
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 28 MAY 2008,
COMMENCING AT 5.05 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 AND R C STEVENS.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER COMMUNICATIONS, MANAGER NATURAL RESOURCES, MANAGER HEADWORKS AND PROJECT MANAGER MARDI MANGROVE LINK.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND REVEREND BRUCE HUNTER DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WASE RECEIVED ON BEHALF OF COUNCILLOR VEUGEN WHO IS ON LEAVE.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 201, 232, 230, 202, 203, 204 AND 214 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.

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

That standing orders be varied to enable item 232 to be considered.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

201 Disclosures of Interest

F2008/01064 MW:SW

214 - MINUTES OF THE GOSFORD/WYONG COUNCILS' WATER AUTHORITY BOARD MEETING – 21 MAY 2008

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN REPORT 214 ITEM WA008 – UPDATE ON WATER EVENT OPTIONS FOR THE REASON THAT HIS FAMILY MAY PROVIDE AMUSEMENT EQUIPMENT AT THESE EVENTS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

218 - CHIKAROVSKI MINING ENQUIRY REPORT

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MEMBER FOR DOBELL WAS REQUESTED TO TAKE SOME ACTION ON THIS ISSUE AND THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL LEFT THE CHAMBER AT 10.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

228 - NOTICE OF MOTION – MANAGEMENT PLAN NEWSLETTER

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF 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."

W013 - WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCILLOR APPOINTED TO THAT 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."

W013 - 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 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 I AM A COUNCIL APPOINTEE."

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

W013 - WYONG COMMUNITY RECREATION ASSOCIATION

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS REPLACING COUNCIL'S PREVIOUS DIRECTOR OF SHIRE SERVICES ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY".

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

That the report be received and advice of disclosures noted.

202 Proposed Inspections

F2008/00003 MW:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 6.57 PM AND RETURNED TO THE CHAMBER AT 7.00 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report on inspections conducted on Wednesday, 28 May 2008 be received and the information noted.

203 Proposed Briefings

F2008/00003 MW:SW

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

- 1 That the report be received and the information noted.***
- 2 That it be noted that a special briefing was held on Wednesday, 28 May 2008 at 2.30 pm until 4.30 pm regarding the Gwandalan Landfill site.***

204 Address by Invited Speakers

F2008/00003 MW:SW

RESOLVED unanimously on the motion of Councillor EATON 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 each item to be dealt with following the speaker's address.**

205 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

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

- 1 That pursuant to Section 10A(2)(a) and 10A(2)(c) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:**
 - W010 - Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street, Wyong**
 - W011 - Council's Landholdings**
 - W013 - Wyong Community Recreation Association**
- 2 That the reason for dealing with Report No W010 - Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street, Wyong confidentially is that it contains personnel matters concerning particular individuals (other than Councillors).**
- 3 That the reason for dealing with the Report No W011 – Council's Landholdings 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.**
- 4 That the reason for dealing with the Report No W013 – Wyong Community Recreation Association 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.**

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*
- 6 *That Report No W012 – Leadership Development Program be considered in Open Session as item 211A.*

206 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

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

That the minutes of the previous Ordinary Meeting of Council held on 14 May 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

207 'Living Sustainably In Wyong Shire' - A Sustainability Initiative

F2007/00404 KD:KD

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

- 1 *That the consultants report 'Living Sustainably in Wyong Shire' be noted.*
- 2 *That the report's recommendations for implementation of Phases Two and Three of the decision making framework be endorsed and implemented as appropriate.*
- 3 *That the draft Sustainability Principles be adopted for interim use.*
- 4 *That further refinement of the Principles occur to reflect the Shire Strategic Vision process.*

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

208 CPA 94307 - Hire of Compactor and Traxcavator for Buttonderry Waste Management Facility

CPA/94307 GHK:EBL

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council exercise the extension option of 2 years for Contract CPA 94307 for the Hire of Compactor and Traxcavator for Buttonderry Waste Management Facility at a cost of \$1,501,022 (excl GST) and subject to rise and fall adjustments.

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

AGAINST: COUNCILLOR EATON.

