT 6.07 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council approve costs of registration and the official conference dinner for partners of Councillors attending the 2008 Local Government Association Conference at Broken Hill.**
- 2 That Council amend the Facilities and Expenses Policy for Councillors, adopted at the Extraordinary Meeting on 1 October 2008 to include Item 1 above.**
- 3 That Council place the Facilities and Expenses Policy for Councillors on public exhibition for 28 days.**
- 4 That Council consider any public submissions on the above policy for possible inclusion in the policy.**

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: COUNCILLOR BEST.

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**453 Rate Payment Incentive Scheme**


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F2004/06159 DT

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

- 1 That the report be received and the information noted.**
- 2 That Council continue the Rate Incentive Scheme for the 2009-10 rating year with a \$5,000 local shopping voucher.**

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**3 That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2008-09.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

THE WINNER OF COUNCIL'S RATEPAYER INCENTIVE SCHEME FOR 2008/2009 IS MR R WOODYATT AND MRS C WOODYATT.

**454 Establishment of Alcohol Free Zone Extension – Toukley**

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F2004/06081 MW

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

**That Council formally adopt the proposal to establish an Alcohol Free Zone extension in the following location for the period up to 30 June 2009:**

**Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**455 Lake Island Apparent Erosion**

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F2007/01516 LS/KD

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

**That as part of the renewal of dredging permits for The Entrance Channel, Council seek advice from a coastal engineer by December 2008 regarding the small island near The Entrance Bridge, to determine the preferred corrective actions.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**


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**455A Donation – Breast Cancer Fundraiser**


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F2004/07635 ED

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE CENTRAL COAST MARINERS FOOTBALL CLUB 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 THERE IS NO BENEFIT FOR THE MARINERS WHO ARE ASSISTING WITH FUND RAISING FOR A VERY WORTHWHILE COMMUNITY CAUSE.”*

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

***That Council donate \$500 from the Community Services Donations budget to the Pluck Lawrie Pink – Breast Cancer Fundraiser to be held on 24 October 2008.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Information Reports**


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

***That with the exception of report numbers 456, 457, 458, 460, 463, 465 and 466 the information reports be received and the recommendations adopted.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**456 2007 Warnervale Rail Station**


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DA/261/2005 JW:JD

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

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

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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- 2 *That Council write to the Minister for Planning requesting his concurrence that the development application be refused on the grounds of the significant impact on the Wyong Daisy "Rutidosis heterogama" and the failure of the Department of Environment and Climate Change to provide concurrence to the species impact statement.*

An AMENDMENT was MOVED by Councillor McBRIDE and SECONDED by Councillor SYMINGTON:

*That this matter be deferred until further information and a further report be provided to Council on the reasons for refusal.*

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

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, McNAMARA AND WEBSTER.

***The AMENDMENT became the MOTION.***

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

***That this matter be deferred until further information and a further report be provided to Council on the reasons for refusal.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**457 GP Super Clinics**

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F2004/11290 BM:JD

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

- 1 ***That the report be received and the information noted.***
- 2 ***That the proponents be encouraged to look into the Doyalson area or further north in the shire for placement of the Super GP Clinic.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, SYMINGTON, WEBSTER AND WYNN.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS AND VINCENT.

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**458 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 JS

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

- 1 ***That the report be received and the information noted.***
- 2 ***That Council request the National Parks and Wildlife to conduct an autopsy/toxicology on seabird kills in and around our beaches and lakes and that the findings be reported to Council.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**459 Report on Investments – July and August 2008**

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F2004/06604 HS

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**460 Finalisation of Contracts**

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F2005/03113 GJP

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.12 PM AND RETURNED TO THE CHAMBER AT 7.13 PM DURING CONSIDERATION OF THIS ITEM.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**461 Submission by Local Government Association on 2008 Local Government Election costs**

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F2007/01531 ED

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**462 Disclosure of Interest Returns**

