
WYONG SHIRE COUNCIL

REPORTS TO THE ORDINARY MEETING OF COUNCIL

TO BE HELD IN THE COUNCIL CHAMBER,
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 9 JULY 2008,
COMMENCING AT 5.00 PM

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ORDINARY MEETING OF COUNCIL

9 JULY 2008

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WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

General Manager's Report

302 Disclosures of Interest

F2008/01064 ED:MR

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

General Manager's Report

303 Proposed Inspections

F2008/00003 ED:MR

SUMMARY

Inspections proposed to be held on 23 July 2008 and prior to the second Ordinary Meeting are listed as follows:

Date of Inspection	Location	Requested By
23 July 2008	Saltwater Creek Reserve – Long Jetty	Director Shire Services
23 July 2008	North Entrance Beach – Rehabilitation of Dunes	Director Shire Services
23 July 2008	Noraville Cemetery Gardens – Stage 1 & Stage 2 and Identification of Stage 3	Director Shire Services
23 July 2008	Buff Point – Construction of Bike Track	Director Shire Services
23 July 2008	Lakeland Community Centre, Kanwal – Community Art Project	Director Shire Services
23 July 2008	Pollock Avenue, Kanwal - Reconstruction	Director Shire Services

RECOMMENDATION

That the report on inspections to be conducted on Wednesday, 23 July 2008 be received and the information noted.

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

General Manager's Report

304 Proposed Briefings

F2008/00003 ED:MR

SUMMARY

Briefings proposed for this meeting to be held in Wilfred Barrett and Tim Farrell Committee Rooms.

Date	Briefing	Description	Time	Presented by
9 July 2008	Westpac Rescue Helicopter Service	Provide information on how the service will be working with the Central Coast Community and its increasing role in the Central Coast.	Richard Jones Westpac Rescue Service (confirmed)	11 am -12 noon
9 July 2008	Breakdown of Contributions & Levies for Warnervale Town Centre	Further to Notice of Motion of 23/4/08 – request for briefing regarding single lot development in the Warnervale Town Centre	Paul Bowditch/Wesley Wilson	12 noon -1 pm
9 July 2008	Surf Club Renewal Program	Further to Council resolution on the possible upgrading of surf clubs and their priority	Paul Wise with SLS NSW	1 pm -2.30 pm
9 July 2008	Future Planning Works Program	Discuss progress of Future Planning's Works Program	Paul Bowditch	2.30 pm-3 pm

RECOMMENDATION

That the report be received and the information noted.

9 July 2008
To the Ordinary Meeting of Council

General Manager's Report

305 Address by Invited Speakers

F2008/00003 ED:MR

SUMMARY

There have been no requests to address the Ordinary Meeting at the time of printing the Business Paper.

RECOMMENDATION

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

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

General Manager's Report

306 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

SUMMARY

Confirmation of minutes of the previous Ordinary Meeting of Council held on 25 June 2008.

RECOMMENDATION

That the minutes of the previous Ordinary Meeting of Council held on 25 June 2008 be received and confirmed.

WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 25 JUNE 2008,
COMMENCING AT 5.00 PM

PRESENT

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

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES.

THE MAYOR REPORTED THAT:

- * THE GENERAL MANAGER ADVISED WYONG SHIRE COUNCIL WAS THE RECIPIENT OF THE GOLD AWARD FROM THE 2007 PREMIERS PUBLIC SECTOR AWARDS, IN RECOGNITION OF THE EFFORTS FOR THIS ORGANISATION IN RESPONDING TO THE 2007 JUNE LONG WEEKEND STORM.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.04 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND REVEREND MARK WATT DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR ROSE 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.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 264, 265, 266, 267, 268 AND 283, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER WITH THE EXCEPTION OF REPORT NOS 273 AND 300. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

264 Disclosures of Interest

F2008/01064 MW:SW

274 – CONTRACT CPA 140816 – CONSTRUCTION OF THE ENTRANCE COMMUNITY CENTRE STAGE 2
COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS BUSINESS DEALS WITH A NUMBER OF TENDERERS, LEFT THE CHAMBER AT 6.55 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.56 PM.

300 – NOTICE OF RESCISSION – WYONG COMMUNITY RECREATION ASSOCIATION

W015 – NOTICE OF MOTION – LAKE HAVEN RECREATIONAL CENTRE QUERY

W016 – 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, HOWEVER, IN THE EVENT OF LEGAL ACTION AGAINST WYCRA I MAY DECLARE."

300 – NOTICE OF RESCISSION – WYONG COMMUNITY RECREATION ASSOCIATION

W015 – NOTICE OF MOTION – LAKE HAVEN RECREATIONAL CENTRE QUERY

W016 – 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 NOMINEE ON WYCRA AND GENERALLY INTERESTS COINCIDE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE GENERALLY INTERESTS COINCIDE BUT MAY HAVE TO RE-EVALUATE IF POTENTIAL CONFLICT ARISES."

THE GENERAL MANAGER ADVISED THAT HE HAD PREVIOUSLY DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN REGARD TO THE WYCRA MATTERS. HOWEVER, GIVEN THE CURRENT POTENTIAL CONFLICT BETWEEN WYCRA AND COUNCIL, HE HAD TAKEN LEGAL ADVICE THAT HE SHOULD NOT SIT ON THE WYCRA BOARD AT THIS POINT IN TIME.

THE GENERAL MANAGER STATED "AS THE CONFLICT WOULD BE SUCH THAT HE COULD NOT RESOLVE IT, AS MY BASIC DUTY IS TO THE COUNCIL AS AN EMPLOYEE OF COUNCIL, THEREFORE I DID NOT ATTEND THE LAST WYCRA MEETING AND FROM THAT POINT OF VIEW I DID NOT BELIEVE THERE WAS A CONFLICT IN THE MATTERS BEFORE THE COUNCIL TONIGHT".

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

265 Proposed Inspections

F2008/00003 MW:SW

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

- 1 That the report on inspections conducted on Wednesday, 25 June 2008 be received and the information noted.***
- 2 That Council note that representatives from the Department of Environment and Climate Change were present at the inspections of Gwandalan Landfill and Toukley Transfer Station.***

266 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

267 Address by Invited Speakers

F2008/00003 MW:SW

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

- 1 That the amended report on Invited Speakers be received and the information noted.***
- 2 That, should speakers be present at the meeting, standing orders be varied to allow Director's and General Manager reports to be dealt with following the speaker's address, with the exception of WYCRA matters which will be dealt with at the end of the meeting.***

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

268 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

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

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

W014 – Existing “Body Hire” Arrangements

W015 – Notice of Motion – Lake Haven Recreational Centre Query

W016 – Notice of Motion – Wyong Community Recreation Association

W016A – Notice of Rescission - Wyong Community Recreation Association

- 2 *That the reason for dealing with Report No W014 confidentially is that it contains personnel matters concerning particular individuals and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- 3 *That the reason for dealing with Report Nos W015 and W016 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 4 *That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

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

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

W014 – Existing “Body Hire” Arrangements

W015 – Notice of Motion – Lake Haven Recreational Centre Query

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

W016A – Notice of Rescission - Wyong Community Recreation Association

- 2 *That the reason for dealing with Report No W014 confidentially is that it contains personnel matters concerning particular individuals and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- 3 *That the reason for dealing with Report No W015 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 4 *That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*
- 6 *That W016 be dealt with in Open Session.*

FOR: COUNCILLORS FORSTER, GRAHAM, PAVIER AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, STEVENS, STEWART AND VEUGEN.

The AMENDMENT was put to the VOTE and declared LOST.

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

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

W014 – Existing “Body Hire” Arrangements

W015 – Notice of Motion – Lake Haven Recreational Centre Query

W016 – Notice of Motion – Wyong Community Recreation Association

W016A – Notice of Rescission - Wyong Community Recreation Association

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

- 2 *That the reason for dealing with Report No W014 confidentially is that it contains personnel matters concerning particular individuals and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- 3 *That the reason for dealing with Report Nos W015 and W016 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 4 *That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 5 *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

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

AGAINST: COUNCILLORS FORSTER, GRAHAM AND PAVIER.

269 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

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

That the minutes of the previous Ordinary Meeting of Council held on 11 June 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

270 Contract CPA 139071 – Hunter Councils Inc Period Contract for the Supply and Delivery of General Stationery and Ancillary Products

CPA/128566 JM

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

- 1 That subject to all participating Councils of Hunter Councils Inc agreeing to participate, Council agree to the contract between Hunter Councils Inc and Corporate Express for the supply and delivery of General Stationery and Ancillary products from the date of acceptance by Hunter Councils Inc until 30 June 2010.**
- 2 That Council note the annual estimated expenditure against this contract is \$249,273 including GST (\$226,611 excluding GST).**

271 Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry

CPA/138816 JR

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

- 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) for Contract CPA 138816 – Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry.*
- 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.*

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

That this matter be deferred pending a briefing of Council, to be held as soon as practicable.

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

AGAINST: COUNCILLOR STEVENS.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

The AMENDMENT then became the MOTION.

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

That this matter be deferred pending a briefing of Council, to be held as soon as practicable.

272 Contract CPA 116095 – Toukley Aquatic Centre and Wyong Olympic Pool – Proposed Increase of Admission Fees

CPA/116095 GK/GK

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

That Council maintain the current fee structure.

FOR: COUNCILLORS BEST AND VEUGEN.

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

The MOTION was put to the VOTE and declared LOST.

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

- 1** *That the proposed fee increases for the Toukley and Wyong Pools be advertised for public comment.*
- 2** *That subject to no public submissions to the advertising of the fee changes, the following fees at these pools be adjusted to the amounts shown below from 1 September 2008, and adjusted thereafter up to the CPI as a maximum.*

Child Fee	\$2.00 (50 cent increase)
Concession Fee	\$2.00 (50 cent increase)
Family Fee	\$11.00 (new fee for two adults and up to four children)

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

AGAINST: COUNCILLORS BEST AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

273 Contract CPA 137900 – Provision of Security Services

CPA/137900 SLM

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

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

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

That this matter be deferred for staff to resubmit the report, that will include additional information to Councillors.