209 Determination of Water and Sewer Charges for 2008/09

F2004/06782 TD

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council as the Water Supply Authority in accordance with Sections 315 and 316 of the Water Management Act 2000 No 92 adopt the service charges set out in Enclosure for the period 1 July 2008 to 30 June 2009 based on the determinations of the Authority set out in a, b and c below:

- a That the amount of money estimated by the Authority that is proposed to be raised by way of service charges levied uniformly on all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipe is \$54,479,000 for the period 1 July 2008 to 30 June 2009.***
- b That all land that is reasonably available for connection to the Authority's water supply pipes and sewerage service discharge pipes is classified for the purposes of levying service charges on the basis of the following factors:***

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

- i* whether the land is residential or non residential; and
 - ii* the nature and extent of the water or sewerage services connected to each individual allotment.
- c** That service charges shall be uniformly levied on the following basis:
- i* the nominal size of the water service supply pipe supplying water to the land or to which, in the opinion of the Authority, it is reasonably available for water to be supplied to the land, expressed as a charge determined by the nominal pipe size attaching to the Authority's service supply meter;
 - ii* by charge following an assessment of the cost of supplying water and sewerage services by the Authority; and
 - iii* where water pressure requires larger sizes of pipes and meters a charge as assessed by the Authority.

210 Hunter Connection Project – Major Contracts Summary Report

F2005/02394 PRW:RA

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.36 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.39 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1** That Council note its concern regarding staff breaching their delegations.
- 2** That the General Manager brief Council on improved policies, procedures and processes that can be implemented to prevent this occurring on future projects.
- 3** That Council endorse the major contracts and variations for delivering of the Morisset Water Pumping Station and Morisset to Warnervale Water Trunk Main.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

211 2007/08 Management Plan – March 2008 Quarter Review

F2004/07006 BR

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

- 1 That Council receive and note the report and endorse budget amendments 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.**

211A Leadership Development Program

F2006/01523 LW:LW

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

- 1 That Council express concern regarding the governance around the Senior Leadership Development Program in particular the perception that the project has breached Section 55 of the Local Government Act and ICAC Guideline 1:**

“Managing Risk: Reducing Corruption Risks in Local Government – Taking the Con out of Contracting: Guidelines for Managing Corruption Risks in Local Government Procurement and Contract Administration” issued September 2001”

By order splitting the project into Contracts 1A to 1F with variations and that Council refer this matter to the Department of Local Government for advice.

- 2 That Council express concern around the concept of “Body Hire”.**
- 3 That the General Manager provide a report to Council by 25 June 2008 on existing “Body Hire” arrangements and their cost to Council.**
- 4 That following this report a briefing be held to discuss “Body Hire” with a view to establishing processes for the General Manager to advise Council of “Body Hire” arrangements.**

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

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

That the meeting be adjourned for 5 minutes.

THE MEETING WAS ADJOURNED AT 9.26 PM AND RESUMED AT 9.36 PM.

**212 Minutes of the Central Coast Regional Organisation of Councils –
19 March 2008**

F2004/06390 ED

COUNCILLOR BEST LEFT THE CHAMBER AT 9.36 PM AND RETURNED TO THE CHAMBER AT 9.37 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 19 March 2008 be received and the recommendations contained therein, adopted.

**213 Minutes of the Wyong Shire Governance Committee Meeting –
14 May 2008**

F2004/07245 MW

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

- 1 That a Shire Wide Audit of closed landfill sites or similar lands occur with a report to Council by the Ordinary Meeting to be held 9 July 2008, detailing how similar issues/incidents do not occur at these operational and construction sites operated by Council.***
- 2 That a site inspection of the closed Gwandalan Landfill site be conducted by Councillors at the next round of inspections or at a time that is suitable with a Department of Environment and Climate Change inspection.***
- 3 That the Gwandalan landfill site be immediately secured and the site made safe.***
- 4 That Council stop immediately use of the closed Gwandalan Landfill site.***

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

- 5 *That appropriate signage be placed immediately at the site indicating that it is a closed landfill site highlighting the risks of illegal entry.*
- 6 *That the whole matter relating to unauthorised dumping, potential avoidance of levies and charges be referred to ICAC for advice relating to corruption in the matter.*
- 7 *That Council request the Department of Environment and Climate Change to brief Councillors on their current investigations and behaviour of Council staff in this matter.*
- 8 *That all short term environmental controls necessary be put immediately in place at the closed Gwandalan Landfill site.*
- 9 *That Council in consultation with the Mayor engage an external body to undertake a full investigation and inquiry of the Gwandalan Landfill site and activities there over the last 20 years.*
- 10 *That a voluntary remediation plan detailing all corrective actions and time frames be developed in consultation and agreement with Department of Environment and Climate Change.*
- 11 *That Council identify and comply with all relevant legislative requirements regarding the closed Gwandalan Landfill site.*
- 12 *That a comprehensive site investigation be undertaken by a suitably qualified consultant under the supervision of an independent accredited site Auditor and in close consultation with the Department of Environment and Climate Change.*
- 13 *That Council investigate the legality of all transfer stockpile sites.*
- 14 *That Council delegate to the Mayor the authority to vary the implementation of the above and to report any such variation to Council subsequently for endorsement.*
- 15 *That with the exception of the recommendation regarding the Gwandalan Landfill Site the minutes of the Wyong Shire Governance Committee meeting held on 14 May 2008 be received and the recommendations contained therein, adopted.*
- 16 *That Council support the resourcing of an additional qualified Internal Auditor.*
- 17 *That Council congratulate Mr Bruce Turner on his receipt of the Bob McDonald Award for his outstanding services to the auditing profession.*
- 18 *That Council congratulate Jeff Simpson on his quality of work and comprehensive reports to the Governance Committee.*

