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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, 27 JUNE 2007,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

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

**IN ATTENDANCE**

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

THE GENERAL MANAGER ADVISED OF A FUTURE BRIEFING AND REPORT TO COUNCIL ON THE CABBAGE TREE BAY LAND SLIP. HE ASKED THAT ON LEGAL ADVICE COUNCILLORS NOT MAKE INDIVIDUAL STATEMENTS OR MOVE MOTIONS.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND REVEREND BRUCE HUNTER DELIVERED THE OPENING PRAYER.

**APOLOGIES**

APOLOGIES FOR THE INABILITY TO ATTEND THE MEETING WERE RECEIVED ON BEHALF OF COUNCILLORS ROSE AND WELHAM DUE TO ATTENDING A CONFERENCE.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NO 251, WAS 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 27 June 2007 (contd)**

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**246 Disclosures of Interest**

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F2006/02282 MW:SW

**265 WORLD YOUTH DAY – “JOURNEY OF WORLD YOUTH DAY CROSS AND ICON”**  
COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE ENTRANCE TOWN CENTRE MANAGEMENT IS MENTIONED IN THE REPORT AND I AM A PART TIME EMPLOYEE OF A COMPANY THAT DEALS WITH THE ENTRANCE TOWN CENTRE MANAGEMENT, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 I CONSIDER THAT THIS RELATIONSHIP HAS NOT INFLUENCED ME IN MY DECISION MAKING.”*

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

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

**247 Proposed Inspections**

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F2006/02282 MW:SW

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

***That the report on inspections to be conducted on Wednesday, 27 June 2007 be received and the information noted.***

**248 Proposed Briefings**

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F2006/02282 MW:SW

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

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

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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**249 Address by Invited Speakers**

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F2006/02282 MW:SW

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

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

**250 Confirmation of Minutes of Previous Meeting**

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F2006/02282 MW:SW

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

**That the minutes of the previous Ordinary Meeting of Council held on 13 June 2007 be received and confirmed with a change to remove Councillor Pavier, recorded as voting for Item 223, due to the fact that he was not present at the meeting.**

**251 Notice of Motion – Support of Chain Valley Bay Hall Committee**

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F2004/07635

MR PHIL KENNY, REPRESENTING CHAIN VALLEY BAY HALL COMMITTEE, ADDRESSED THE MEETING AT 5.14 PM, ANSWERED QUESTIONS AND RETIRED AT 5.25 PM.

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

- 1 That Council recognise the already significant contribution made by the Chain Valley Bay Hall Committee in funding:**
  - a Half the cost of the initial hall construction.**
  - b Two thirds the cost of the hall extension.**
  - c All the costs of the basketball courts - \$28,000.**
  - d All the cost of playground equipment at the hall.**
  - e All the cost of playground equipment at the boat ramp.**

## **Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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- 2 *That in order for the Hall Committee to fund the identified needs of other important projects such as:*

*Softfall for playground area - \$15,000  
 New chairs for hall - \$2,600  
 New tables for the hall - \$1,600  
 Picnic tables for the playground area for playgroup mums*

*Council fund the full cost of security fencing around the local community hall at a cost of approximately \$12,000.*

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

AGAINST: COUNCILLORS, FORSTER, GRAHAM, PAVIER AND STEVENS.

THE MOTION WAS LOST ON THE CASTING VOTE OF THE MAYOR.

## **252 Notice of Motion – Community Involvement in Shire Entry Designs**

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F2004/06729

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

- 1 ***That further to Council's decision to erect entry signs in three locations around the Shire, at a cost of approximately \$100,000, Council afford our residents and ratepayers the opportunity to be involved in the design process through such organisations as our TAFE and Universities. Graphic Design/Art Faculties and interested schools should also be encouraged to participate, with a view to provide community ownership of the project while lessening of the likelihood of vandalism.***
- 2 ***That staff review and recommend possible structural material alternatives that may reduce the overall signage costs.***

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

THE MAYOR NOTED THE ENTRY TO THE CHAMBER OF MEMBERS OF THE YOUTH ADVISORY COUNCIL WHO HAD JUST CONCLUDED THEIR FIRST MEETING. HE WELCOMED THEM AND EXTENDED APPRECIATION FOR THEIR INTEREST.