274 Contract CPA 140816 – Construction of The Entrance Community Centre Stage 2

CPA/140816 GB

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS BUSINESS DEALS WITH A NUMBER OF TENDERERS, LEFT THE CHAMBER AT 6.55 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.56 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.55 PM AND RETURNED TO THE CHAMBER AT 6.56 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 accept Tender No 3 from B.R. McKenzie Constructions Pty Ltd in the lump sum amount of \$2,392,146 including GST (\$2,174,679 excluding GST).***
- 2 That Council approve a contingency amount of \$239,000 including GST (\$217,467.90, excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.***

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

275 Lease and Endorsement of Development Application for Part of Lot 7074 DP 1077036 at Budgewoi Road, Budgewoi

F2008/00884 JMT

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

- 1 That Council approve a lease of part of Crown Reserve 88683 at Budgewoi to Northlakes United Rugby Union Club Inc for a term of ten years or such a lesser term that does not require ministerial approval.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Northlakes United Rugby Union Club Inc.**
- 3 That Council authorise the Mayor and General Manager to execute all documents relating to the Lease between Wyong Shire Council and Northlakes United Rugby Union Club Inc.**
- 4 That Council endorse, as the Reserve Trust Manager of the Budgewoi Tourist Park Public Recreation Reserve (R88683) Reserve Trust, a development application by Northlakes United Rugby Union Club Inc to construct a deck and enclose the verandah on the land leased to it by Council.**

276 Transfer of Lot 37 being part of Lot 112 DP 1061383 Burlington Avenue, Jiliby

F2008/01057 JMT

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

- 1 That Council proposed classification of proposed Lot 37 being part of Lot 112 DP 1061383, in Burlington Avenue, Jiliby as Operational Land.**
- 2 That the proposed be advertised in accordance with Section 34 of the Local Government Act 1993.**
- 3 That, if no adverse submissions are received, the classification be adopted.**

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

277 Surrender of Lease, New Lease and Endorsement of Development Application for Part of Crown Reserve R55566 at Bay Road, Toowoon Bay

F2004/13049 JMT

THIS ITEM WAS WITHDRAWN BY ACTING DIRECTOR CORPORATE SERVICES TO ALLOW ADDITIONAL INFORMATION TO BE INCLUDED.

278 Renewal of Licence Agreements for Part Lot 1 DP 1068216 Liamena Avenue San Remo

F2008/00491 SB

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

- 1 That Council renew the licence agreement from Delta Electricity for Part Lot 1 DP 1068216 for public reserve including footbridge and carparking for the San Remo Hotwater Outlet Reserve, for a period of 5 years for a licence fee of \$1.00 per annum.**
- 2 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to the licence document between the Wyong Shire Council and Delta Electricity.**
- 3 That Council authorise the execution by the Mayor and the General Manager, of all documents relating to the licence between the Wyong Shire Council and Delta Electricity.**
- 4 That Council acquire the land in question to guarantee its long term public availability given the likelihood of Delta Electricity's privatisation.**

279 Sister Cities Australia National Conference

F2004/07107 MW

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

- 1 That Council authorise interested Councillors to attend the 2008 Sister Cities Australia National Conference.**

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

- 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, STEWART, VEUGEN AND WELHAM.

AGAINST: COUNCILLOR BEST.

280 Extension of Alcohol Free Zone at Toukley

F2004/06081 MW

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

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

Toukley: Main Road from Norah Head roundabout to Toukley Bridge, entirety of Canton Beach Road and Beach Parade.

- 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 all the proposals.*
- 4** *That the matter be resubmitted for Council determination following compliance with these procedures.*

281 Funding Request Change – Australian Volunteer Coast Guard Association Tuggerah Lakes

F2007/00729 SG

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

That the original funding of \$350 for two pole type tables to the Australian Volunteer Coast Guard Association Tuggerah Lakes be reallocated to purchase equipment for the Central Coast Guard Vessel.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

282 Indian Myna Bird

F2004/06909 PM

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

- 1 That Council place an electronic copy of the Central Coast Indian Myna Action Group information brochure on the Council webpage and distribute brochures.**
- 2 That Council purchase five traps for the Indian Myna Bird Action Group at \$400 each as per the quote provided.**

AT THIS STAGE OF THE MEETING COUNCIL CONSIDERED ITEM 273 CONTRACT CPA 137900 - PROVISION OF SECURITY SERVICES.

283 Recreation Smoke – Free Policy

F2004/06003 SP:SP

MS KATE BROWN, REPRESENTING THE CANCER COUNCIL, ADDRESSED THE MEETING AT 5.27 PM, ANSWERED QUESTIONS AND RETIRED AT 5.42 PM.

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

- 1 That Council adopt the amended "Recreation Smoke-Free" Policy and implementation strategy.*
- 2 That the policy be amended to provide the promoters of events held on Council managed land or sponsored by Council, be encouraged to operate the events as smoke-free.*
- 3 That public notice is given of the decision.*
- 4 That those people who made a submission during the exhibition be informed of Council's decision.*
- 5 That Council recognise the outstanding contribution that the NSW Cancer Council provides our community and that Council donate to the NSW Cancer Council \$1,000 in recognition of our support.*

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

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

That the MOTION be put.

RESOLVED unanimously that the MOTION be put.

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

- 1 That Council adopt the amended "Recreation Smoke-Free" Policy and implementation strategy.***
- 2 That the policy be amended to provide the promoters of events held on Council managed land or sponsored by Council, be encouraged to operate the events as smoke-free.***
- 3 That public notice is given of the decision.***
- 4 That those people who made a submission during the exhibition be informed of Council's decision.***
- 5 That Council recognise the outstanding contribution that the NSW Cancer Council provides our community and that Council donate to the NSW Cancer Council \$1,000 in recognition of our support.***

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

Information Reports

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

That with the exception of report numbers 286 and 288 the information reports be received and the recommendations adopted.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

284 Strategies That Encourage Lot Amalgamation of the “Vacant Site” and the “KFC site” on the Corner of The Entrance Road and Marine Parade

CPA/105639 SA

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

That the report be received and the information noted.

285 Central Coast Transport Action Plan

F2004/06677 RCB

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

That the report be received and the information noted.

286 Activities of the Development Assessment Unit

F2004/07830 JD:JD

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

That the report be received and the information noted.

287 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

288 Park Beach, The Entrance

F2004/00644

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 assess the Park Beach regularly from October 2008 to March 2009 in terms of :**
 - a Usage**
 - b Safety**
 - c Erosion**

And report back to Council in April 2009.

289 Pipeline Corridor Quarantine Zone Representations

F2006/01080 ED

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

That the report be received and the information noted.

290 Works in Progress Report – Water and Sewerage

F2004/07830 IC:DP

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

291 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

292 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

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

That the report be received and the information noted.

293 Notice of Motion – The Entrance Long Jetty Strategy Meeting

CPA/105639

COUNCILLOR BEST LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.33 PM DURING CONSIDERATION OF THIS ITEM.

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

That as a result of recent discussions on The Entrance/Long Jetty Strategy, a special planning opportunity with unique features exists between three strategic land holders in The Entrance. Those features should be explored with a view to reduce duplication of resources and to maximize community assets.

- 1 That Council facilitates a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council to discuss planning options for a precinct having immense interest across many areas of importance - retail shopping, transport, entertainment, sport (both active and passive), residential and tourism.***

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

- 2** *That options of discussion not be limited but certainly to include;*
- * *Road Closures*
 - * *Carparking*
 - * *Bus Interchange*
 - * *Height Limits*
 - * *Joint Shared facilities such as toilets/grandstands*
 - * *Time frames*
 - * *Residential/commercial/Entertainment*
- 3** *That the Mayor chair the meeting with interested Councillors/Senior Staff and the above key stakeholders and report back on the progress or otherwise of the meeting.*

294 **Notice of Motion – Funding of Public Radiation / Oncology Service for the Central Coast**

F2004/08724 KMF/RLG

COUNCILLOR STEWART LEFT THE CHAMBER AT 7.25 PM AND RETURNED TO THE CHAMBER AT 7.27 PM DURING CONSIDERATION OF THIS ITEM.

MS CATHY SMITH, REPRESENTING THE CENTRAL COAST ADVOCACY NETWORK, ADDRESSED THE MEETING AT 7.25 PM, ANSWERED QUESTIONS AND RETIRED AT 7.40 PM.

MS DIANNE MORGAN, REPRESENTING THE CENTRAL COAST ADVOCACY NETWORK, ADDRESSED THE MEETING AT 7.32 PM, ANSWERED QUESTIONS AND RETIRED AT 7.33 PM.

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

- 1** *That Council notes with dismay the State Government's failure to once again fund a public radiotherapy service for the Central Coast.*
- 2** *That Council write to the Member for Dobell, Mr Craig Thomson, thanking him for his support for a public radiotherapy service on the Central Coast and assuring him of our support for this to be given highest priority for Federal funding.*
- 3** *That Council seek the support of Gosford City Council.*
- 4** *That Council write to all Local State Government Members of Parliament encouraging them to support the community in its quest to seek financial assistance for a public radiotherapy service for the Central Coast.*

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

295 Notice of Motion – Wyong Pool Maintenance Policy

F2005/02391

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.50 PM AND RETURNED TO THE CHAMBER AT 8.00 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council as a matter of policy commit to the long term retention of Wyong Pool and reverse the current policy of minimal maintenance pending closure consequential to the building of a Warnervale aquatic facility.

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

- 1 That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator, with a view to identifying the future direction of the Club.*
- 2 That the Mayor and General Manager be authorised to enter into discussion with the Administrator and report to Council.*

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

The AMENDMENT then became the MOTION.

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

- 1 That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator, with a view to identifying the future direction of the Club.***
- 2 That the Mayor and General Manager be authorised to enter into discussion with the Administrator and report to Council.***

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

296 Notice of Motion – Invitation to Consul General to Address Council

F2006/01080

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

That Council invite the South Korean Consul General to urgently address Council in public session on the Korean Government's plans via KORES for the Wallarah 2 Mine project and to hear Council and community views thereon.

FOR: COUNCILLORS EATON AND VEUGEN.

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

The MOTION was put to the vote and declared LOST.

297 Notice of Motion – Education Program into Toddler Drowning

F2004/06027

MR JOHN ANDREWS, NATIONAL SECRETARY/TREASURER REPRESENTING THE AUSTRALIAN PROFESSIONAL OCEAN LIFEGUARD ASSOCIATION INC, ADDRESSED THE MEETING AT 8.14 PM, ANSWERED QUESTIONS AND RETIRED AT 8.26 PM.

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

- 1 That as drowning is the leading cause of accidental death of children below the age of five years and further to staff advice that Wyong Shire has approximately 10,000 backyard pools, Council review effectiveness of its current swimming pool audit program, which has only achieved 140 pool inspections with almost 50% failing to comply with pool safety requirements.***
- 2 That to assist staff in delivering this important compliance / education program, staff report to Council on the likely benefits of redeployment of Council's professional lifeguards from their winter / off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education.***

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

298 Notice of Motion – The Long Jetty Commercial Options Initiative

F2008/01347

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.42 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR STEVENS LEFT THE CHAMBER AT 8.37 PM AND RETURNED TO THE CHAMBER AT 8.40 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.41 PM AND RETURNED TO THE CHAMBER AT 8.44 PM DURING CONSIDERATION OF THIS ITEM.

MR BRUCE MCLACHLAN, A RESIDENT, ADDRESSED THE MEETING AT 8.37 PM, ANSWERED QUESTIONS AND RETIRED AT 8.54 PM.

