
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 23 JULY 2008,
COMMENCING AT 5.06 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, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES AND ACTING MANAGER CONTRACTS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.06 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 326, 327, 328, 329, 343, 332, 336, 354, 337 AND 339, 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 23 July 2008 (contd)

326 Disclosures of Interest

F2008/01064 MW:SW

W017 – WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE TO THE WYCRA BOARD 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 GENERALLY INTERESTS COINCIDE AND DO NOT CONFLICT."

W017 – WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCIL APPOINTEE ON THE WYCRA BOARD AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART 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."

337 – SURF CLUB RENEWAL PROGRAM

354 – NOTICE OF MOTION – \$7.13 MILLION INJECTION OF FUNDS INTO PARK, PLAYGROUNDS AND SURF CLUBS

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

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

That the report be received and advice of disclosures noted.

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

That item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs to be dealt with prior to item 337 - Surf Club Renewal Program .

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

327 Proposed Inspections

F2008/00003 MW:SW

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

That the report on inspections conducted on Wednesday, 23 July 2008 be received and the information noted with the exclusion of North Entrance Beach – Rehabilitation of Dunes and Noraville Cemetery Gardens and the inclusion of Bateau Bay Rehabilitation Closed Landfill Site.

328 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted, with the inclusion of the Bateau Bay Landfill Confidential Briefing held Wednesday 23 July 2008.

329 Address by Invited Speakers

F2008/00003 MW:SW

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

- 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.***
- 3** ***That the speaker on item 356 - Notice of Motion – Boycott of Korean Products be excluded due to illness and the inclusion of speakers Mr Chad Griffiths, Executive Officer and Mr Jim Myers, President, representing Surf Lifesaving Central Coast for item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.***
- 4** ***That item 343 - Geotextile Bag Investigations be moved forward in the agenda.***

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

330 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That pursuant to Section 10A(2)(a), 10A(2)(d)(i) and 10A(2)(c) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:***

W017 – Wyong Community Recreation Association

W018 – Contract CPA 137900 – Provision of Security Services

W019 – Contract CPA 115476 – Progress Report on the Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill

- 2 That the reason for dealing with Report No W017 confidentially is that it contains personnel matters concerning particular individuals.***
- 3 That the reason for dealing with Report No W018 confidentially is that it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***
- 4 That the reason for dealing with the Report No W019 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.***
- 5 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

331 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

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

That the minutes of the previous Ordinary Meeting of Council held on 9 July 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

332 Proposed Dwelling at Lot 1 DP 582078 No 38 Werrina Parade, Blue Bay

MLG:MLG DA 316/2007

MR MARK EASTHAM, RESIDENT, ADDRESSED THE MEETING AT 5.43 PM, ANSWERED QUESTIONS AND RETIRED AT 5.49 PM.

MR NIGEL DICKSON, REPRESENTING DICKSON ROTHSCHILD PTY LTD, ADDRESSED THE MEETING AT 5.49 PM, ANSWERED QUESTIONS AND RETIRED AT 6.04 PM.

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

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 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 Development Control Plan 2005, Chapter 100; Part 2.6 – “Building Design” and Chapter 99; Part 3.1 – “Building Lines” be varied to permit the development.*
- 3** *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 4** *That those who made written submissions be advised of Council’s decision.*

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

AGAINST: COUNCILLOR PAVIER.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

333 Contract CPA 141366– Hire of Plant and Trucks for the Operation of Buttonderry Waste Management Facility

CPA/141366 AB

COUNCILLOR VEUGEN LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.02 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER DURING THE ADJOURNMENT AND RETURNED TO THE CHAMBER AT 9.03 PM DURING CONSIDERATION OF THIS ITEM.

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

That this matter be deferred to later in the business paper to allow staff to research answers to questions.