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

214 Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008

F2004/06390 ED

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN REPORT 214 ITEM WA008 – UPDATE ON WATER EVENT OPTIONS FOR THE REASON THAT HIS FAMILY MAY PROVIDE AMUSEMENT EQUIPMENT AT THESE EVENTS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.44 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.19 PM AND RETURNED TO THE CHAMBER AT 8.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.20 PM AND RETURNED TO THE CHAMBER AT 8.23 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.26 PM AND RETURNED TO THE CHAMBER AT 8.27 PM DURING CONSIDERATION OF THIS ITEM.

MR WARWICK O'ROURKE, REPRESENTING THE YARRAMALONG VALLEY PROGRESS ASSOCIATION, ADDRESSED THE MEETING AT 7.18 PM, ANSWERED QUESTIONS AND RETIRED AT 7.46 PM.

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

That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, with the exception of item WA008, be received and the recommendations contained therein, adopted.

FOR: COUNCILLORS FORSTER, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM AND PAVIER.

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

That item WA008 be received and the recommendations contained therein, adopted.

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

AGAINST: COUNCILLORS BEST AND EATON.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

Information Reports

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

That with the exception of report number 217 and 218 the information reports be received and the recommendations adopted.

215 Resumption (or Buy Out) Policy

F2004/07782 GW

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

That the report be received and the information noted.

216 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

217 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.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

218 Chikarovski Mining Enquiry Report

F2004/07086 MW

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MEMBER FOR DOBELL WAS REQUESTED TO TAKE SOME ACTION ON THIS ISSUE AND THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF DOBELL LEFT THE CHAMBER AT 10.13 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

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

- 1 That the report be received and the information noted.***
- 2 That the Federal Member for Dobell be asked for a response as to the introduction of his Private Members Bill.***
- 3 That the Member for Wyong be requested to advise on the status.***
- 4 That Councils' Director of Shire Planning personally contact Ms Chikarovski to expedite release of her panel's report and advise Council of the outcome.***

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

AGAINST: COUNCILLOR WELHAM.

219 Local Government Amendment (Elections) Bill 2008

F2004/06385 ED

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

That the report be received and the information noted.

220 Recruitment Activities of the Staff Services Unit

F2004/00355 BSS:KL

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

221 Submission for Black Spot Funding

F2004/06312 SF

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

That the report be received and the information noted.

222 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

223 Works in Progress Report – Water and Sewerage

F2004/07830 IC:DP

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

That the report be received and the information noted.

224 Wyong Shire Library Statistics

F2004/11651 JM: JM

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

225 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

226 Notice of Motion – Opposition to 20 Storey Tower Proposal by Westfield

RZ/2/2007 SW

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

- 1 *That Council reiterate its opposition to the 20 storey tower proposal by Westfield on its old abattoir site.*
- 2 *That Council censure the Mayor for his apparent support for the 20 storey tower concept given;*
 - a *Council's unanimous opposition to the concept in adopting the Wyong Tuggerah Planning Strategy, and*
 - b *Westifeld's donation of \$1/4 million to the Labor Party.*

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

That the MOTION be put.

RESOLVED unanimously that the MOTION be put.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST AND EATON.

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

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

227 Notice of Motion – Wallarah 2 Funding

F2006/01080 SW

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

Council previously set aside funds for the examination of the State investigation into the Wallarah 2 Coal Mine and loader;

That Council now seeks a further report on whether the funds set aside are adequate given the expert fields of study that will be required to be examined.