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

- 1 That Council receive a briefing as part of the Long Jetty master planning that will occur following the potential adoption The Entrance Long Jetty Strategy on the permissibility and benefits / disbenefits of considering sub leasing (subject to Departmental approval) an area of the Long Jetty to cater for a commercial operation such as a cafe with possible education aspects.***
- 2 That any economical benefit derived from this activity be allocated to the maintenance and upkeep of the Long Jetty.***

299 Notice of Motion – Open and Transparent Council

F2006/00856

COUNCILLOR STEWART LEFT THE CHAMBER AT 9.15 PM AND RETURNED TO THE CHAMBER AT 9.17 PM DURING CONSIDERATION OF THIS ITEM.

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

That staff report to Council on the appropriate process for Council to consider in seeking to open Council's closed briefing sessions to the public and that any such public briefings be held in Council's Civic Centre Chamber.

FOR: COUNCILLORS BEST, PAVIER AND VEUGEN.

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

The MOTION was put to the vote and declared LOST.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

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

That Council adjourn for three minutes to allow the administration staff to download the digital recorder.

THE MEETING WAS ADJOURNED AT 9.28 PM AND RESUMED AT 9.34 PM.

300 Notice of Rescission - Wyong Community Recreation Association

F2008/00352 KMF, RLG, BJP

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 HOWEVER, IN THE EVENT OF LEGAL ACTION AGAINST WYCRA MAY DECLARE."

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL NOMINEE ON WYCRA AND GENERALLY INTERESTS COINCIDE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE GENERALLY INTERESTS COINCIDE BUT MAY HAVE TO RE-EVALUATE IF POTENTIAL CONFLICT ARISES."

THE GENERAL MANAGER ADVISED THAT HE HAD PREVIOUSLY DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN REGARD TO THE WYCRA MATTERS. HOWEVER, GIVEN THE CURRENT POTENTIAL CONFLICT BETWEEN WYCRA AND COUNCIL, HE HAD TAKEN LEGAL ADVICE THAT HE SHOULD NOT SIT ON THE WYCRA BOARD AT THIS POINT IN TIME.

THE GENERAL MANAGER STATED "AS THE CONFLICT WOULD BE SUCH THAT HE COULD NOT RESOLVE IT, AS MY BASIC DUTY IS TO THE COUNCIL AS AN EMPLOYEE OF COUNCIL, THEREFORE I DID NOT ATTEND THE LAST WYCRA MEETING AND FROM THAT POINT OF VIEW I DID NOT BELIEVE THERE WAS A CONFLICT IN THE MATTERS BEFORE THE COUNCIL TONIGHT".

MR DAMIEN WARD, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 10.04 PM, ANSWERED QUESTIONS AND RETIRED AT 11.36 PM.

MR JEFF REILLY, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 10.04 PM, ANSWERED QUESTIONS AND RETIRED AT 11.36 PM.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

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

That the following resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:

- 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.**
 - 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.**

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

AGAINST: COUNCILLORS EATON AND VEUGEN.

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

That Council move into Confidential Session to allow for further discussion as item W016A.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

301 Notice of Rescission – Schedule of Ordinary Meetings 2008

F2006/02282

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

That the following resolutions carried at the Ordinary Meeting of Council held on 12 December 2007 in relation to 10 September 2008 only and 9 April 2008 be rescinded:

- * ***That the schedule of meeting dates proposed for 2008 be adopted.***
- * ***That the amended meeting dates proposed for 2008 be adopted.***

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

AGAINST: COUNCILLOR STEWART.

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

- 1 *That Council vary its Code of Meeting Practice and not hold the Ordinary Meeting scheduled for 10 September 2008.*
- 2 *That Council not hold briefings on the first and second Wednesday of September 2008.*

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

- 1 *That Council determine at the 27 August 2008 Ordinary Meeting whether to proceed with the meeting scheduled for 10 September 2008.*
- 2 *That Council not hold briefings on the first and second Wednesday of September 2008.*

FOR: COUNCILLORS BEST, EATON AND STEWART.

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

The AMENDMENT was put to the VOTE and declared LOST.

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

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

- 1 That Council vary its Code of Meeting Practice and not hold the Ordinary Meeting scheduled for 10 September 2008.**
- 2 That Council not hold briefings on the first and second Wednesday of September 2008.**

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

AGAINST: COUNCILLOR EATON.

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

That Council move into Confidential Session.

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.53 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 12.20 AM. THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W014 Existing "Body Hire" Arrangements

F2006/01523 GK/GK

- 1 That the report be received and the information noted.**
- 2 That the Mayor be called upon to refer this report as an addendum to the General Manager's earlier report to the Department of Local Government for their advice.**

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

W015 Notice of Motion – Lake Haven Recreational Centre Query

F2004/10762

THIS ITEM WAS WITHDRAWN BY COUNCILLOR PAVIER.

W016 Notice of Motion – Wyong Community Recreation Association

F2004/10762

That staff action the resolution in accordance with the Notice of Motion.

- a [Confidential Resolution – see note below].*
- b [Confidential Resolution – see note below].*
- c [Confidential Resolution – see note below].*
- d [Confidential Resolution – see note below].*
- e [Confidential Resolution – see note below].*
- f [Confidential Resolution – see note below].*
- g [Confidential Resolution – see note below].*

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

W016A Notice of Rescission - Wyong Community Recreation Association

F2008/00352

- 1 That Council receives and notes that further legal advice has been received.*
- 2 That the Mayor and General Manager be authorised to negotiate with WYCRA and LeisureCo respectively so as to facilitate the following commercial arrangement;*
 - a the termination of the lease of the Lake Haven Leisure Centre premises owned by Council and leased to WYCRA on and from a nominated date and prior to 31 December 2008;*

- b reach a financial resolution with LeisureCo as to the payment by Council to it of a sum in full and final satisfaction of any outstanding fees it is owed by WYCRA (noting formally that Council makes no admission as to any obligation it has to do so and such a step is only being undertaken as a gesture of goodwill to assist WYCRA given its debt position);***
 - c negotiate and enter into an agreement with WYCRA that;***
 - i acknowledges that the Lake Haven Leisure Centre business is owned by Council;***
 - ii releases Council from any liability WYCRA alleges in terms of an underwriting arrangement or other formal financial accommodation;***
 - iii WYCRA enter into a loan arrangement for the repayment to Council of all money advanced by it to LeisureCo and any other creditor of WYCRA during the course of the conduct of the business of that incorporated association;***
 - d Council take possession of the premises from which the Lake Haven Leisure Centre is conducted so as to ensure no interruption to the conduct of the Lake Haven Leisure Centre's business and enter into a short term management agreement so as to ensure continuity in the business;***
 - e Council in due course tender for a three year contract with a management contractor;***
 - f Council authorise the Mayor and General Manager to sign and seal all documents.***
- 3 That Council's Code of Meeting Practice be varied to permit action to commence immediately in regards to the resolutions above.**

Minutes of the Ordinary Meeting of Council held on 25 June 2008 (contd)

QUESTIONS WITHOUT NOTICE ASKED

COUNCILLOR STEWART LEFT THE CHAMBER AT 11.36 PM AND DID NOT RETURN TO THE CHAMBER AND COUNCILLOR FORSTER SUBMITTED A QUESTION ON HER BEHALF.

**Q040 - Fishway on the Wyong River at the Old Dairy Site
Councillor Veugen**

F2007/00279

Can Council provide information confirming that the fishway on the Wyong River at the Old Dairy Site requires modifications to bring it up to latest standards / designs?

**Q041 - Notices of Motions Raised by Councillors Best and Eaton
Councillor Veugen**

F2004/07706

Councillor Best – you and Councillor Eaton have been the most consistently active Councillors with regard to raising issues on behalf of our residents and ratepayers in this Chamber. Could you both please provide information as to the actual number and background of the various Notices of Motion you have raised in this term of Council?

**Q042 - Representations to Housing NSW regarding KBT Project
Councillor Stewart**

F2004/09609

Can Council make arrangements with Housing NSW to urgently make their presentation to Council regarding the Tumbi / Bateau Bay / Killarney Vale (known as KBT Project) which addresses the public housing in the Pacific Del Mar and surrounding areas?

**Q043 - Warnervale Town Centre
Councillor Eaton**

F2004/00535-04

Given that its now two years since Minister Sartor fast tracked Warnervale, can I be advised what celebrations are planned to commemorate this historic and momentous decision?

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.25 AM.

.....
CHAIRPERSON

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WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

307 Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works

CPA/104356 PM

SUMMARY

Reporting on the need to increase the agreed Contract value of Contract CPA 104356 – Asphaltic Concrete works from the current approved contract.

RECOMMENDATION

The approved contract value for CPA 104356 Asphaltic Concrete Works be increased from \$6,000,000 (inclusive of GST) to \$7,000,000 (inclusive of GST) for the 2 year fixed term from July 2006 to 31 July 2008.

BACKGROUND

At its meeting held on 26 July 2008 Council resolved as follows:

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

- 1 That the tender of Pioneer Road Services Pty Ltd for the Schedule of Rates contract, amounting to \$5,081,380 (inclusive of GST) for Asphaltic Concrete Works for the Period of two years to July 31, 2008, be accepted.*
- 2 That provision be made for contingency allowance of \$254,069 (inclusive of GST) representing 5% of the estimated contract sum to provide for any unforeseen variations that may become necessary during the course of the contract.”*

This contract valuation was based on quantities established from historical records and an estimate of the composition of future works programs up until the expiration of the contract period.

The works and services provided under this contract are utilised in a number of approved programs as detailed below. The funding for these works and services comes from these programs and includes:

Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works (contd)

- Council's Secondary Roads Rehabilitation Program
- State and Federal grant funded Projects e.g Black Spot, Roads to Recovery, Regional Roads.
- Section 94 funded works
- Roads and Traffic Authority (RTA) Single Invitation Maintenance Contract works
- Council maintenance works
- Council's annual bitumen resurfacing program.

During 2007/2008 the RTA has issued numerous work orders to Council for works under the Single Invitation Maintenance Contract for a number of projects. Most recently these projects include resurfacing works on The Entrance Road, Wyong Road and Oakland Avenue. The extent of these works were unforeseen at the time of contract development.

Based on estimates given by the RTA in late 2007, Council extended its Contract from \$5,081,380 to \$6M in January 2008.

At its meeting held on 23 January 2008 Council resolved as follows:

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

That the tender from Pioneer Road Services Pty Ltd for the Schedule of Rates contract, amounting to \$5,081,380 (inclusive of GST) be amended to \$6M (inclusive of GST) for Asphaltic Concrete Works for the period of two years to 31 July 2008.”

Current expenditure against this Contract as of 18 June 2008 is \$5.6M.

The RTA has since received further funding and issued additional works orders under the Single Invitation Maintenance Contract. Works are required to be substantially completed by the end of July 2008.

Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works (contd)

These RTA works are fully funded by the RTA and are not met by any Council budgets. The scope of works involved in these projects typically involves milling of the existing pavements, laying of asphaltic concrete and associated linemarking, signage and restoration works.

The quantity of asphaltic concrete products and services required in order to complete the Single Invitation Maintenance contract before 31 July 2008 is estimated at up to \$1,000,000.

