
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 27 AUGUST 2008,
COMMENCING AT 5.19 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER (ARRIVED AT 5.59 PM), R L GRAHAM, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

SOCIAL PLANNER FUTURE PLANNING (LEFT AFTER ITEM 393), PROJECT DIRECTOR MARDI - MANGROVE LINK PROJECT (LEFT AFTER ITEM 396) AND ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES.

THE MAYOR REPORTED THAT:

- * IT IS WITH REGRET THAT I ADVISE THAT ON SATURDAY 23 AUGUST 2008 COUNCIL EMPLOYEE, LEON HAYDON SUFFERED A MAJOR HEART ATTACK AND DIED WHILST WORKING ON A COUNCIL WORK SITE IN POLLOCK AVENUE. GANG MEMBERS TRIED FOR SOME TIME TO REVIVE HIM AT THE WORKSITE AND THE PARAMEDICS WHO ATTENDED SAID THAT THEY HAD DONE EVERYTHING POSSIBLE.

LEON WHO WAS 53 YEARS OLD HAS BEEN EMPLOYED WITH COUNCIL SINCE 1987.

OUR CONDOLENCES ARE EXTENDED TO HIS WIFE ROXANE AND FAMILY.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF LEON HAYDON.

- * THE BID DOCUMENT FOR THE 2010, 2011 AND 2012 AUSTRALIAN SURF LIFE SAVING TITLES WAS SUBMITTED TODAY AND INCLUDES A COMMITMENT BY 'EVENTS NEW SOUTH WALES' TO SIGNIFICANTLY FINANCIALLY SUPPORT THE BID SUBJECT TO CERTAIN CRITERIA BEING MET BY THE SURF LIFE SAVING ASSOCIATION.

- * ITS BEEN AN HONOUR TO SERVE AS MAYOR FOR THE PAST TERM AND COUNCIL HAS MADE A LOT OF PROGRESS IN THE PAST YEAR THANKS TO THE EFFORTS OF ALL COUNCILLORS AND STAFF AND I PARTICULARLY WANT TO THANK THE FOLLOWING COUNCILLORS WHO ARE NOT SEEKING RE-ELECTION:

- COUNCILLOR NEIL ROSE (1999 – 2008)
- COUNCILLOR KATH FORSTER (1999 – 2008)
- COUNCILLOR CARL VEUGEN (2004 – 2008)
- COUNCILLOR ROBYN STEWART (1991 – 2008)

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

- * I WOULD ALSO LIKE ACKNOWLEDGE COUNCILLOR PAVIER AND COUNCILLOR GRAHAM AS BOTH FORMER MAYORS DURING THIS TERM OF COUNCIL AND ESPECIALLY COUNCILLOR GRAHAM FOR HIS TWO YEARS AS FORMER MAYOR AS HE HAS SEEN THIS COUNCIL THROUGH QUITE A DIFFICULT PERIOD INCLUDING THE NATURAL DISASTER.
- * TO THE REMAINING COUNCILLORS WHO HAVE INDICATED THAT THEY WILL RECONTEST THE UPCOMING ELECTION I WOULD LIKE TO WISH YOU ALL THE BEST OF LUCK.
- * THANK YOU TO ALL THE COUNCIL STAFF FOR THEIR EFFORTS IN SUPPORTING US IN ACHIEVING THE GOALS OF THIS TERM OF COUNCIL AND MAKING IT A SUCCESSFUL FOUR AND HALF YEARS.

COUNCILLOR STEVENS ADVISED HE HAD ATTENDED A BENEFIT NIGHT FOR MR TONY GLASHOFF HELD AT MAGENTA SHORES TO HELP RAISE MONEY TO SUPPORT HIS RECOVERY AND HE WOULD LIKE TO ESPECIALLY THANK COUNCIL FOR THEIR SUPPORT IN THE PURCHASE OF A WHEELCHAIR.

COUNCILLOR STEWART WISHED TO THANK HER FELLOW COUNCILLORS AND FOR THOSE COUNCILLORS THAT ARE SEEKING RE-ELECTION THE BEST OF LUCK. SHE RECALLED THE REASON FOR HER COMING INTO COUNCIL WAS TO MAKE A DIFFERENCE AND SHE HOPED THAT SHE HAD ACHIEVED THIS. COUNCILLOR STEWART THANKED THE STAFF FOR THEIR ASSISTANCE AND PARTICULARLY THE GENERAL MANAGER, MR KERRY YATES WHO HAS NOT ONLY BEEN A GOOD MENTOR BUT A GREAT FRIEND. A SPECIAL MENTION OF APPRECIATION AND THANKS WAS GIVEN TO HER FAMILY FOR THEIR SUPPORT DURING HER YEARS AS A COUNCILLOR.