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

- 1 That all complying tenders received for the hire of plant/trucks for the operation of Buttonderry Waste Management Facility be accepted for inclusion on a priority ranking list for a period of 12 months.***
- 2 That the Director Shire Services be authorised to arrange engagement of plant as required from time to time for the effective operation of the facility in accordance with Contract CPA 141366 Hire of Plant for the Operation of Buttonderry Waste Management Facility. The estimated annual expenditure for all plant and trucks against this contract is \$1,353,132 including GST (\$1,230,120 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.***

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

AGAINST: COUNCILLOR EATON.

334 Contract CPA 105697 – Financial Assessment for Toukley Aquatic Centre Refurbishment Project

CPA/105697 MDL

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

- 1 That the report be received and the information noted.***
- 2 That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.***

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- 3 *That Council convene an extraordinary meeting of Council on 30 July 2008 to receive a report from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.*

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

- 1 *That the report be received and the information noted.*
- 2 *That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.*
- 3 *That Council consider a report on 13 August 2008 from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.*

FOR: COUNCILLORS ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER, STEWART AND VEUGEN.

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

- 1 ***That the report be received and the information noted.***
- 2 ***That Council endorse the actions of the Superintendent in approving variations on contracts CPA 105697 (and also CN2209) necessary for the completion of the project.***
- 3 ***That Council convene an extraordinary meeting of Council on 30 July 2008 to receive a report from its Internal Auditor detailing all significant contract variations over the last two years and to determine whether external Management Consultants should be employed to review Councils management and systems.***

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

AGAINST: COUNCILLORS ROSE AND STEVENS.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

335 Establishment of Extension to Alcohol Free Zone – Long Jetty

F2008/00602 MW

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

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

Long Jetty: Surf Street, The Entrance Road and Watkins Street from Stella Street up to and including Swadling Street to corner of Oaks Street.

336 Investigation into Alleged Illegal Dumping

F2008/01538 GV:MD

COUNCILLOR BEST LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.28 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.29 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.09 PM AND RETURNED TO THE CHAMBER AT 7.11 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.22 PM DURING CONSIDERATION OF THIS ITEM.

MR NEIL ADAMS, CONSULTANT REPRESENTING ADAMS CONSULTING AND TRAINING, ADDRESSED THE MEETING AT 6.26 PM, ANSWERED QUESTIONS AND RETIRED AT 6.55 PM.

It was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE:

- 1 *That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.*
- 2 *That Council adopt all recommendations as outlined in the report.*

An AMENDMENT was MOVED by Councillor BEST;

- 1 *That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.*
- 2 *That Council adopt all recommendations as outlined in the report.*

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- 3 *That Council recognise the limited capacity of the current investigation and as a consequence encourage those that may have further information to make their representations to the ICAC under the protection of the protected disclosures legislation.*

The AMENDMENT lapsed for want of a SECONDER.

It was MOVED by Councillor PAVIER and seconded by Councillor STEWART:

That the MOTION be put.

RESOLVED that the MOTION be put.

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

AGAINST: COUNCILLORS BEST AND EATON.

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

- 1 ***That Council receive and note the report on Wyong Shire Council "Investigation into Alleged Illegal Dumping at Gwandalan and other sites" from Neil Adams of Adams Consulting and Training dated July 2008.***

- 2 ***That Council adopt all recommendations as outlined in the report.***

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

AGAINST: COUNCILLORS BEST AND EATON.

337 Surf Club Renewal Program

F2004/06211 LS

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.39 PM AND RETURNED TO THE CHAMBER AT 8.40 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

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

That Council has dealt with this matter through item 354 - Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs.

338 Status Report of Shire Wide Audit

F2004/07245

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

- 1** ***That the report be received and the actions taken noted.***
- 2** ***That the Mayor's approval to importing rocks and fencing material to secure the Gwandalan Landfill site be endorsed.***
- 3** ***That the Mayor's approval to rescheduling this report from the Ordinary Meeting of 9 July 2008 to 23 July 2008 to allow more information to be provided be endorsed.***

339 Central Coast Bid for Australian Surf Life Saving Championships 2010-12

F2004/06179 GSM:LS

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

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 8.39 PM, ANSWERED QUESTIONS AND RETIRED AT 8.49 PM.