Pioneer Road Services Pty Ltd submitted the most competitive tender in 2006. It is considered unlikely that a more competitive rate would be currently available for the supply of asphaltic concrete works given recent increases in crude oil prices, which directly affect the market price of bitumen and fuel, which directly affect the cost of asphalt works.

It is recommended that the value of works to be undertaken under Contract CPA 104356 be increased from \$6,000,000 to \$7,000,000 to ensure that the value of the contract does not exceed that value previously approved by Council.

308 **Licence to Department of Education of Part of Blue Haven
Community Centre Lot 2 DP 1089656 at Colorado Drive
Blue Haven**
(Attachment 1)

Locality Plan



WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**308 Licence to Department of Education of Part of Blue Haven
Community Centre Lot 2 DP 1089656 Colorado Drive
Blue Haven**

F2008/00981 JMT

SUMMARY

Approval is sought to grant a licence of part of the Blue Haven Community Centre located on Lot 2 DP 1089656 at Colorado Drive, Blue Haven to Department of Education & Training.

RECOMMENDATION

- 1 *That, subject to a contribution of \$150,000, by Department of Education & Training, towards construction costs of the Youth and Children's Centre Council approve a Licence at an annual fee of \$5,000 for part of the Blue Haven Community Centre located on Lot 2 DP 1089656 at Colorado Drive, Blue Haven to Department of Education & Training for a term of five years with an option to renew the licence for a further five years.***

- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence between Wyong Shire Council and Department of Education & Training.***

- 3 *That Council authorise the Mayor and General Manager to execute all documents relating to the Lease between Wyong Shire Council and Department of Education & Training.***

BACKGROUND

Blue Haven Community Centre

Council is the owner of the Blue Haven Community Centre (the Centre) being Lot 2 DP 1089656 Colorado Drive, Blue Haven. The land has an area of approximately 10,490 square metres and is zoned 2 (b) Multiple Dwelling Zone.

The Centre was opened in February 2007 and comprises two buildings: the Multi-Purpose Community Centre and the Youth and Children's Centre.

At the time of construction, Council agreed to a joint venture with the Department of Education & Training (DET) to provide accommodation for a Schools as Community Centres (SACC) project at the Centre. SACC is a government funded interagency program managed by the NSW Department of Education and Training, Community Services, Health and Housing. The purpose is to provide integrated services for families and children entering school in communities where indicators of disadvantage are high. The focus of the program is support and prevention, strengthening partnerships with parents and communities.

**Licence to Department of Education of Part of Blue Haven Community Centre
Lot 2 DP 1089656 Colorado Drive Blue Haven (contd)**

DET agreed to provide \$150,000 towards the construction of the Children's and Youth Centre through the State Government's Budget for the SACC program. This amount has not yet been received but, in recent discussions with DET in relation to occupation by it of the Centre, DET confirmed that the contribution would be paid.

At its Meeting held on 25 August 2004, Council adopted the Master Plan for Blue Haven Community Precinct. The report provided the details set out above of the joint venture with DET.

Due to an inability to finalise legal/lease agreement between Council and the DET, the SACCS facility is not currently operating from Blue Haven Community Centre. For the past year they have continued to operate from a demountable building within the school grounds. This has resulted in a purpose built space remaining vacant. Future Planning have been negotiating the lease for over 12 months due to significant changes of staff within DET. Property Services is now involved in negotiating with DET to finalise the agreement.

Licence

DET has sought a licence for non exclusive use of part of the Centre to conduct the SACC program and for ancillary community purposes. The area to be used is approximately 172 square metres and a plan of the area to be used by DET is attached.

The licence will provide for use by DET from Monday to Friday between the hours of 8.00 am to 5.00 pm. It is proposed that an annual fee of \$5000.00 per annum be sought from DET for the licence on the basis that Council will be responsible for cleaning, security, service of fire equipment and other services and for payment of electricity and water usage as these items are not separately metered.

The term of the licence is five years with an option for DET to renew the licence for a further five years.

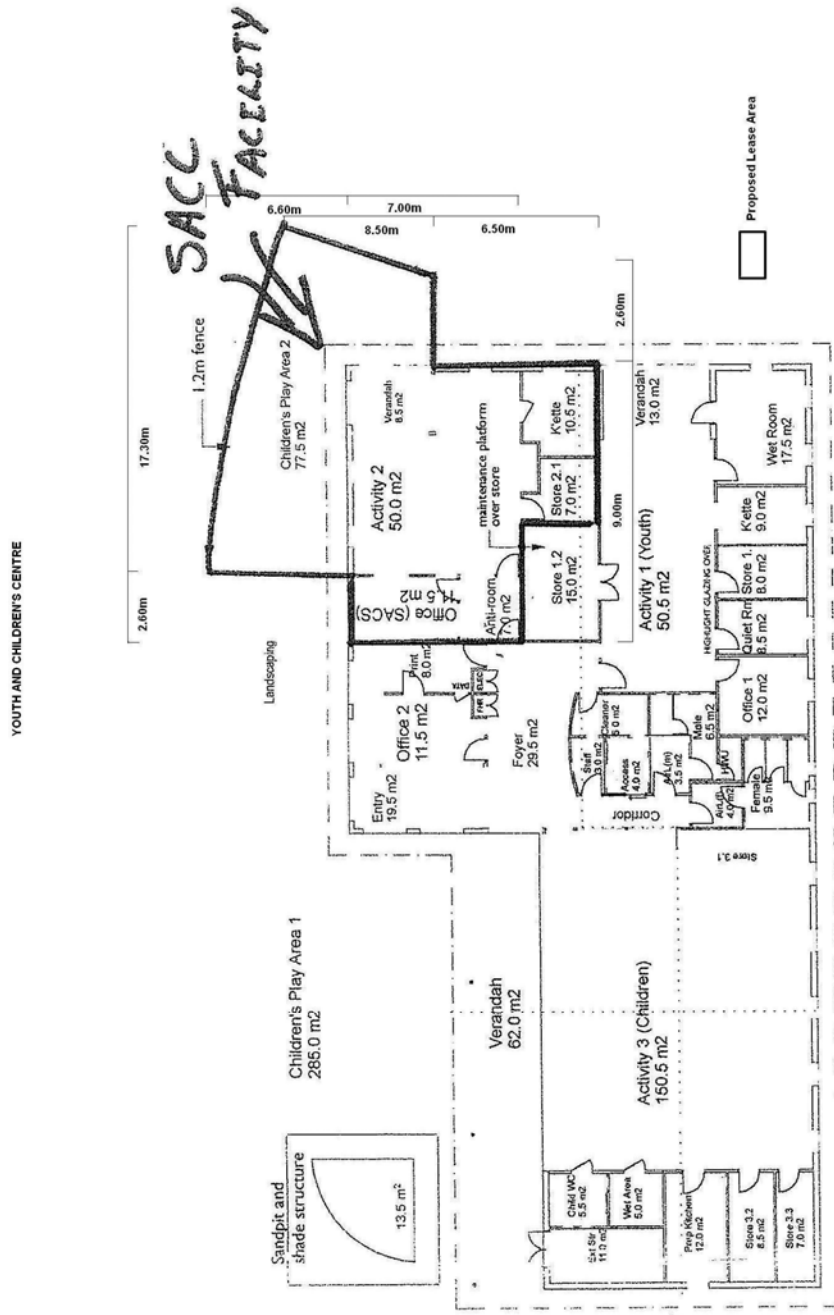
Council's Community Development Manager has been involved in the negotiations for the licence and has no objection to DET occupying the Centre.

Attachment 1
Attachment 2

Location Plan (1 page)
Leased Area (1 page)

**Licence to Department of Education of Part of Blue Haven Community Centre
Lot 2 DP 1089656 Colorado Drive Blue Haven (Attachment 2)**

Leased Area



**309 Acquisition of Part of Lot 90A DP 22837 at Hakone Road
Woongarra and Part of Lot 911 DP 786112 at Mataram Road
Woongarra for Drainage**
(Attachment 1)

Locality Plan



Acquisition of Part of Lot 90A DP 22837 at Hakone Road, Woongarra and Part of Lot 911 DP 786112 at Mataram Road Woongarra for Drainage (Attachment 2)

Plan of Drainage Channel



WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

**309 Acquisition of Part of Lot 90A DP 22837 at Hakone Road,
 Woongarrah and Part of Lot 911 DP 786112 at Mataram Road
 Woongarrah for Drainage**

F2008/01219, F2008/01220 JMT

SUMMARY

Authority is sought to acquire part of Lot 90A DP 22837 at 18-22 Hakone Road, Woongarrah and Part of Lot 911 DP 786112 at 25 Mataram Road, Woongarrah for use as drainage reserve for the construction of a drainage channel.

RECOMMENDATION

- 1 *That Council acquire Part of Lot 90A DP 22837 at Hakone Road, Woongarrah and Part of Lot 911 DP 786112 at Mataram Road for drainage purposes.***
- 2 *That Council authorise the payment of compensation 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, in the event that agreement with the property owners cannot be reached, Council authorise acquisition by compulsory process.***
- 4 *That Council authorise for the Common Seal of the 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, 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 to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor, to proceed with the compulsory acquisition.***
- 6 *That Council propose classification of those parts of Lot 90A DP 22837 at Hakone Road, Woongarrah and Lot 911 DP 786112 at Mataram Road, Woongarrah to be acquired, as Operational Land.***
- 7 *That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 8 *That, subject to no significant objections being received, the classification be confirmed.***

Acquisition of Part of Lot 90A DP 22837 at Hakone Road, Woongarra and Part of Lot 911 DP 786112 at Mataram Road Woongarra for Drainage (contd)

BACKGROUND

Woongarra Creek Drainage Channel

Stannic Securities Pty Limited (Stannic) is the owner of Lots 90B, 90C, 72C and 72B in DP 22837 and Lots 6 and 7 in DP 1118025 (Stannic Land). As part of the development of the Stannic Land, Stannic has agreed to construct a drainage channel over land owned by Stannic, Danallam Developments Pty Ltd, Samaritans Foundation, R A and R Arbolino (Arbolino) and Y J Connerton (Connerton) as shown on Attachment 2.

The construction of the Woongarra Creek Drainage Channel by Stannic will control flood water in this area. All land owners have consented to the construction of the drainage channel and dedication of the drainage reserve to Council except Arbolino and Connerton. Despite negotiations with Arbolino and Connerton, Stannic has been unable to obtain their consent and has requested that Council acquire the land.

Council entered into a Deed of Agreement with Stannic Securities Pty Limited (Stannic) on 9 April 2008. The Deed provides for Stage 1 of the construction work to commence upon signing of the Deed. Stage 1 of the construction relates to the land owned by Stannic, Danallam Developments Pty Ltd and Samaritans.