**253 Notice of Motion – Premature Electrification of New Estates**

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F2004/06351

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

- 1 That Council put the following motion to the next Local Government Association Conference (LGA):**  
  
***That the LGA lobby Energy Australia and the appropriate State Minister to cease its premature electrification of new estates.***
- 2 That this matter be referred to Central Coast Regional Organisation of Councils for their support.**
- 3 That Council write to the Member for Wyong, Mr David Harris, and the relevant State Ministers seeking their assistance to stop this rampant waste of electricity and generation of greenhouse gases.**

**254 CPA 122173 – Hire of Plant for the Operation of Buttonderry Waste Management Facility**

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CPA/122173 PRW: EBL

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

- 1 That all complying tenders received for the hire of plant for the operation of Buttonderry Waste Management Facility be accepted for inclusion on a priority ranking list for 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 122173 Hire of Plant for the Operation of Buttonderry Waste Management Facility. The estimated annual expenditure for all plant against this contract is \$1,168,455 including GST (\$1,062,232 excluding GST) however actual expenditure may vary significantly with fluctuations in demand.**

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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**255 CPA 122103 - Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility**

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CPA/122103 PRW:EBL

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

***That Council accept Tender No 2 from Smorgon Steel Recycling for the Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility for a period of six months commencing on 1 August 2007 at an estimated income to Council of \$255,883 (GST inclusive) or \$232,621 (GST exclusive).***

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**256 Annual and Rolling Works Program 2007/2011 – Buildings**

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F2004/11318 BP:BA

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

- 1 That the Buildings Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 That the Buildings Rolling Works Program as detailed in the report covering building items programmed in the 2008/2009, 2009/2010 and 2010/2011 years be noted.***

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**257 Annual and Rolling Works Program 2007/2011 – Contracts and Special Projects**

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F2004/11318 DBT:DBT

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

- 1 That the Contracts and Special Project Section Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 That the Contracts and Special Projects Section Rolling Works Program as detailed in the report covering major capital items programmed in the 2008/2009, 2009/2010 and 2010/2011 financial years be noted.***

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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**258 Annual and Rolling Works Program 2007/2011 – Open Space and Recreation**

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F2004/11318 IR:LM

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

- 1 That the Open Space and Recreation Section Annual Works Program as detailed in this report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 That the Open Space and Recreation Section Rolling Works Program as detailed in this report covering capital items programmed in the 2008/2009, 2009/2010 and 2010/2011 Open Space and Recreation budget be noted.***

**259 Annual and Rolling Works Program 2007/2011 – Roads and Drainage**

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F2004/11318 TC:SMF

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.25 PM AND RETURNED TO THE CHAMBER AT 6.27 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.26 PM AND RETURNED TO THE CHAMBER AT 6.28 PM.

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

- 1 That the Roads and Drainage Section Annual Works Program as detailed in the report covering works funded in the 2007/2008 Management Plan be adopted.***
- 2 That the Roads and Drainage Section Rolling Works Program as detailed in the report concerning works programmed in the 2008/2009, 2009/2010 and 2010/2011 years be noted.***
- 3 That Council staff provide a report on ways of prioritising the reconstruction of Minnesota Road.***

**260 Annual and Rolling Works Program 2007/2011 – Water and Sewerage**

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F2004/11318 MR:DP

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

- 1 That the Water and Sewerage Section Annual Works Program for 2007/2008 as detailed in the report be adopted.**
- 2 That the Water and Sewerage Section Rolling Works Program as detailed in the report for 2008/2009, 2009/2010 and 2010/2011 be noted.**

**261 Establishment of Alcohol Free Zone at Budgewoi**

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F2006/06070 MW

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

- 1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2009:**

**Budgewoi: The Alcohol Free Zone would be bound by Scenic Drive in the South, Natuna Avenue in the North, Kalani Street in the West, Alawai Avenue and Alexandra Street in the East. All streets within this boundary would be included within the Alcohol Free Zone.**

- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.**
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.**
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.**



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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**262 Establishment of Alcohol Free Zone at Ourimbah**

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F2006/06076 MW

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

- 1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2009:**  
  
**Ourimbah: The Alcohol Free Zone would include Bristowe Close, Kauri Court and Red Cedar Close and the lengths of Shirley Street and Coachwood Drive.**
- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.**
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of the proposal.**
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.**

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**263 Proposed Councillors' Community Improvement Grants**

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F2006/00788 SG

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

- 1 That an amount of \$11,572 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.**
- 2 That the policy for the Councillors' Community Improvement Grants be varied to enable allocation of funds to the Trust to be set up for the funding of the Performing Arts Centre.**

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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**


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**264 10<sup>th</sup> International River Symposium and Environmental Flows Conference**


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F2004/06466 ED

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

- 1 That Council authorise interested Councillors to attend the 10<sup>th</sup> International River Symposium and Environmental Flows Conference.**
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.**