COUNCILLOR ROSE ADVISED THAT IT HAS BEEN AN HONOUR TO SERVE THE COMMUNITY AND HE HAS ENJOYED HIS TIME AS COUNCILLOR. HE THANKED THE STAFF FOR THEIR ASSISTANCE OVER THE YEARS AND HIS FAMILY FOR THEIR SUPPORT.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.19 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR BRUCE HUNTER DELIVERED THE OPENING PRAYER.

APOLOGY

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

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

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

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

387 Disclosures of Interest

F2008/01064 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

396 CONTRACT NO CPA 130386 – PROVISION OF PROFESSIONAL ENGINEERING CONSULTING SERVICES FOR THE MARDI TO MANGROVE LINK PROJECT GHD PTY LIMITED – BUDGET ALLOCATION
COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE GOVERNMENT WAS BEING LINKED TO THE REPORT, LEFT THE CHAMBER AT 6.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.20 PM.

404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2 OF THE MINUTES) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A LIFE MEMBER OF THE ENTRANCE PRESCHOOL WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 3 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4 OF THE MINUTES), HAS APPLIED FOR FUNDING AND MY FATHER IS AN EXECUTIVE MEMBER OF THAT ORGANISATION, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

404 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL – 7 AUGUST 2008

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A MEMBER OF THE WYONG FAMILY HISTORY GROUP WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 4 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

415 NOTICE OF MOTION – PRIVATE MEMBERS BILL TO STOP THE COAL MINE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

417 NOTICE OF MOTION – GP SUPER CLINICS

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.24 PM.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

418 NOTICE OF MOTION – SO CALLED SCIENTIFIC WHALING

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE DISCUSSION INDICATED COMMENTS MADE BY THE MEMBER FOR DOBELL THAT MAY PUT ME IN A POSITION OF CONFLICT, LEFT THE CHAMBER AT 7.38 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.48 PM.

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

That the report be received and advice of disclosures noted.

388 Proposed Inspections

F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report on inspections to be conducted on Wednesday, 27 August 2008 be received and the information noted.

389 Proposed Briefings

F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

390 Address by Invited Speakers

F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

391 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

W022 – Proposed Acquisition of Land at Bateau Bay

W023 – General Manager's Performance Review
- 2 That the reason for dealing with the Report No W022 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 the reason for dealing with Report No W023 confidentially is that it contains personnel matters concerning particular individuals.***
- 4 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

392 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 13 August 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

393 Wyong Shire Community Plan 2008 - 2013

F2007/00323 BEM

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.34 PM AND RETURNED TO THE CHAMBER AT 5.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That the draft Wyong Shire Community Plan 2008 - 2013 be adopted.***
- 2 That those who made written submissions be advised of the decision.***
- 3 That a copy of the Wyong Shire Community Plan 2008 - 2013 Summary and Main Reports be forwarded to the Department of Local Government.***
- 4 That congratulations be extended to the staff involved in the production of the Wyong Shire Community Plan.***
- 5 That the Plan be endorsed with a comment to the effect that the Plan contains a large number of unfunded proposals which Council has no prospect of currently funding.***

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

394 Rezoning Delegations from Director General of the Department of Planning

F2006/01627 SJD

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.34 PM AND RETURNED TO THE CHAMBER AT 5.36 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That in accordance with the provisions of Section 381(3) of the Local Government Act 1993, Council agrees to sub-delegate its powers under Sections 65 and 69 of the Environmental Planning and Assessment Act, to the General Manager.**
- 2 That Delegation be given to the General Manager to sub-delegate to appropriate staff.**
- 3 That all previous approvals for the delegation of these authorities be withdrawn as from the date the new authorities become effective.**
- 4 That the Department of Planning be advised of Council's decision.**

395 Contract No CPA 139771 - Provision of Cleaning Services to Various Council Facilities

CPA/139771 LP:JP

COUNCILLOR FORSTER ARRIVED AT 5.59 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept tender No 11 from SKG Pty Ltd for an initial period of one year with an option to extend for a further one year at an estimated annual cost of \$202,525 including GST (\$184,113 excluding GST). Actual expenditure may vary slightly if number of facilities to be cleaned changes.**
- 2 That a further report be bought back to Council at the completion of the one year period with a recommendation to either take up the one year extension or re-tender the contract depending upon performance of the contractor.**
- 3 That Council approve an annual contingency amount of \$30,382 including GST (\$27,620, excluding GST), representing approximately 15% of the contract value for one year, to provide for any unforeseen additional works that may become necessary during the course of the project.**

396 Contract No CPA 130386 – Provision of Professional Engineering Consulting Services for the Mardi to Mangrove Link Project GHD Pty Limited – Budget Allocation

CPA/130386 BP:KB

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE GOVERNMENT WAS BEING LINKED TO THE REPORT, LEFT THE CHAMBER AT 6.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.20 PM.