The Deed also provides for the future construction of Stage 2 of the drainage channel. Stage 2 relates to the land owned by Arbolino, Connerton, Stannic and Danallam Developments Pty Ltd as shown on Attachment 2. The construction of Stage 2 is subject to Council obtaining approvals from Arbolino and Connerton for the construction of the drainage channel or Council acquiring the land within two years from the date of the agreement.

If Council is unable to obtain the necessary approvals or unable to acquire the land by 8 April 2010, Stannic shall be entitled to notify Council that it no longer wishes to undertake the construction of the drainage channel.

The Land

The land proposed to be acquired for the construction of the drainage channel is Lot 90A DP 22837, 18-22 Hakone Road, Woongarra (Arbolino Land) and Lot 911 DP 786112, 25 Mataram Road, Woongarra (Connerton Land).

The Arbolino Land has an area of 13,770 square metres and the area to be acquired has an area of approximately 1,123 square metres. The Arbolino Land is zoned 2 (e) Urban Release Area Zone.

Acquisition of Part of Lot 90A DP 22837 at Hakone Road, Woongarra and Part of Lot 911 DP 786112 at Mataram Road Woongarra for Drainage (contd)

The Connerton Land has an area of 26,710 square metres and the area to be acquired has an area of approximately 13,054 square metres. The Connerton Land is zoned 2 (e) Urban Release Area Zone and 6 (c) Proposed Open Space and Recreation Zone.

The owners of the land have been advised of the proposal and negotiations are proceeding for access for construction purposes and payment of compensation for the land to be acquired.

Funds are available from Section 94 Contributions for the acquisition of the properties.

Classification

In accordance with the Public Land Classification Table Adopted by Council at its meeting held on 14 August 1996 land owned by Council for drainage purposes should be classified as Operational Land.

Under Section 34 of The Local Government Act 1993 Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received Council's proposed land classification will be taken as adopted upon expiration of the notification period.

Attachment 1
Attachment 2

Location Plan (1 page)
Plan of Drainage Channel (1 page)

Information Reports

The following information reports are to be dealt with by the exception method.

310 Wallarah 2 FundingF2006/01080 MDL

SUMMARY

Funds have previously been identified for the examination of the Development Application to be lodged for the Wallarah 2 Coal Mine. Council has sought a further report on whether these funds are adequate given the expert advice that will need to be obtained.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting on 28 May 2008 Council resolved as follows:

“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.”

At the Ordinary Meeting of Council held on 11 October 2006 it was resolved to allocate funding for consultants to review the Development Application expected to be submitted to the State Government by the Wallarah 2 Coal Project. The resolution allowed for \$110,000 to be provided by Council from general funds for review of matters such as flora and fauna, traffic and social impacts. A further \$110,000 was identified for a review of matters directly related to the impacts on the water supply, with this funding to be shared between Wyong and Gosford water authorities. Gosford City Council subsequently agreed to fund up to half of these costs. An amount of \$110,000 from revenue funds has been placed in restricted assets, and a further \$150,000 allocation from the water authorities has also been placed in restricted assets to give a total of \$260,000 available for this project. The additional \$40,000 was included to allow for consultant fee escalations.

CURRENT STATUS

To date the submission of the Development Application has been delayed due to the State Government Inquiry into coal matters. A report is still to be delivered from this Inquiry. The Wallarah 2 project will assess that report before submitting its application.

Wallarah 2 Funding (Contd)

When the application is finally submitted to the State Government, Council will have 3-4 weeks in which to review the submission and make comments on the proposal. It is not intended that any studies or further detailed investigations will be undertaken. The review process will only consider the information put forward by the applicant.

Council has in place arrangements with two consulting companies with expertise in relevant fields for review of the Development Application. This work will be undertaken as quickly as possible once the application has been lodged. Based on the rates accepted and limited time available for a review, it is considered that the present funding arrangements are suitable. Should it be found that the review needs to be expanded for reasons not currently envisaged, appropriate action will be taken and reported to Council.

PREVIOUS INFORMATION

Tables 1, 2 and 3 below are from the previous 2006 report on this matter. It is noted that the costs in Table 2 would be incurred if staff were unable to complete these reviews and other external consultants were required. Table 3 shows how the funding of these costs would be apportioned. To date total expenditure on this project has been \$8,011. Of this amount \$6,915.00 has been spent on initial briefings with the consultants at a meeting with the Wallarah 2 project team, and the balance on staff time and minor expenses.

Table 1: Estimated Costs for Specialist Mining Consultants

Consultants and area of expertise	\$ / hour	Hours required	Total cost \$
Mining engineer Mining operation and techniques, Subsidence prediction modelling.	200	100	20,000
Hydrogeologist Specialist advice regarding the existing aquifer and surface water conditions, Advice regarding impacts of predicted subsidence on stream and aquifer water flows. Adequacy of modelling in determining impacts on streams and aquifers by subsidence.	200	150	30,000
Environmental management – mining Specialist environmental management advice related to coal mine development and operation. Specialist advice on impacts of subsidence on aquatic and terrestrial ecosystems.	200	100	20,000
Mining Planning Controls and Management Project Management – Specialist advice on planning law and practice as it relates to major underground mining proposals under Part 3A of the EPAA and professional drafting of Council's submissions, interest and lobbying.	150	200	30,000
Contingencies			10,000
TOTAL COSTS			\$110,000

Wallarah 2 Funding (Contd)**Table 2: Estimated Costs for Non- Mining Consultants (if required)**

Consultants and area of expertise	\$ / hour	Hours required	Total cost \$
Flora and Fauna	200	150	30,000
Social Impact Assessment	200	100	20,000
Traffic Impact Assessment	200	100	20,000
Economic Assessment	200	100	20,000
Contingencies			20,000
TOTAL COSTS			\$110,000

Table 3: Funding Responsibilities

Consultancy	Total Cost	Funding Responsibility
Mining engineer Hydrogeologist Environmental management – mining	\$110,000	50% Gosford City Council Water & Sewer Funds 50% Wyong Shire Council Water & Sewer Funds
Mining planning controls and management Contingencies		
Flora and fauna Social impact Traffic impact Economic impact Contingencies	\$110,000	Wyong Shire Council General Funds
TOTAL COST	\$220,000	

CONCLUSION

Based upon the limited review time that will be available to Council, and rates for consultants to assess the information to be provided in the Development Application for the Wallarah 2 Coal Project, it is considered that the present budget of \$220,000 (less \$8,011 already expended) will be sufficient to allow a review of the Application when it is finally submitted. Should additional funding be required appropriate action will be taken to expediently complete the review and report the matter to Council.

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Shire Services Department

**311 Presentation by Dr Matthew Nott - Tathra Surf Life Saving Club
- National Campaign on Renewable Energy**

F2004/00103 DJI

SUMMARY

Report on presentation given by Dr Matthew Nott in accordance with Council resolution from the Ordinary Meeting held on 12 March 2008.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 12 March 2008 Council resolved as follows:

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

- 1 That the report be received and the information noted.*
- 2 That Dr Nott be scheduled to address Council on 11 June 2008.*

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

AGAINST: COUNCILLORS EATON AND STEWART."

Dr Matthew Nott addressed Council on 11 June 2008 as part of the Residents Forum.

The Response to Climate Change

Dr Nott explained that the residents of Bega Valley Shire are particularly concerned about the effects of climate change on their area. The Bega Valley relies heavily on dairy farming and tourism for income and both of these activities may be adversely affected by climate change. About two years ago, Dr Nott established a community group called "Clean Energy for Eternity". This group attracted 3000 people to a meeting on Tathra Beach and draws support from a broad cross-section of the community.

Presentation by Dr Matthew Nott - Tathra Surf Life Saving Club - National Campaign on Renewable Energy (contd)

The group seeks to develop and implement practical solutions to climate change and raise awareness in the community. In conjunction with Surf Life Saving Australia it has joined the Lifesaving Energy campaign and raised funds to enable the installation of solar panels, solar hot water systems and wind generators at surf clubs throughout south-eastern NSW. This equipment was funded by a combination of community-based fundraising, dollar-for-dollar sponsorship from the local Council and Federal government grants. Beginning with Tathra SLSC, now all six surf clubs in the area have this equipment in place and the program has been extended to schools and churches.

Ultimately, Dr Nott envisaged that South East NSW could become a centre of excellence for the renewable energy industry. The Federal Government has recently provided a grant of \$1.1m to help in establishing a wind farm and when this facility is constructed in the next 12 months it will be the largest wind farm in Australia.

Community Events

Dr Nott explained how at one event the community gathered 1000 washing machines in a field and created the profile of a cyclone, a weather event that is more likely to occur with global warming. This profile was then changed to read "50 / 50 by 2020" a reference to 50% reduction in energy usage and 50% energy from renewable sources (eg: wind, solar and hydro) by the year 2020. This target has now been adopted by five Councils (Bega Valley, Eurobodalla, Snowy River, Cooma and Mosman) and also the electorate of Eden-Monaro.

Other fund raising events included sponsored swims at Jindabyne, Narooma, Moruya and the Bega River. These events raised \$60,000 in six months. The Jindabyne event raised \$22,000 which paid for solar panels, a solar hot water system and a wind turbine at Jindabyne Surf Life Saving Club. The Bega River event raised \$8,000 for a wind turbine at Tathra Primary School.

The Cost of Installations

Dr Nott explained that \$21,000 will buy a 2kW solar panel, a solar hot water system and a wind generator after the Federal Government rebate (which is 50% of the cost of the solar panels). An installation consisting of only solar panels would cost approximately \$15,000 after the rebate. Dr Nott also explained how any excess electricity can be fed back into the grid and the surf club will be credited with the value of this on their electricity account.

Councillor Pavier noted that if Council were to become involved in these initiatives a suitable event to publicise the support would be at one of the pro surfing championships that Council may be promoting in the future.

Presentation by Dr Matthew Nott - Tathra Surf Life Saving Club - National Campaign on Renewable Energy (contd)

Technical & Financial Analysis

Council owns four surf clubs that may be candidates for renewable energy equipment: Soldiers Beach, The Entrance, Toowoong Bay and Shelly Beach. In addition there are two clubs where the building is owned by the club: Lakes Beach and North Entrance. In all cases the club pays for the cost of electricity so there is no opportunity for Council to reduce any of its current expenditure on energy.

Dr Nott also emphasised the need to raise community awareness about climate change and any support from Council in the establishment of renewable energy equipment at surf clubs could be seen as an investment in a campaign to encourage energy saving.