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F2004/06507 F2006/02298 ED

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**463 General Works in Progress Report**

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F2004/07830 JEM

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**464 Water and Sewerage – Works in Progress**

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F2004/07830 IC:DP

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**465 Submission for Black Spot Funding - Intersection of Wyong Road and Old Pacific Highway, Tuggerah**

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F2004/06312 JEM

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

- 1 That the report be received and the information noted.***
- 2 That this matter be referred to the Member for Wyong, Mr David Harris MP to seek State Government assistance with these economically vital road infrastructure upgrades.***
- 3 That Council recognise the efforts by the Member for Wyong in this regard and support his continued endeavours.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL



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**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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

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F2008/00003 SW

COUNCILLOR EATON ADVISED THAT QUESTION Q017 HAS NOW BEEN WITHDRAWN.

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**467 Notice of Motion – Wyong Performing Arts Centre**

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F2007/01780 RLG:DJE

MR JIM PRICE, REPRESENTING BATEAU BAY/KILLARNEY VALE COMMUNITY PRECINCT COMMITTEE, AGAINST THE MOTION, ADDRESSED THE MEETING AT 7.31 PM, ANSWERED QUESTIONS AND RETIRED AT 7.50 PM.

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

***That Council express its support in principle for the concept of a Performing Arts Centre as a desirable community project for achievement in the current Council term.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL

**468 Notice of Motion – Warnervale Town Centre and WEZ Projects**

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F2004/00535

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

- 1 *That Council recognise the importance of the Warnervale Town Centre and WEZ projects by forming a Warnervale Development Areas Committee.*

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- 2 *That members of the committee consist of Councillors, appropriate staff members as nominated by the General Manager and a representative of the Department of Planning and/or Premiers Office and/or Minister for the Central Coast.*
- 3 *That the committee meet monthly to monitor progress on rezoning, development and major projects in this area.*

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

*That this motion be deferred to a future Council meeting and a report be provided on the Regional Coordination Committee from the Central Coast Office of the Premier's Department.*

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

FOR: COUNCILLORS GRAHAM, McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS BEST, EATON, McNAMARA AND WEBSTER.

***The AMENDMENT became the MOTION.***

***RESOLVED on the motion of Councillor VINCENT and seconded by Councillor MATTHEWS:***

***That this motion be deferred to a future Council meeting and a report be provided on the Regional Coordination Committee from the Central Coast Office of the Premier's Department.***

FOR: COUNCILLORS BEST, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: COUNCILLOR EATON.

**QUESTIONS WITHOUT NOTICE ASKED**

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 8.39 PM AND RETURNED TO THE CHAMBER AT 8.40 PM DURING CONSIDERATION OF THIS ITEM.

**Q058 – Use of Public Land at Mannering Park**

**Councillor Eaton**

C2008/05415

*“Could staff report on the apparent alienation of public land by the owners of Lot 2 (No 2) Peveril Street, Mannering Park next to the toilet block?”*

**Minutes of the Ordinary Meeting of Council held on 22 October 2008 (contd)**

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**Q059 - Drainage Issues 4 Ventura Avenue, Bateau Bay**

**Councillor Eaton**

C2008/05333

*“Could staff report on drainage issues apparently emanating from road drainage affecting Ms Shirvington’s property at 4 Ventura Avenue, Bateau Bay?”*

AT THIS STAGE OF THE MEETING, COUNCILLOR WYNN COMMENTED THAT SHE WAS UNCOMFORTABLE WITH THE MANNER IN WHICH SOME COUNCILLORS TREATED MR JIM PRICE.

**Q060 – Bulk Kerbside Collection and Tip Charges**

**Councillor Best**

F2004/06788

*“Could staff report on the prospect of providing our residents and ratepayers with the choice to have rubbish picked up or taken by the resident to the tip free of charge under the current 6 free pick up system?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.40 PM.

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CHAIRPERSON