228 Notice of Motion – Management Plan Newsletter

F2007/00880 SW

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS EMPLOYED BY THE FEDERAL GOVERNMENT WORKING OUT OF THE OFFICE OF 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 on the motion of Councillor PAVIER and seconded by Councillor GRAHAM:

That Council in principle support a bi-annual, shire wide newsletter promoting the work of the Estuary Management Plan on Tuggerah Lakes.

That a report be produced on:

- a the most cost effective way of distribution (ie with rate notices etc) be examined.***
- b whether the Member for Dobell (given the Federal Government contribution) would like to participate and to what extent.***
- c that political comment be invited from the Mayor (of the day), Estuary Management Deputy Chair and the Member for Dobell (should he contribute).***
- d the timing of the first newsletter.***

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

AGAINST: COUNCILLOR BEST.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

229 Notice of Motion – Central Coast Transport Action Plan

F2004/06677 SW

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

That staff investigate the Central Coast Transport Action Plan as it was previously advertised and publicly exhibited to follow up on the following issues with regards to the plan;

- a the funding (how much has been set aside over the years)**
- b what has been implemented**
- c any task forces to be created or discussion groups that were to be formed**
- d how long it has been on the Council website**

230 Notice of Motion – Inaugural 2008 National Whale Day Event

F2004/10946 SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.05 PM AND RETURNED TO THE CHAMBER AT 7.06 PM DURING CONSIDERATION OF THIS ITEM.

MR TONY FIELD, MEDIA DIRECTOR REPRESENTING WHALE CALL INC, ADDRESSED THE MEETING AT 7.01 PM, ANSWERED QUESTIONS AND RETIRED AT 7.07 PM.

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

- 1 That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.*
- 2 That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.*
- 3 That Council allocate the sum of \$500 to Whale Call to assist with the event and for general administration costs subject to meeting Council's public donation criteria.*

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

An *AMENDMENT* was *MOVED* by Councillor GRAHAM and *SECONDED* by Councillor PAVIER:

- 1 *That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.*
- 2 *That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.*

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

The *AMENDMENT* then became the *MOTION*.

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

- 1 ***That Council on behalf of its residents and ratepayers re-affirm its strident opposition to the outrageous practice of so called scientific whaling in the Antarctic's international whale sanctuary.***
- 2 ***That Council support the inaugural Whale Day event hosted by Whale Call and IFAW to be staged at Soldiers Beach on Saturday 14 June 2008 by publicising this important community initiative through Council's various media avenues.***

231 Notice of Motion – Poll on Popularly Elected Mayor

F2007/06511 F2004/08138 SW

COUNCILLOR FORSTER LEFT THE CHAMBER AT 11.27 PM AND RETURNED TO THE CHAMBER AT 11.37 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council offer the residents and ratepayers of Wyong Shire the opportunity to choose their Mayor at a Council general election through the initial step of holding a constitutional referendum at the upcoming 2008 Council general election seeking community support for this initiative.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor ROSE;

- 1 That Council look to holding a constitutional referendum at the upcoming 2008 Council general election seeking;
 - a the introduction of a popularly elected Mayor in Wyong Shire
 - b the introduction of three wards with each ward electing three Councillors
- 2 That to facilitate the above Council staff engage in dialogue with the Electoral Commission and facilitate a briefing with Councillors to advance this issue.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS ROSE AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, PAVIER, STEVENS AND STEWART.

An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor GRAHAM;

That a further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor detailing exactly how the numbers equate in three wards concerned.

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

That the MOTION be put.

RESOLVED that the MOTION be put.

FOR: COUNCILLORS GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND ROSE.

The AMENDMENT became the MOTION.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

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

That a further report be reported to Council at a briefing session outlining the ramifications of a popularly elected Mayor and exactly how the numbers equate as far as three wards concerned.

FOR: COUNCILLORS GRAHAM, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND ROSE.

232 Notice of Motion – Surf Club Renewal Program

F2006/00977 SW

MR CHAD GRIFFITHS, EXECUTIVE OFFICER REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5.39 PM.

MR JIM MYERS, PRESIDENT REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5.39 PM.

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

- 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 (SCRP) through identifying an indicative allocation of \$2.5M in the staff 2009/10 pre budgeting planning process to establish a building fund, with a view to providing recurring funding in subsequent budget years to deliver a complete roll out of the SCRCP.*
- 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 review its 2008/09 Draft Budget with a view to providing immediate seed funding for the project of approximately \$100K.*

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor GRAHAM:

- 1 That a written report be reported back to Council by 23 July 2008 on the following;
 - a Councils priority on Surf Life Saving Club buildings.
 - b That the report be based on the source of fund costings and availability of grant funding.
 - c The constraints that may be encountered on existing buildings and redevelopment.
- 2 That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.

