

**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 11 MARCH 2009,**  
**COMMENCING AT 5.00 PM**

---

---

**PRESENT**

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, 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, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND TWO ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES AND MANAGER CONTRACTS.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT AND DELIVERED THE OPENING PRAYER.

**APOLOGY**

AN APOLOGY FOR HIS INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR EATON WHO IS OVERSEAS ON BUSINESS.

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

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

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

AGAINST: NIL.

**1.1 Disclosure of Interest**

---

**4.3 - CONTRACT CPA 155500 - INVESTIGATION, DESIGN & TENDER DOCUMENTATION FOR UPGRADE OF SEWAGE PUMPING STATIONS C3 AND C6 AND CONSTRUCTION OF SEWAGE PUMPING STATION C16, INCLUDING RISING MAINS AND ASSOCIATED EQUIPMENT**

COUNCILLOR WYNN DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A DIRECT FAMILY MEMBER IS AN EMPLOYEE OF ONE OF THE ENGINEERING FIRMS WHO PLACED A TENDER FOR THIS PROJECT, LEFT THE CHAMBER AT 5.27 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.28. PM.

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

***That the report on Disclosure of Interest be received and advice of disclosure noted.***

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

AGAINST: NIL.

THE MEETING ADJOURNED AT 5.03 PM IN ORDER TO CONDUCT A FIRE DRILL AND RESUMED AT 5.08 PM.

**1.2 Proposed Briefings**

---

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

***That Council receive the report on Proposed Briefings which were rescheduled and took place in the following order, Management Plan Schedule, Rating Structure then Legal Advice.***

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

AGAINST: NIL.

### **1.3 Proposed Inspections**

---

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

***That Council note that inspections previously scheduled for 25 March 2009 have now been cancelled.***

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

AGAINST: NIL.

### **1.4 Address By Invited Speakers**

---

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

**1 That Council receive the report on Address by Invited Speakers.**

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

AGAINST: NIL.

### **1.5 Confirmation of Minutes of Previous Meeting**

---

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

***That Council confirm the minutes of the previous Ordinary Meeting of Council held on 25 February 2009.***

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

AGAINST: NIL.

### **BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

### **2.1 Notice of Intention to Deal with Matters in Confidential Session**

---

AS COUNCILLOR BEST WITHDREW HIS MOTION THIS ITEM WAS NOT CONSIDERED.

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR BEST SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING PACIFIC BRANDS RECENT REDUNDANCIES.

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

***That Council consider a Motion of Urgency regarding Pacific Brands recent redundancies.***

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

AGAINST: NIL.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

---

**2.2 Motion of Urgency – Pacific Brands Redundancies**

---

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

- 1 That having regard to the disgraceful behaviour of Pacific Brands towards its workers and the abuse of taxpayer funds, Council, as a major client of Pacific Brands through our corporate wardrobe, forward strongly worded correspondence via the General Manager regarding its concerns over their treatment of their staff.***
- 2 That Council thank our United Services Union for their support with regard to this matter.***

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

AGAINST: NIL.

**3.1 Proposed Licence Agreement over Crown Land being part Lot 7010 DP 1074452, Reserve 1015108 Wilfred Barrett Drive The Entrance North**

---

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

- 1 That Council accept a Licence from the Crown for the purpose of constructing a walkway (shared pathway/cycleway) over Lot 7010 DP 1074452 known as Reserve 1015108 for Urban Services, Public Recreation and Coastal Environmental Protection.**
- 2 That Council approve payment of an annual licence fee of \$399 (ex GST) to the Department of Lands.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence Agreement between Wyong Shire Council and Department of Lands.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence Agreement between Wyong Shire Council and Department of Lands.**

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

AGAINST: NIL.

**4.1 Contract CPA 153784 - 2008-09 Toowoon Bay Holiday Park Upgrade Works**

---

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

- 1 That Council accept Tender No 3 from Gregory Karl Windust (trading as G W Building) in the lump sum amount of \$193,636.36 (excl GST).**
- 2 That Council approve a contract budget of \$213,036.36 (excl GST) that provides for a contingency amount of \$19,400.00 (excl GST), representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL.