COUNCILLOR FORSTER ARRIVED AT 5.59 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council notes the information and 'forecast-costs-on-completion' provided in this report (All costs quoted are excluding GST).**
- 2 That Council notes the 'forecast-cost-on-completion' of \$7.724 million for the provision of GHD's professional services (including investigations, design and documentation) for the pre-construction phase of the Mardi – Mangrove Link Project, arising predominantly from the additional work carried out by GHD and the additional time of eight months invested in the pipeline route selection process and the land entry process to date.**
- 3 That Council approves a Contract Variation to increase the budget allocation to the professional services contract with GHD Pty Limited, for the pre-construction phase of the Mardi to Mangrove Project, by \$1.902 million, from \$5.822 million to \$7.724 million.**
- 4 That Council authorises the proposed increase in the budget allocation of \$1.902 million to be drawn-down against the overall Project Contingency Sum of \$10 million, being the contingency component within the current project cost estimate of \$110 million.**
- 5 That Council notes the total 'forecast-cost-on-completion' of \$3.757 million for the provision of GHD's professional construction management services for the future construction and commissioning phase of the Mardi – Mangrove Link Project, forecast to take place over the 20 month period from July 2009 to March 2011.**

FOR: COUNCILLOR EATON, FORSTER, GRAHAM, STEVENS, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR BEST.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

397 Contract No CPA 94424 – Provision of Project Management Services to Deliver Capital Works – Department of Commerce

CPA/94424 LM

COUNCILLOR BEST LEFT THE CHAMBER AT 6.21 PM AND RETURNED TO THE CHAMBER AT 6.27 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That the information in the report be received and noted.***
- 2 That Council endorse the Director's decisions with respect to the variations approved to date to Contract CPA 94424.***
- 3 That Council approve additional funding to increase the contract amount from \$7,060,777 (including contingency amount but excluding GST) to \$13,994,198.18 (including contingency amount but excluding GST).***

398 Contract No CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry

CPA/138816 JR

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

- 1 That Council accept tender No 3 from KPMG Corporate Finance (Aust) Pty Ltd in the lump sum amount of \$201,179, including GST (\$182,890, excluding GST).***
- 2 That Council approve a contingency amount of \$60,000 including GST (\$54,545, excluding GST), representing approximately 30% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

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

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

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

- 1 That Council decline to accept any tender and postpone the proposal for the contract.**
- 2 That Council staff produce a scoping paper as to possible site uses and commercialisation which should include criteria for measuring outcomes.**

399 Proposed Water Supply, Sewerage and Drainage Charges for 2009-10 to 2012-13

F2004/06782 IJ:DP

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council adopt, for recommendation to IPaRT, the schedule of proposed Water Supply, Sewerage and Drainage Charges for the period 2009-10 to 2012-13 as detailed in Attachment 1.

400 Proposed Acquisition of Part Lot 170 DP 755263 for Road Widening at Passage Road, Bateau Bay

F2008/00726 SB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acquire part of Lot 170 DP 755263 Passage Road, Bateau Bay as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition 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 owner cannot be satisfactorily resolved.**

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

- 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.***

401 Naming of Creek

F2006/00812 ED

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Gosford City Council be advised that Council supports the proposed naming of the unnamed creek running through Somersby and Ourimbah as Platypus Creek.***
- 2 ***That should the naming proceed, that all affected residents within the Wyong Shire Council Local Government Area be notified by Council of the proposed creek naming.***

402 2007-08 Management Plan – June 2008 Quarter Review

F2004/07006 BR

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 ***That Council receive and note the report and endorse budget carryovers proposed in this report.***
- 2 ***That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

403 Business Central Coast Request for Project Funding

F2004/07942 GSM:LS

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04M AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That subject to approval by Gosford City Council, Wyong Council enter into a legal agreement with Central Coast Economic Development Board Inc to transfer all assets and liabilities relating to Business Central Coast Inc to Central Coast Economic Development Board Inc.***
- 2 That Council allocate \$12,500 to the Central Coast Economic Development Board Inc from the project budget in 2008-09 Management Plan towards the Board's partnership with the Central Coast Mariners.***