312 Ourimbah to Wamberal Power Line ProjectF2006/00475 PB:PB

SUMMARY

Further to the Motion of Urgency of 9 April 2008 relating to the Ourimbah to Wamberal Power line Project, correspondence has been received from EnergyAustralia's lawyers, ClaytonUtz. The response which details EnergyAustralia's legal position is summarised in this report.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 9 April 2008 Council resolved as follows:

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

- 1 That Council inform EnergyAustralia that it does not consent as landowner and/or occupier to the installation of aerial cabling and poles for high voltage transmission lines along Tumbi Road and that EnergyAustralia is trespassing by any use of the road verges for its electricity works.*
- 2 That Council inform EnergyAustralia that it should acquire the land or an interest in the land in accordance with Clause 44 of the Electricity Supply Act and it requires EnergyAustralia to cease trespass on its land pending acquisition of such an interest.*
- 3 That all Central Coast Members of Parliament be advised of this action.*
- 4 That Gosford City Council be urgently advised of part 1 to 3 of this motion."*

ENERGY AUSTRALIA'S RESPONSE (CLAYTON UTZ LAWYERS)

A response has been received from EnergyAustralia's lawyers, ClaytonUtz and is included as Attachment 1. The advice rejects Council's assertion that EnergyAustralia is committing a trespass on Tumbi, Hansens and Bohringer Roads. ClaytonUtz states that EnergyAustralia is exempt from obtaining Council's consent to undertake the installation of the Ourimbah to Wamberal Power line Project under the provisions of Section 138 and Clause 5, Schedule 2 of the *Roads Act, 1993*. Furthermore, EnergyAustralia maintains its statutory powers and functions under the *Electricity Supply Act, 1995* and the *Energy Services Corporations Act, 1995*.

Ourimbah to Wamberal Power Line Project (contd)

CONCLUSION

EnergyAustralia is exercising its statutory powers and functions under the *Electricity Supply Act, 1995* and the *Energy Services Act, 1995* and is exempt from obtaining Council consent under the *Roads Act, 1993* and associated regulations. It is recommended that Council note correspondence from ClaytonUtz regarding the above ground installation of power lines along Tumby, Hansens and Bohringer Roads in association with the Ourimbah to Wamberal Power line Project.

No responses have been received from the Central Coast Members of Parliament or Gosford City Council.

Attachment 1

EnergyAustralia Response (2 pages)

Ourimbah to Wamberal Power Line Project (Attachment 1)**CLAYTON UTZ**

Sydney Melbourne Brisbane Perth Canberra Darwin

Clayton Utz
Lawyers
Levels 19-35
No. 1 O'Connell Street
Sydney NSW 2000
Australia

1 May 2008

PO Box H3
Australia Square
Sydney NSW 1215
DX 370 SydneyMr Martin Johnson
Acting Director
Shire Planning
Wyong Shire Council
PO Box 20
WYONG NSW 2259T +61 2 9353 4000
F +61 2 8220 6700
www.claytonutz.comYour reference: PB:PB/Peta Brogan F2006/00475 D01129300
Our reference: 195/2651/80055828

Dear Sirs

ENERGYAUSTRALIA: OURIMBAH TO WAMBERAL POWER LINE PROJECT

We act for EnergyAustralia.

Our client has provided to us a copy of your letter dated 23 April 2008.

We are instructed to respond as follows:

1. EnergyAustralia is not required to obtain the Council's consent in respect of its proposed installation of the Ourimbah to Wamberal Power Line Project (the "**Project**") on Tumbi Road, Hansens Road and Bohringer Road (the "**Roads**").
2. The legal basis for EnergyAustralia's position is as follows:
 - (a) the Roads are unclassified roads under the *Roads Act* 1993 (the "**Roads Act**");
 - (b) Council's consent to carry out the proposed works on the Roads is not required under section 138 of the Roads Act because EnergyAustralia has the benefit of clause 5 of Schedule 2 of the Roads Act. Clause 5 of Schedule 2 relevantly provides:
 - "(1) *Section 138 does not require a public authority..... to obtain a roads authority's consent to the exercise of the public authority'sfunctions in, on or over an unclassified road other than a Crown road.*
 - (2) *This clause ceases to have effect on a day to be appointed by proclamation.*" (Emphasis added);
 - (c) EnergyAustralia is a "*public authority*" for the purposes of the Roads Act (clause 78(d) of the *Roads (General) Regulation* 2000);

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Director's Report
Shire Planning Department

Ourimbah to Wamberal Power Line Project (Attachment 1) (contd)

CLAYTON UTZ

Sydney Melbourne Brisbane Perth Canberra Darwin

1 May 2008

Mr Martin Johnson, Wyong Shire Council

- (d) in carrying out the Project, EnergyAustralia is exercising its statutory powers and functions under the *Electricity Supply Act 1995* and the *Energy Services Corporations Act 1995*; and
3. In these circumstances, EnergyAustralia rejects the Council's assertion that it is committing a trespass on the Roads in relation to the works it is carrying out in respect of the Project.

Yours faithfully



Andrew Poulos, Partner
+61 2 9353 4195
apoulos@claytonutz.com

Contact: John Clayton, Senior Associate
+61 2 9353 4403
jclayton@claytonutz.com

313 Disclosure of Interest Returns

F2008/01025 ED

SUMMARY

In accordance with Sections 449(1) and (5) of the Local Government Act, 1993 Disclosure of Interest Returns for Councillors and Designated Persons have been lodged with the General Manager. Section 450A(1) requires the General Manager to keep a register of the Disclosure of Interest Returns lodged. Section 450A(2) requires the Returns lodged with the General Manager under section 449(1) to be tabled at a meeting of Council. Section 450A(2)(a) requires the returns lodged with the General Manager to be tabled at the first meeting held after the last day for lodgement under section 449(1). The last day for lodgement is within 3 months of becoming a Councillor or Designated Person

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

In accordance with the Local Government Act 1993, staff are required to lodge a Return within three months of being appointed to a designated position. Councillors and staff are also encouraged to lodge an amended return if circumstances change during the year.

Attachment 1 details any new designated persons and any amended returns from 1 April 2008 to 30 June 2008.

Section 450A(2)(a) also specifies that the General Manager must table the returns lodged under Section 449(1) at the first Council meeting held after the lodgement of the returns required by section 449(1) of the Act. The returns for the period 1 April 2008 to 30 June 2008 are now tabled.

Attachment 1

***Disclosure of Interest Register 1 April 2008 – 30 June 2008
(1 page)***

Disclosure of Interest Returns (Attachment 1)

Disclosure of Interest Register 1 April 2008 – 30 June 2008

Amended Returns

Bennett, Craig
Bramble, Christine
Dean-Jones, Anna
Mergan, Rod
McMurray, Peter
Phelan, Kenneth
Stewart, Robyn
Williams, Raymond
Yuen, James

New Designated Persons – Staff

Barnard, John
Bignill, Stephen
Bond, Shayne
Cocks, Troy
Domingo, Melanie
Goodman, Shannon
Jewell, Roderick Ernest
Jones, Robert
Kelleher, Todd
Littlefield, Andrew
Morgan, Peter
Ogden, Paul
Pagett, Craig
Paterson, Warren
Priestland, Darrell
Richardson, David
Rixon, Amanda
Scorgie, Jonathan
Smith, Luke
Susindran, Devini
Sutton, Linda
Vant, Simon
Vaughan, Julie
Webb, Steve
Whalan, Mark

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

314 Funding for Infrastructure in New Residential Areas

F2004/06377 MW

SUMMARY

Response from the Hon Anthony Albanese MP regarding funding for infrastructure in new residential areas.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 26 September 2007 Council resolved as follows:

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

That Council writes to the Federal Local Government Minister and to the opposition spokesman calling on the Federal Government to take on responsibility for funding major new infrastructure in new residential areas."

The Member for Dobell, Mr Craig Thomson, has forwarded a response from the Hon Anthony Albanese MP, Minister for Infrastructure, Transport, Regional Development and Local Government.

Attachment 1

Letter from the Hon Anthony Albanese MP (2 pages)

Funding for Infrastructure in New Residential Areas (Attachment 1)



The Hon Anthony Albanese MP

Minister for Infrastructure,
Transport, Regional Development
and Local Government
Leader of the House

Reference: 04350-2008

Mr Craig Thomson MP
Member for Dobell
PO Box 5253
CHITTAWAY BAY NSW 2261

Dear Mr Thomson *Craig,*

Thank you for your correspondence dated 10 April regarding Wyong Shire Council.

The Australian Government recognises that the NSW Central Coast is an important high growth population area. I understand that from 1994 to 2006 the population of the Wyong Shire Council area grew by more than 27 per cent

The Government gives substantial funding to local government to assist councils provide infrastructure for the communities they serve. I note that Government assistance to Wyong Shire in 2007-08 includes \$9 million in Financial Assistance Grants (FAGs) and \$0.9 million in *Roads to Recovery* funding. The FAGs are untied and can be used to meet infrastructure needs.

The Government is also establishing a \$500 million Housing Affordability Fund to assist new home buyers. This will provide incentives to local councils in high growth areas to lower infrastructure and regulatory burdens that are factored into the cost of a new home. As part of the package, up to \$30 million will be provided to fast-track electronic development assessment and online tracking.

The Government is aware of the pressures on local government to provide and maintain community infrastructure and it is considering options to further assist councils provide community infrastructure.

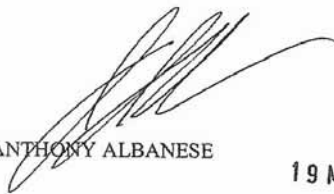
The Government has recently received the report of the Productivity Commission into local government's capacity to raise its own revenue. The report highlights the diversity of local government within the sector, and the different abilities and requirements of local government to raise revenue. The Council of Australian Governments will consider local government funding arrangements later this year. The report will provide useful information which will be considered when the Council of Australian Governments discusses local government funding arrangements later in 2008.

Funding for Infrastructure in New Residential Areas (Attachment 1) (contd)

The Government has also committed to establishing a Council of Australian Local Governments (CoALG) to directly consult with local government on national issues of significance to local government. I will be announcing details of the membership and operation of CoALG in the near future.

Thank you for raising this matter.

Yours sincerely



ANTHONY ALBANESE

19 MAY 2008

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

315 Update on Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA (Chikarovski Report)

F2004/07086 SG

SUMMARY

Report on correspondence received regarding the update of the Strategic Inquiry into Potential Coal Mining Impacts in the Wyong Local Government Area "Chikarovski Report".

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 9 April 2008 Council resolved as follows:

"RESOLVED on the motion of Councillor Graham and seconded by Councillor Stevens:

That Council reiterate its call for the immediate release of the Chikarovski Report."

A further response has been received from the Hon Frank Sartor MP, Minister for Planning following representations to the Minister for the urgent release of the Chikarovski Mining Enquiry Report.

Attachment 1 is correspondence received from the Department of Planning.

Correspondence has also been received from the Minister for Planning addressed to Mr Greg Piper MP, Member for Lake Macquarie and is included as Attachment 2 to this report.

***Attachment 1 Correspondence received from the Department of Planning
(1 page)***

***Attachment 2 Correspondence received from Minister for Planning to
Mr Greg Piper MP, Member for Lake Macquarie (1 page)***

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Corporate Services Department

Update on Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA (Chikarovski Report) (Attachment 1)



NSW GOVERNMENT
Department of Planning

Mr K Yates
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Contact: Richard Hammond
Phone: (02) 9228 6138
Fax: (02) 9228 6120
Email: richard.hammond@planning.nsw.gov.au
Our ref: D08/2434 RH:rh
Your ref: F2004/07086
File:

Dear Mr Yates

RE: Central Coast Coal Inquiry

The Minister for Planning the Hon Frank Sartor MP has asked me to acknowledge and respond to your correspondence.