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

That, subject to agreement with Gosford City Council and subject to the New South Wales State Government agreeing to cover any payments to Surf Life Saving Australia, Council proceed with a bid for the 2010-12 Australian Surf Life Saving Championships.

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

That Council adjourn for ten minutes.

THE MEETING WAS ADJOURNED AT 8.50 PM AND RESUMED AT 9.00 PM.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

340 Minutes of the Wyong Shire Senior Citizens Council Meeting – 19 June 2008

F2008/00407 AE

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

That the minutes of the Wyong Shire Senior Citizens Council meeting of 19 June 2008 be received and the information noted.

341 Minutes of the Central Coast Regional Organisation of Councils – 18 June 2008

F2004/06390 ED

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 18 June 2008 be received and the recommendations contained therein, adopted.

Information Reports

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

That with the exception of report number 344 the information reports be received and the recommendations adopted.

342 Proposed Alterations and Additions to Existing Café/Restaurant at Toukley

DA/627/2004/D DMD:DMD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

343 Geotextile Bag Investigations

F2007/00876

MS MARLENE PENNING, REPRESENTING COASTCARE, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.34 PM.

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

- 1 That Council (including the role of the Estuary Management Committee) in partnership with the local North Entrance Coastcare Group and Department of Environmental and Climate Change, Council facilitate a Dune Stabilisation trial utilising the new Geotextile Bag Technology.**
- 2 That prior to any such trial staff report to Council on indicative cost and locality details.**

344 2007 Warnervale Rail Station

DA/261/2005 JW:JW

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

- 1 That the report be received and the information noted.**
- 2 That subject to staff confirmation Council return the railway station development application to the applicant advising that no Council consent is required due to the provisions of the infrastructure SEPP.**
- 3 That Council advise the Member for Wyong accordingly.**

AT THIS STAGE OF THE MEETING COUNCIL CONSIDERED ITEM 333 – CONTRACT CPA 141366 – HIRE OF PLANT AND TRUCKS FOR THE OPERATION OF BUTTONDERRY WASTE MANAGEMENT FACILITY

345 Activities of the Development Assessment Unit

F2004/07830 JD:JD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

346 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

347 Flashing Warning Lights Outside Schools

F2004/05521 JEM

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

That the report be received and the information noted.

348 Mowing and Maintenance of Open Space and Park Areas

F2004/06144 BS

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

That the report be received and the information noted.

349 Works in Progress Report – Water and Sewer

F2004/07830 KRG:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

350 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

351 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

352 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

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

That the report be received and the information noted.

353 Notice of Motion – Maintenance of Stormwater Treatment Devices

F2004/00165

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

That due to concerns raised through the Estuary Management Committee, staff report on the maintenance of stormwater treatment devices across the Shire. The report should include, but not necessarily be limited to, relevant aspects of budgets and responsibilities associated with stormwater asset maintenance, design, construction and performance for intended objectives covering both new and existing development areas.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

354 Notice of Motion – \$7.13 Million Injection of Funds into Park, Playgrounds and Surf Clubs

F2004/07041

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IN THE FUTURE IF THERE IS AN APPLICATION FOR FEDERAL FUNDING HE MAY BE INVOLVED IN DISCUSSIONS REGARDING SUCH AN APPLICATION DUE TO THE FACT THAT HE IS WORKING FOR THE FEDERAL MEMBER FOR DOBELL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

COUNCILLOR ROSE LEFT THE CHAMBER AT 7.58 PM AND RETURNED TO THE CHAMBER AT 7.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.14 PM AND RETURNED TO THE CHAMBER AT 8.16 PM DURING CONSIDERATION OF THIS ITEM.

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 7.37 PM, ANSWERED QUESTIONS AND RETIRED AT 7.47 PM.