**404 Minutes of the Community Benefit Grants Panel –
7 August 2008**

F2004/06570 JV

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That report CBG06 recommendations 2, 3 and 4 be dealt with as a separate item.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LIFE EDUCATION NSW (REFER TO RECOMMENDATION 2 OF THE MINUTES) HAS A PROGRAM AIMED AT SUPPORTING AND WORKING WITH CHILDREN FROM GOROKAN PRIMARY SCHOOL AND I AM THE PRESIDENT OF THE SCHOOL COUNCIL, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A LIFE MEMBER OF THE ENTRANCE PRESCHOOL WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 3 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE APPLICANT, WYONG FAMILY HISTORY GROUP (REFER TO RECOMMENDATION 4 OF THE MINUTES), HAS APPLIED FOR FUNDING AND MY FATHER IS AN EXECUTIVE MEMBER OF THAT ORGANISATION, LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR STEWART DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM A MEMBER OF THE WYONG FAMILY HISTORY GROUP WHICH IS AN APPLICANT (REFER TO RECOMMENDATION 4 OF THE MINUTES), LEFT THE CHAMBER AT 7.08 PM, TOOK NO PART IN DISCUSSION FOR THIS APPLICATION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.10 PM.

COUNCILLOR WELHAM VACATED THE CHAIR AND COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

That item CBG06 recommendations 2, 3 and 4 of the minutes of the Community Benefit Grants Panel meeting held on 7 August 2008 be received and the recommendation contained therein, adopted

COUNCILLOR WELHAM RESUMED THE CHAIR.

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

That the remaining reports and recommendations of the Community Benefit Grants Panel meeting held on 7 August 2008 be received and the recommendations contained therein, adopted.

405 Minutes of the Wyong Shire Governance Committee Meeting – 13 August 2008

F2004/07245 MW:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 7.04 PM AND RETURNED TO THE CHAMBER AT 7.12 PM DURING CONSIDERATION OF THIS ITEM.

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

That the minutes of the Wyong Shire Governance Committee meeting held on 13 August 2008 be received and the recommendations contained therein, adopted.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

406 Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 20 August 2008

F2004/06390 ED

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

That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 August 2008 be received and the recommendations contained therein, adopted.

Information Reports

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

That with the exception of report number 409 the information reports be received and the recommendations adopted.

407 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS

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

That the report be received and the information noted.

408 Activities of the Development Assessment Unit

F2004/07830 JD

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

409 New Warnervale Railway Station

DA/261/2005 SG

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 Council write to the Minister for Transport and Rail and the Local Member for Wyong advising them to consider the application for the North Warnervale Railway Station under the new infrastructure SEPP.**

410 Traffic Counts Conducted on Woodbury Park Drive, Mardi

C2008/05520 KG/ABP

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

That the report be received and the information noted.

411 Wyong Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

412 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 August 2008 (contd)

413 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

414 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

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

That the report be received and the information noted.

415 Notice of Motion – Private Members Bill to Stop the Coal Mine

F2006/01080 DJE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.21 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.22 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council reiterate its request to the Member for Dobell for the provision of a draft of his promised Private Members Bill to Stop the Coal Mine and an indication of its timing.

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416 Notice of Motion – Tip Rehabilitation Budgetary Provisions

F2007/00889 DJE

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.23 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council report on the Tip Rehabilitation Program including number, location and material contained in yet to be rehabilitated old tip sites, costs and estimated costs of rehabilitation funding of such work and impact on the residential garbage charge.

417 Notice of Motion – GP Super Clinics

F2004/11290 GPB:DJE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I WORK FOR THE MEMBER FOR DOBELL AND WILL BE INVOLVED IN DISCUSSIONS WITH THE RELEVANT MINISTERIAL STAFF ON THIS, LEFT THE CHAMBER AT 7.23 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.24 PM.

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

- 1 That staff report to date on the Federal Government's progressive initiative to establish much needed medical services to our coast through the establishment of GP Super Clinics.***
- 2 That the report should outline planning issues, zoning compatibilities and opportunities council may consider to assist our Federal counterparts in delivering this vital health initiative.***

418 Notice of Motion – So Called Scientific Whaling

F2004/10946 GPB

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT I AM EMPLOYED BY THE FEDERAL GOVERNMENT AND THE DISCUSSION INDICATED COMMENTS MADE BY THE MEMBER FOR DOBELL THAT MAY PUT ME IN A POSITION OF CONFLICT, LEFT THE CHAMBER AT 7.38 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.48 PM.