Both the Minister and I have noted Council's resolution concerning the release of the expert panel's report.

Once the report has been completed and delivered to the Government, a decision will be made concerning its public availability. Council's position will be taken into account during that process.

Yours sincerely

A handwritten signature in black ink, appearing to be 'C. Wilson', written over a horizontal line.

3.6.08

Chris Wilson
Executive Director, Major Project Assessment

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

Update on Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA (Chikarovski Report) (Attachment 2)



NEW SOUTH WALES

Office of the Hon Frank Sartor MP

*Minister for Planning
Minister for Redfern Waterloo
Minister for the Arts*

Mr Greg Piper MP
Member for Lake Macquarie
Electorate Office
92 Victory Parade
TORONTO NSW 2283

D08/1767

22 MAY 2008

Dear Mr Piper

I refer to your letter to the Minister for Planning, the Hon Frank Sartor MP regarding the proposed release date for the Strategic Inquiry into Coal Mining in the Wyong LGA. The Minister has asked me to reply on his behalf.

The Department of Planning advises me that the panel is currently working on the completion of this report. The Minister appreciates that the Inquiry and its findings are matters of interest and concern to you and the residents of Lake Macquarie.

Once the Minister has considered the panel's recommendations, the report will be made available to the public.

Yours sincerely

Steve Whan MP
Parliamentary Secretary



Level 34 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 Tel: (02) 9228 4700
Fax: (02) 9228 4711 Email: office@sartor.minister.nsw.gov.au

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

316 Tuggerah Lakes Estuary Management Plan Newsletter

F2007/00880 LMcD

SUMMARY

This is a report on the potential to produce and distribute a community newsletter on the Tuggerah Lakes Estuary Management Plan.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

At its meeting held on 28 May 2008 Council resolved as follows:

"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."

Tuggerah Lakes Estuary Management Plan Newsletter (contd)

INFORMATION

Council staff from the Estuary Management Unit, Community Development Unit and Communications Unit are currently working with an external consultant to develop a detailed Communications and Community Education Strategy for the Tuggerah Lakes Estuary Management Plan (EMP).

This Strategy is due to be finalised by July 2008. More detailed information will be provided to Councillors on the Strategy once that occurs.

This overarching Strategy will feature a range of objectives and approaches. A number of potential actions are also identified including media information and advertising, community events and presentations, community newsletters, targeted mailouts, interpretive signage, website information, detailed brochures, posters, fact sheets, staff workshops, children's holiday activities and school education programs. Production of a Tuggerah Lakes EMP newsletter therefore needs to be considered as part of the overarching Communications and Community Education Strategy for that project.

The most cost-effective way for distributing a newsletter would be to have it included in the rates notices issued by Council at no additional cost. An alternative distribution method is via a mailbox drop or as an insert in the local newspaper (both of which are a similar cost of about \$3,000).

The latter two methods are more commonly used by Council if information is deemed to have more chance of being read. Newsletters can also become bulky if inserted into small DL-sized envelopes.

The Mayor of the Day and the Chair of Council's Estuary Management Committee can all be invited to contribute to a newsletter given their active involvement in the project.

The office of the Member for Dobell, Mr Craig Thomson, has confirmed that he would definitely be keen to have input.

The timing of an initial newsletter could be distributed during the second half of 2008. However the exact timing will need to be considered as part of the overall EMP Communications and Community Education Strategy. It may also be dependent on the finalisation of the Federal funding agreement, part of which was due to fund the implementation of the EMP Communications and Community Education Strategy.

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

317 Schedule of Bank Balances and Investments – May 2008

F2004/06604 SJG

SUMMARY

The attached Schedules of Bank Balances and Investments as at 31 May 2008 are submitted for information.

RECOMMENDATION

That the report be received and the information noted.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council's Investment Policy which was adopted by Council on 22 November 2006 (Minute No. 519).

Under the Local Government (General) Regulation 2005 the Minister for Local Government will be announcing more restrictive investing powers for councils. This comes as a result of the Cole Inquiry into Local Government Investments. A revised investment policy is under preparation by Council staff and will be presented to Council once the final contents of the Minister's Order are known.

The Schedule of Bank Balances and Investment Accounts shows that Council had total cash and investment funds of \$116,692,785 as at 31 May 2008. This compares to an opening balance of \$108,877,984 as at 1 July 2007. These funds are invested with Fund Managers in accordance with Council's investment policy.

During the month of May the gross return including interest earned, capital movements on Council's investments, and bank interest was \$836,116. Financial year to date earnings were \$4,472,378. The large return for May reflects a significant upward trend in the Capital Value of Council's Managed Funds.

For comparison the report for April disclosed year to date gross interest earnings of \$3,636,262.

The year to date Investment management fees as at 31 May were \$106,943 excl GST which compares to an annual budget of \$117,000. This includes \$49,992 excl GST paid for Investment advice for the year and \$56,951 excl GST for custodial and asset trading facilities. Council does not pay management fees to the managers of its managed funds. Their administration costs are reflected in a marginally reduced return on investment.

Schedules Of Bank Balances And Investments – May 2008 (contd)

The following table provides a summary by fund of the above information:

	Investment Balances		Interest		
	Opening Balance July 1 2007	Closing Balance May 31 2008	Original Budget	Revised Budget Dec Review	Gross Interest YTD
	General	71,992,818	68,302,333	2,248,100	2,248,100
Water	15,185,232	28,594,785	1,644,000	644,000	1,060,835
Sewer	21,699,934	19,795,667	803,000	803,000	803,054
Total	108,877,984	116,692,785	4,695,100	3,695,100	4,472,378

It is clear from the table that investment income for all funds will have exceeded the revised budget. For General Fund, most of the favourable variance relates to section 94 developer funds and is not available to fund operational projects.

Performance Monitoring

Council's investment portfolio is monitored and assessed based on the following criteria:

i Management of Bank Balance

Bank balances are reviewed daily to ensure the amount invested is maximised.

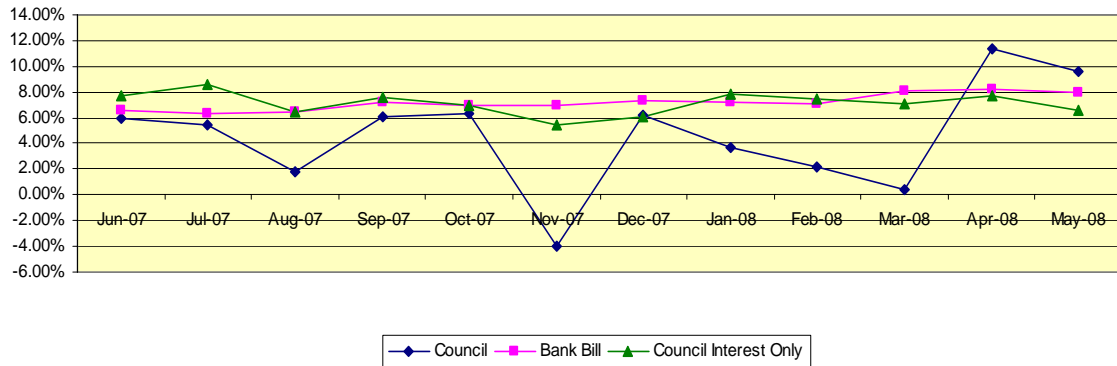
ii Portfolio and Monthly performance against the UBSA Bank Bill Index

Council's overall investment return is compared to the UBSA (Union Bank of Switzerland Australia) Bank Bill Index.

The weighted average return (interest and capital movements) for the portfolio of Council's managed funds (net of fees) during May 2008 was 9.56% which was favourable to the benchmark of the UBSA Bank Bill Index of 8.00%. The interest earning component for May was 6.64%.

Schedules Of Bank Balances And Investments – May 2008 (contd)

**Monthly Annualised Returns (Interest & Capital Movements)
Portfolio Performance Comparison to UBSA Bank Bill
Index**

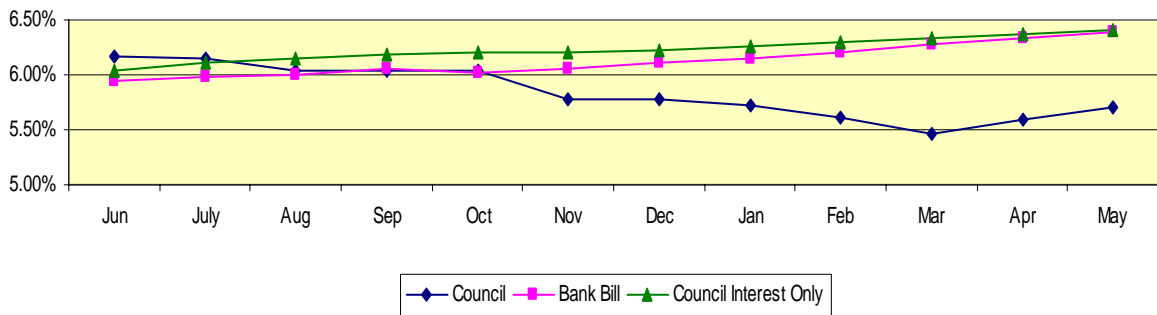


Council: Council Total Return (Interest & Capital)
Bank Bill: UBSA Bank Bill Reference Rate
Council Interest Only: Council Interest Earnings

iii. Three Year Average Returns – Actual vs Benchmark

Council's rolling three year average returns were 5.71% compared to the rolling three year average UBSA Bank Bill Index of 6.38%. Council's rolling three year average interest earning component on the other hand was 6.40%.

**Rolling Three Year Average based on
Monthly Annualised Returns (Interest & Capital) June 2005 to May 2008
Portfolio Performance Comparison to UBSA Bank Bill Index**



Council: Council Total Return (Interest & Capital) – Average for Three Years
Bank Bill: UBSA Bank Bill Reference Rate – Average for Three Years
Council Interest Only: Council Interest Earnings – Average for Three Years

Schedules Of Bank Balances And Investments – May 2008 (contd)

iv. Additional Commentary – Dissection of Interest for the Financial Year to Date

The returns on Council's investments are made up of two components:

- Interest
- Capital Gains and Losses

For the year to date all of Council's investments have earned interest at slightly below the market benchmarks.

However, it was a difficult period for investors generally and for six of Council's investments there was also a reduction in the underlying value of investment units within these funds of between 0.92% and 6.37%.

For these investment funds the under performance resulting from falling valuations must not be seen as a permanent loss. The investments represent a pool of interest earning securities and, on maturity, the value of each component investment will return to 100% of nominal value.

Our advisors note that, for these funds, the performance outlook over the expected holding period of the investment remains strong. This is evident from the strong performance of some of council's managed funds investments in May.