MR JIM MYERS, PRESIDENT REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 7.37 PM, ANSWERED QUESTIONS AND RETIRED AT 7.47 PM.

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

- 1 *That Council agree, in principle, to proceed with the previously identified list of high priority works in need of funding as follows;*
 - a *\$1.24 Million for items 1 to 10 of the floodlight upgrade priority list as identified by staff. For clarity, No 1 is the Ourimbah soccer oval and up to including No 10 EDSAAC Netball Courts. These items have been previously reported to Council.*
 - b *\$890,000 towards installation of sub-soil drainage on sportsgrounds as priority identified in a Council report of January 2005.*
 - c *\$500,000 for playground land acquisition in Ourimbah to provide for a playground site. \$1Million to meet the identified high priority playgrounds strategy as identified in previous reports and briefings to Council as early as 2005.*
 - d *\$3 Million towards a rebuild/refurbishment program, conditional on an agreed program of works between Council and the surf clubs. Council notes that the surf clubs have presented recently their priority list of clubs rebuild/refurbishment, in Wyong Shire.*

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

- e \$500,000 towards management and upgrading of Darren Kennedy Oval Toukley (Council report November 2005 and February 2007).
- 2 That staff, as a result of the above funding, explore where matching or other grants could be sourced eg from State and Federal Governments etc to assist in the delivery/acceleration of the above works. As a result of the recent surf club briefing, Council strongly encourage and also write to the surf club movement, urging them to lobby their respective State and Federal Members of Parliament to assist in further additional funding opportunities.
- 3 That Council seek to amend the 2008-09 Management Plan to include an expenditure of \$1,330,000 from land sales and developer contributions for those works identified above to be carried out in the current financial year.
- 4 That the amendment be exhibited for a minimum period of 28 days.
- 5 That a report be brought back to Council following this exhibition. This report is to include the list of works, timetable and the results of 2 above.
- 6 That, in formulating the 2009/2010/2011 Management Plans, Council give consideration to the expenditure of \$5,800,000 from land sales and developer contributions for the remainder of the works identified above.

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor BEST;

- 1 That Council recognise the outstanding contribution to our community by Surf Life Saving Central Coast and the importance of adequate resourcing of this vital service.
- 2 That having regard to 1 above, Council recognise the urgent need to formally commence the Surf Club Renewal Program (SCRCP) through consideration of an allocation of \$3 Million in the 2009-10 budget to establish a building fund, with a view to providing recurring funding in subsequent two budget years.
- 3 That staff in partnership with Surf Life Saving Central Coast formally brief Council on the key issues and processes required to commence the SCRCP.
- 4 That both the State and Federal Governments through our respective local members be engaged to assist Council and its residents and ratepayers in delivery of this vital community project.
- 5 That Council revise its 2008-09 budget to provide immediate funding for the project of \$100,000 for planning and design.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

The AMENDMENT was put to the VOTE and declared LOST.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

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

- 1 ***That Council agree, in principle, to proceed with the previously identified list of high priority works in need of funding as follows;***
 - a ***\$1.24 Million for items 1 to 10 of the floodlight upgrade priority list as identified by staff. For clarity, No 1 is the Ourimbah soccer oval and up to including No 10 EDSAAC Netball Courts. These items have been previously reported to Council.***
 - b ***\$890,000 towards installation of sub-soil drainage on sportsgrounds as priority identified in a Council report of January 2005.***
 - c ***\$500,000 for playground land acquisition in Ourimbah to provide for a playground site. \$1Million to meet the identified high priority playgrounds strategy as identified in previous reports and briefings to Council as early as 2005.***
 - d ***\$3 Million towards a rebuild/refurbishment program, conditional on an agreed program of works between Council and the surf clubs. Council notes that the surf clubs have presented recently their priority list of club's rebuild/refurbishment, in Wyong Shire.***
 - e ***\$500,000 towards management and upgrading of Darren Kennedy Oval Toukley (Council report November 2005 and February 2007).***
- 2 ***That staff, as a result of the above funding, explore where matching or other grants could be sourced eg from State and Federal Governments etc to assist in the delivery/acceleration of the above works. As a result of the recent surf club briefing, Council strongly encourage and also write to the surf club movement, urging them to lobby their respective State and Federal Members of Parliament to assist in further additional funding opportunities.***
- 3 ***That Council seek to amend the 2008-09 Management Plan to include an expenditure of \$1,330,000 from land sales and developer contributions for those works identified above to be carried out in the current financial year.***
- 4 ***That the amendment be exhibited for a minimum period of 28 days.***
- 5 ***That a report be brought back to Council following this exhibition. This report is to include the list of works, timetable and the results of 2 above.***
- 6 ***That, in formulating the 2009/2010/2011 Management Plans, Council give consideration to the expenditure of \$5,800,000 from land sales and developer contributions for the remainder of the works identified above.***