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

**265 World Youth Day – “Journey of World Youth Day Cross and Icon”**


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F2007/00887 JCB

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE ENTRANCE TOWN CENTRE MANAGEMENT IS MENTIONED IN THE REPORT AND I AM A PART TIME EMPLOYEE OF A COMPANY THAT DEALS WITH THE ENTRANCE TOWN CENTRE MANAGEMENT, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 I CONSIDER THAT THIS RELATIONSHIP HAS NOT INFLUENCED ME IN MY DECISION MAKING.”*

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

- 1 That Council endorse the scheduled visit to Wyong Shire of the “Journey of World Youth Day Cross and Icon”.**
- 2 That Council note the Wyong Shire Traffic Committee's decision to authorise the closure of:**
  - \* Bush Street from the south-east corner of Bush Street Reserve to the boundary of the Norah Head Lighthouse Reserve between 5.30 am and 8.30 am on Wednesday 11 July 2007, to facilitate a public procession of the cross and icon from Bush Street Reserve to the lighthouse.**

**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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- \* *That section of The Entrance Road between Marine Parade and Ashton Avenue at The Entrance between 11.30 am and 12.15 pm on Wednesday 11 July 2007, to facilitate the procession of the cross and icon from Memorial Park to "Our Lady of the Rosary Catholic Church".*
  
- 3 *That Council authorise the use of Bush Street Reserve between the hours of 5.30 am and 9.30 am on Wednesday 11 July 2007, for the purpose of public assembly and breakfast by the participants in the procession of the cross.*
  
- 4 *That the fees applicable to such an event as outlined in this report be waived.*
  
- 5 *That the following authorities be notified of these arrangements:*
  - \* *The Entrance Town Centre Management Corporation.*
  - \* *The Australian Volunteer Coast Guard Association.*
  - \* *Greater Toukley Vision.*

**266 Gosford and Wyong Councils' Water Authority Board Meeting**

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F2004/06808

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.55 PM AND RETURNED TO THE CHAMBER AT 6.57 PM.

*It was MOVED on the motion of Councillor EATON and seconded by Councillor BEST:*

*That Council maintain the existing level of water restrictions pending the next meeting of the Gosford and Wyong Councils' Water Authority.*

FOR: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

AGAINST: COUNCILLORS FORSTER, GRAHAM, STEVENS AND STEWART.

THE MOTION WAS LOST ON THE CASTING VOTE OF THE MAYOR.

**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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

***That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 June 2007 be received and the recommendations contained therein be adopted.***

FOR: COUNCILLORS FORSTER, GRAHAM, STEVENS AND STEWART.

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

THE MOTION WAS CARRIED ON THE CASTING VOTE OF THE MAYOR.

**267 Information Reports**

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F2006/02282 MW:SW

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

***That the Information Reports of the Ordinary Meeting of Council be dealt with by the exception method.***

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

***That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report numbers 269 and 270, be received and the information noted.***

**268 Activities of the Development Assessment Unit**

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F2004/07830 NL:NL

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

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

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**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**269 Bio Banking and Carbon Credits**

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F2004/09073 CT

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

*That a further report be prepared on the use of investment funds for carbon credits.*

**270 General Works in Progress Report**

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F2004/07830 JEM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.05 PM AND DID NOT RETURN.

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

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

**271 Wyong Shire Library Statistics**

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F2004/11651 JM/JM

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

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

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

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F2004/07830 KRG:DP

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

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

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

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F2006/02282 MW:SW

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

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

**Minutes of the Ordinary Meeting of Council held on 27 June 2007 (contd)**

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**QUESTIONS WITHOUT NOTICE ASKED****Q061 – Shire Media Advertising Budget  
Councillor Eaton**

*“Could Council advise on the total Shire media advertising budget?”*

**Q062 – State Government Infrastructure Levies for Warnervale Town Centre  
Councillor Eaton**

*“Can Council confirm State Government Infrastructure Levies for Warnervale Town Centre have been discussed at levels of \$100,000 - \$200,000 per block, assuming 10 blocks per hectare?”*

**Q063 – Norah Head Lighthouse Trust  
Councillor Veugen**

*“I have been approached by a number of concerned Norah Head residents and ratepayers regarding the Norah Head Lighthouse Trust’s non compliance with the Heritage Act and the intervention of the local member in this issue, also a large number of board members have resigned. Could staff seek on behalf of our residents and ratepayers an update from this Board as to the real situation?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.08 PM.

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CHAIRPERSON