**4.2 Contract CPA 153777 - Norah Head Holiday Park Swimming Pool and Associated Works**

---

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

- 1 That Council decline in accordance with Section 178 (1) (b) of the Local Government (General) Regulations the single tender received from Splash Inn Pty Limited (trading as WHP Designer Pools) in the lump sum amount of \$316,915.45 (excl GST).**
- 2 That Council cancel in accordance with Section 178 (3) (a) of the Local Government (General) Regulations the proposed Contract CPA 153777 – Norah Head Holiday Park Swimming Pool and Associated Works.**
- 3 That Council in accordance with Section 178 (3) (f) of the Local Government (General) Regulations carry out the requirements of the proposed contract itself on a direct management basis.**

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

AGAINST: NIL.

**4.3 Contract CPA 155500 - Investigation, Design & Tender Documentation for Upgrade of Sewage Pumping Stations C3 and C6 and Construction of Sewage Pumping Station C16, Including Rising Mains and Associated Equipment**

---

COUNCILLOR WYNN DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A DIRECT FAMILY MEMBER IS AN EMPLOYEE OF ONE OF THE ENGINEERING FIRMS WHO PLACED A TENDER FOR THIS PROJECT, LEFT THE CHAMBER AT 5.27 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.28 PM.

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

- 1 That Council accept Tender No 11 from SMEC Pty Ltd in the estimated total amount of \$154,738.00 (excl GST)**
- 2 That Council approve a contract budget of \$169,738.40 (excl GST) that provides for a contingency amount of \$15,000.00 (excl GST) representing approximately 10% of the contract value to provide for any unforeseen additional works that may become necessary during the course of the project.**

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

AGAINST: NIL.

**5.1 Tuggerawong Retirement Village**

---

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

- 1 That Council postpone the repayment of loan and accruing interest from the Tuggerawong Retirement Village for a period of 12 months on the condition that any re-tenanting fees received on units will be fully utilised on repayments.**
- 2 That Council require the loan to continue to accrue interest on the outstanding balance until the loan is extinguished.**
- 3 That Council set monthly interest rates on any outstanding balance at an equivalent to rates on Council's lost investment opportunity or, at a minimum, equivalent to the 90 day bank bill swap reference rate.**

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

AGAINST: NIL.

**5.2 Proposed Councillors' Community Improvement Grants**

---

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

**That Council allocate an amount of \$3,025 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1 and that Council be provided with a review of previous allocations and previous amounts.**

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

AGAINST: NIL.

### **5.3 Governance Committee Charter**

---

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

***That, given recent information that has come to light, no further action be taken at this time and the matter of voting delegates be referred to the Governance Committee for further consideration with a view to considering four independent delegates and four Councillors with voting rights, including the Mayor.***

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

AGAINST: NIL.

### **6.1 Information Reports**

---

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

***That with the exception of report number 6.2 and 6.3, the information reports be received and the recommendations adopted.***

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

AGAINST: NIL.

### **6.2 Investments for January 2009**

---

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

***That Council receive the report on Investments for January 2009.***

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

AGAINST: NIL.



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

---

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

***That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.***

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

AGAINST: NIL.

**8.1 Notice of Motion - Community Recycling Initiative "freecycle.com"**

---

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.10 PM DURING DISCUSSION OF THIS ITEM.

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

***That Council investigate the benefits to our community of Council supporting and promoting the Free Cycle recycling initiative.***

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

AGAINST: NIL.

**8.2 Notice of Motion - Buy Local Jobs Initiative**

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

- 1 That further to the Federal Government's recent announcement of injecting some \$42 billion into the national economy in response to the global financial crisis, the Council in partnership with our local Federal Members, business and the community, capitalise on this spending initiative through promoting a "buy local goods and services" campaign with a view to locally harnessing the \$200m now earmarked for Central Coast expenditure to support and generate local jobs.**
- 2 That Council invite Gosford City Council to join it thereby making this a regional "buy local goods and services" job initiative.**
- 3 That Council formally congratulate the local Federal Members for their support of our region in this economic global crisis.**
- 4 That Council request the Business Enterprise Centre (BEC) be the lead agency in partnership with key stakeholders to facilitate this initiative.**

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

AGAINST: NIL.

**QUESTIONS WITHOUT NOTICE ASKED**

**Q016 – Community Reserve near Applegum Place, Woongarrah  
Councillor Vincent**

C2009/05501

*"Would Council staff please provide an update on the naming / signage of the community reserve near Applegum Place, Woongarrah?"*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.25 PM.

.....  
CHAIRPERSON