COUNCILLOR EATON GAVE NOTICE OF A FORESHADOWED AMENDMENT.

The AMENDMENT became the MOTION.

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

AGAINST: COUNCILLORS BEST AND EATON.

The FORESHADOWED AMENDMENT that was moved by Councillor EATON, was SECONDED by Councillor BEST and became the AMENDMENT.

- 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 (SCRIP) through identifying an indicative allocation of \$2.5M in the staff 2009/10 pre budgeting planning process to establish a building fund, with a view to providing recurring funding in subsequent budget years to deliver a complete roll out of the SCRIP.
- 3 That Council review its 2008/09 Draft Budget with a view to providing immediate seed funding for the project of approximately \$100K.
- 4 That a written report be reported back to Council by 23 July 2008 on the following;
 - a Councils priority on Surf Life Saving Club buildings.
 - b That the report be based on the source of fund costings and availability of grant funding.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

c The constraints that may be encountered on existing buildings and redevelopment.

5 *That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.*

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

That the MOTION be put.

RESOLVED that the MOTION be put.

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

AGAINST: COUNCILLORS BEST AND EATON.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS BEST AND EATON.

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

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

1 *That a written report be reported back to Council by 23 July 2008 on the following;*

a Councils priority on Surf Life Saving buildings.

b That the report be based on the source of fund costings and availability of grant funding.

c The constraints may be encountered on existing buildings and redevelopment.

2 *That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.*

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

AGAINST: COUNCILLOR BEST.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

THE MEETING WAS ADJOURNED AT 9.26 PM AND RESUMED AT 9.36PM

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

That standing orders be varied to enable item 230 to be considered.

FOR: COUNCILLORS BEST, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS FORSTER, GRAHAM AND PAVIER.

QUESTIONS WITHOUT NOTICE ASKED

Q034 - Cost to the Ratepayer of Operating the Conduct Committee

Councillor Best

F2004/06498

Mr General Manager, my question is in relation to the Council's Conduct Committee. As you are aware, over the term of this Council, I for one have not seen fit to refer any Councillors to this investigative / disciplinary Council Committee as it is my view that any matter of alleged corruption should be dealt with by the Independent Commission Against Corruption (ICAC). Council staff provide information as to the total costs associated with the operations of the Conduct Committee over the term of this Council and the number of matters to date (at 28 May 2008) that have been referred for further action to respective investigatory / disciplinary Government agencies?

Q035 - Rolling Works and Road Issue at Chittaway Bay

Councillor Pavier

F2004/05304

Has the Director Shire Services recently contacted Mr Spratt in regards to the rolling works and road issue at Chittaway Bay?

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 11.38 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 12.05 AM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W010 Proposed Lease to Central Coast Legal Centre of Lot 3 DP 11131 being 18 Margaret Street Wyong

F2008/00468 F2007/01233 SB

- 1** *That this matter be deferred to allow further negotiations between Wyong Shire Council, Central Coast Legal Centre and Child Abuse Prevention Services.*
- 2** *That Council recognise that this site will become staff and community carparking upon rezoning.*

W011 Council's Landholdings

F2004/00535 GMS:LS

That the amended report be received and the information noted.

W013 Wyong Community Recreation Association

F2008/00352 GJA

- 1** *That the report be received and the information noted.*
- 2** *That the governance model as described in the report be adopted.*
- 3** *That Council not call tenders for the operation of Lake Haven Centre from 1 July 2008 – 30 June 2009 because of the existing contract between WYCRA and LeisureCo.*
- 4** *That Council enter into legal agreements with WYCRA and LeisureCo for:*
 - a** *Variation of the constitution of WYCRA to provide for members of the board to be made up of Council representatives and community representatives only.*
 - b** *WYCRA to continue to employ staff for the operation of Lake Haven Centre to 30 June 2009.*

Minutes of the Ordinary Meeting of Council held on 28 May 2008 (contd)

- c Council to directly engage LeisureCo for Management Services for the period 1 July 2008 – 30 June 2009 in an amount of \$221,116.*
 - d WYCRA to continue to operate Bingo in the long term in order to repay Council's loans.*
- 5 That future funding, as highlighted in the cash flow to 30 June 2009, be provided by Council by way of a loan to WYCRA.**
- 6 That the Loan Agreement with WYCRA be executed.**
- 7 That Council authorise the Mayor and the General Manager to sign and seal all documents.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.05 AM.

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CHAIRPERSON