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

355 Notice of Motion – Pacific Highway Advisory Sign, Wyong Township

F2004/07589

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

- 1 That Council note with disappointment the non release of the Preferred Pacific Highway Route through Wyong as promised by the State Government in June this year.**
- 2 That Council note the concerns of local Wyong residents as to the properties being adversely affected by the proposed Eastern and Western Options.**
- 3 That Council install a sign on the Pacific Highway either side of Wyong township advising the community to telephone the Member for Wyong to ascertain his plans for the upgrade of this part of the Highway.**
- 4 That Council invite the Member for Wyong to brief Council and explain the release of the Route study.**

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

AGAINST: COUNCILLOR ROSE.

356 Notice of Motion – Boycott of Korean Products

F2006/01080

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

- 1 That Council advise Kores and the South Korean Government via its Australian ambassador that unless it withdraws its application for the Wallarah 2 then Council will advocate its community to embrace a boycott of Korean manufactured and/or produced goods.*
- 2 That Kores and the Ambassador be requested to reply within two months as to their intentions on the Wallarah 2 mine.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS EATON AND VEUGEN.

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

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

357 Notice of Motion – Shire Wide Escalating Vandalism

F2004/07937

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

- 1 *That, further to the recent release of the NSW Bureau of Crime Statistics for the Wyong Shire Local Government Area (LGA) indicating an alarming 14.5% increase in malicious damage resulting in elevating Wyong Shire into the top 25% of NSW LGA's for vandalism, and as this antisocial and often intoxicated behaviour is reportedly costing our residents and ratepayers over \$1M in this term of Council alone, Council urgently review its policies, procedures and strategic partnerships with regard to this matter.*
- 2 *That any such review take a pro active whole of community approach to seeking solutions.*
- 3 *That staff brief Councillors on the recently released NSW Bureau of Crime Statistics report and the various options and processes available to formulate Council's policy response.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

QUESTIONS WITHOUT NOTICE ASKED

**Q051 – Halekulani Hall
Councillor Veugen**

“Can staff please provide information regarding what steps can be taken to stop young people from gaining access to the hall's roof?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.25 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

Minutes of the Ordinary Meeting of Council held on 23 July 2008 (contd)

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.38 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W017 Wyong Community Recreation Association

F2008/00352 KY:LS

That the report be received and the information noted.

W018 Contract CPA 137900 – Provision of Security Services

CPA/137900 SLM

That Council accept tender No 6 from Newcastle Security for a period of two years with the option to extend for a further year. The estimated cost of the contract over the two year contract period is \$294,633.90 including GST (\$267,849 excluding GST).

W019 Contract CPA 115476 - Progress Report on the Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill

CPA/115476

- 1 *[Confidential Resolution – see note below].*
- 2 *[Confidential Resolution – see note below].*
- 3 *[Confidential Resolution – see note below].*
- 4 *[Confidential Resolution – see note below].*
- 5 *[Confidential Resolution – see note below].*

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

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.40 PM.

.....
CHAIRPERSON