MS COLETTE BARON, REPRESENTING THE WHALE DREAMERS FESTIVAL, ADDRESSED THE MEETING AT 7.24 PM, ANSWERED QUESTIONS AND RETIRED AT 7.34 PM.

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

- 1 *That Council note the major east coast whale population including new calves, are now commencing their southern migration back to Antarctic Waters where they will be met by the Japanese Whaling Fleet.*
- 2 *That Council again re-iterate its total opposition to this so-called scientific whaling carried out by Japan.*
- 3 *That Council establish a shire wide petition to provide residents and ratepayers with an avenue to voice their opposition.*
- 4 *That Council also seek to conduct the petition in consultation with our State and Federal counterparts, thereby forming a unique multi-level Government partnership in responding to this vital environmental issue.*

The MOTION was put to the vote and declared LOST on the CASTING VOTE OF THE MAYOR.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, STEVENS AND WELHAM.

419 Notice of Motion – Dog Pound Upgrade

F2004/06957 GPB

MR WAYNE ASPLET, REPRESENTING ST GEORGE ANIMAL RESCUE PTY LTD, ADDRESSED THE MEETING AT 7.48 PM, ANSWERED QUESTIONS AND RETIRED AT 8.15 PM.

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

- 1 *That staff provide an updated report on key operational issues surrounding the Charmhaven Dog Pound including issues such as surrender rate trends, kill rates, success rate of relocations and general compliance issues.*
- 2 *That Council through its Internal Auditor facilitate an independent review into Council's pound compliance through suitably qualified industry experts and in partnership with the Department of Local Government.*
- 3 *That Council cease pound euthanasiation by staff and engage suitably qualified veterinary services for all such actions.*

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The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

420 Notice of Motion – Lake Island Collapse

F2007/01516 CWV

MR PHIL POTTER, RESIDENT, ADDRESSED THE MEETING AT 9.03 PM, ANSWERED QUESTIONS AND RETIRED AT 9.10 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.04 PM AND RETURNED TO THE CHAMBER AT 9.09 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM VACATED THE CHAIR AND LEFT THE CHAMBER AT 9.06 PM AND COUNCILLOR STEVENS ASSUMED THE CHAIR DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM RETURNED TO THE CHAMBER AND RESUMED THE CHAIR AT 9.09 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.14 PM AND RETURNED TO THE CHAMBER AT 9.16 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That staff urgently report to Council on the apparent escalation of major erosion of the small island adjacent to the Entrance Bridge, opposite the fishing platform, since the reactivation of the Entrance Channel dredging program.

QUESTIONS WITHOUT NOTICE ASKED**Q054 – Liberty Playground – staff congratulations****Councillor Stewart**

F2006/02238

“Could the General Manager please pass on in writing to Council’s staff Rod Wallis, Rachael Williams, Boyd McMillan, Katherine Simmons, Mike Long, Sara Micallef, Mary Dallow and the Council Rangers congratulations for the excellent works which were undertaken in the establishment and opening of the “Liberty Playground” project?”

Q055 – Liberty Playground – organisation congratulations**Councillor Stewart**

F2006/02238

“Could the General Manager write to the Pop4Kids President and Committee and the Benevolent Society’s Sue Ellis and Paula Jarman congratulating them on the establishment and opening of the “Liberty Playground”?”

Q056 – Online Options to Interface With Community**Councillor Welham**

“Could staff advise on options available to better interface with our community online such as facebook, myspace etc?”

Q057 – Child Abuse Prevention Service**Councillor Eaton**

F2004/06155

“Could the General Manager have staff contact the Child Abuse Prevention Service to advise what assistance can be offered regarding outstanding rates?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.19 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

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OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 9.20 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W022 Proposed Acquisition of Land at Bateau Bay

F2007/00647 MJ:KD

- 1** *That the report be received and the information noted.*
- 2** *That Council immediately engage suitable consultants to provide detailed designs for options (b), (c) and (e) in order to determine precisely the land area required.*
- 3** *That Council seek independent valuations of the land area required under each option.*
- 4** *That should option (b) or alternatively option (e) be identified as the most financially viable option, Council commence negotiations with Mr Smith for the purchase of the necessary land.*

W023 Performance Review

That the report be received and information noted.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.21 PM.

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CHAIRPERSON