To assist in the analysis of Council's investment performance Council's Schedule of Investments now includes an additional dissection of Interest Only as distinct from Capital Movements. It is noted that this is appropriate on the assumption that Council is holding these managed funds investments over a medium term investment horizon. Council reports will continue to show this dissection as long as it is relevant to Council's consideration of investment performance.

Schedules Of Bank Balances And Investments – May 2008 (contd)

The Schedule of Investment below details for each Fund Manager annualised returns for the:

- current month;
- financial year-to-date;
- moving annual total.

**SCHEDULE OF INVESTMENTS AS AT
May 31 2008**

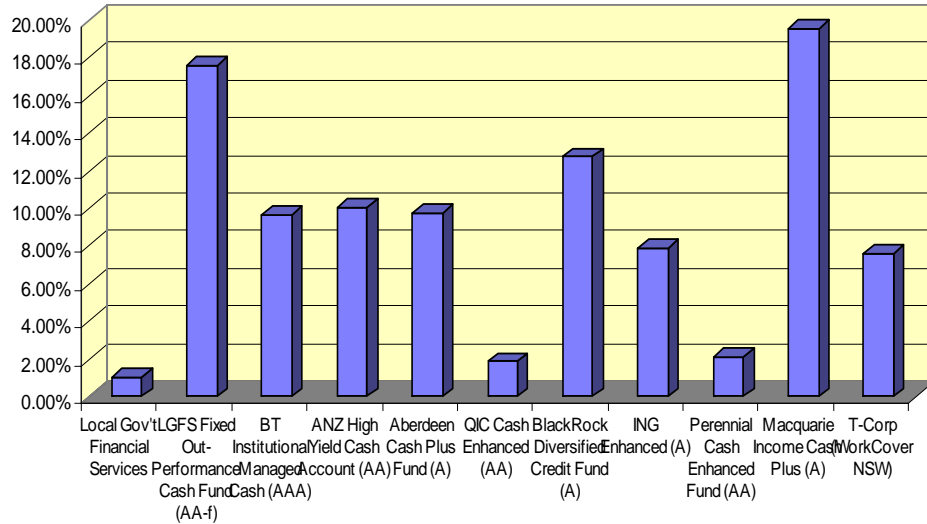
FUND MANAGER	TYPE	PORTFOLIO	GROSS BALANCE	ANNUALISED RETURNS			ADDITIONAL DISSECTION Capital		
				INCOME FOR MONTH	MONTH	FYTD*	MAT**	Interest Only Component FYTD***	Movements Component FYTD
Local Gov't Financial Services	Cash Plus		1,230,860.02	8,356.62	8.38%	5.46%	5.53%	5.46%	0.00%
LGFS Fixed Out-Performance Cash Fund (AA-f)	Cash Plus		20,568,202.12	142,045.88	8.52%	8.01%	n/a	8.01%	0.00%
BT Institutional Managed Cash (AAA)	Cash		11,270,595.91	85,126.20	7.83%	7.11%	7.07%	7.11%	0.00%
ANZ High Yield Cash Account (AA)	Cash		11,736,872.41	6,872.41	7.55%	n/a	n/a		
Aberdeen Cash Plus Fund (A)	Cash Plus		11,412,389.24	85,148.16	9.22%	2.53%	2.78%	7.19%	-4.27%
ING Enhanced (A)	Cash Plus		9,246,687.38	88,908.31	12.05%	3.28%	3.55%	6.55%	-3.00%
Perennial Cash Enhanced Fund (AA)	Cash Plus		2,442,189.53	21,120.39	10.77%	4.62%	4.77%	7.43%	-2.85%
Macquarie Income Cash Plus (A)	Enhanced Income		22,841,337.40	161,162.55	8.69%	4.32%	4.48%	5.96%	-1.50%
T-Corp (WorkCover NSW)	Cash Plus		8,885,000.00	60,142.79	7.97%	7.02%	6.97%	7.02%	0.00%
BlackRock Diversified Credit Fund (A)	Enhanced Income		14,874,446.77	156,762.76	13.29%	-1.92%	-1.34%	5.03%	-6.37%
QIC Cash Enhanced (AA)	Cash Plus		2,184,204.48	17,049.30	9.67%	5.62%	5.70%	6.62%	-0.92%
TOTAL			116,692,785.26	832,695.37	9.56%	4.19%	4.32%	6.00%	
Add Bank Account & Other Interest				3,420.61					
ALL INTEREST				836,115.98					
UBSA INDEX					8.00%	7.26%	7.22%	7.26%	

* - FYTD= Financial Year to Date ** - MAT = Moving Annual Total *** - Annualised

Schedules Of Bank Balances And Investments – May 2008 (contd)

Allocation of Investment Funds

Council's portfolio during May was allocated to the following assets:



INVESTMENT STATEMENT

In accordance with the Local Government (General) Regulation 2005, Part 9, Division 5, Clause 212, I certify that the investments held at 31 May 2008 have been made in accordance with the Act, the Regulations and Council's Investment Policies.

.....
A/ Director Corporate Services

Attachment 1

Schedule of Bank Balances and Investments 31 May 2008 (1 page)

Schedule Of Bank Balances And Investments – May 2008 (Attachment 1)

SUMMARY

May 31 2008

<u>General</u>	\$
Unrestricted	13,903,988.27
Restricted - Internally	18,209,054.00
Restricted - Externally	36,189,291.00
Total General	68,302,333.27
<u>Water</u>	
Unrestricted	343,585.49
Restricted - Internally	333,200.00
Restricted - Externally	27,918,000.00
Total Water	28,594,785.49
<u>Sewer</u>	
Unrestricted	997,865.50
Restricted - Internally	554,700.00
Restricted - Externally	18,243,101.00
Total Sewer	19,795,666.50
TOTAL INVESTMENTS	116,692,785.26
BANK BALANCE PER BANK STATEMENT	810,969.57
TRUST ACCOUNT PER BANK STATEMENT	24,048.79

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Director's Report
Corporate Services Department

318 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 SW

SUMMARY

Report on outstanding Questions Without Notice and Notices of Motion.

RECOMMENDATION

That the report be received and the information noted.

Question Asked	Asked By	Meeting Asked	Department
Q123 - Darcy Smith Court Case (A response will be reported to Council when the case has been finalised in the LEC)	Councillor Pavier	12 December 2007	Shire Planning
Q017 – Date of Proposed Meeting Between Council and Minister Nathan Rees (A response will be reported when a reply has been received from the Minister)	Councillor Eaton	12 March 2008	General Manager's Unit
Q029 – Cessnock City's Performing Art Centre Design and Cost (Information provided to Councillors at a briefing held on 4 June 2008)	Councillor Eaton	23 April 2008	Shire Planning
Q034 – Cost to the Ratepayer of Operating the Conduct Committee (A response will be submitted to Council when the current Code of Conduct proceedings are concluded)	Councillor Best	28 May 2008	General Manager's Unit

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q036 – Lack of Lighting in the Bill Sohler Oval Carpark (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Eaton	11 June 2008	Shire Services
Q037 – Lack of Timer Lighting in the Sohler Oval Grandstand (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Eaton	11 June 2008	Shire Services
Q038 – Street Lighting on Toukley Bridge (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Welham	11 June 2008	Shire Services
Q039 – Shared Pathways in the Blue Haven/San Remo Areas (A response will be submitted to Council at the 23 July 2008 Ordinary Meeting)	Councillor Welham	11 June 2008	Shire Services
Q040 – Fishway on the Wyong River at the Old Dairy Site (A response will be submitted to Council at the 13 August 2008 Ordinary Meeting)	Councillor Veugen	25 June 2008	Shire Services
Q041 – Notices of Motion raised by Councillor Best & Councillor Eaton (Awaiting responses from Councillors Best and Eaton)	Councillor Veugen	25 June 2008	Corporate Services

Outstanding Questions Without Notice and Notices of Motion (contd)

Question Asked	Asked By	Meeting Asked	Department
Q042 – Representations to Housing NSW regarding KBT Project (A presentation has been scheduled for the August round of briefings)	Councillor Stewart	25 June 2008	Shire Planning
Q043 – Warnervale Town Centre (A response will be submitted to Council at the 13 August 2008 Ordinary Meeting)	Councillor Eaton	25 June 2008	Shire Planning

Notice of Motion	Department	Meeting Resolved	Status
326 - National Natural Disaster Funding <i>Report required on climate change impacts.</i>	Shire Planning	8 August 2007	A report will be submitted to Council when response from Department of Environment and Climate Change (DECC) is received. Finalisation of Coastline Management Plan is not anticipated until January/February 2009.
470 – Ferry Service between Wyong and The Entrance <i>Report to be provided on investigation of a wharf and passenger ferry service between Wyong and The Entrance.</i>	Shire Planning	14 November 2007	Council briefing held on 7 May 2008. Report to be submitted in conjunction with The Entrance Strategy report.
138 – Affordable Housing Summit <i>That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.</i>	Shire Planning	26 March 2008	Project plan developed. Date for summit 16 July 2008.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
140 – Mowing and Maintenance of Open Space and Park Areas <i>Report to be provided on the adequacy of the current scheduling and targets achieved.</i>	Shire Services	26 March 2008	Date of reporting to Council has been rescheduled from 25 June to 23 July 2008 to allow time for briefing to be conducted prior to meeting date.
157 – Corridor for Future Rail Track Upgrades <i>Request Cityrail to confirm it no longer requires wider corridor in places like Ourimbah and the decision for future track upgrades and improved services such as fast train.</i>	Shire Planning	9 April 2008	Awaiting a response from Railcorp.
189 - 2007 Warnervale Rail Station <i>That Council staff bring back a report on the new Warnervale Rail Station Development Application with a view to Council issuing deferred development consent.</i> <i>That Council write to the Minister for Environment and Climate Change and indicate a preference that the issue of the <i>Rutidosia heterogama</i> (Heath Wrinklewort) be dealt with under the biodiversity certification which is proposed for the town centre in Warnervale.</i>	Shire Planning	14 May 2008	A report will be submitted to Council at the 23 July 2008 Ordinary Meeting in response to Item 1, A letter has been issued to the Minister for Environment and Climate Change in response to Item 2.
231 – Poll on Popularly Elected Mayor and Electricity Privatisation <i>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.</i>	Corporate Services	28 May 2008	A report will be presented to the briefing session on 6 August 2008. The report will provide an outline of possible ward boundaries.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>232 – Surf Club Renewal Program</p> <p>1 <i>A written report be reported back to Council by 23 July 2008 on the following;</i></p> <p><i>a Councils priority on Surf Life Saving buildings.</i></p> <p><i>b That the report be based on the source of fund costings and availability of grant funding.</i></p> <p><i>c The constraints may be encountered on existing buildings and redevelopment.</i></p> <p>2 <i>That Surf Life Saving Central Coast be invited to brief the Council on their priorities and vision before 23 July 2008.</i></p>	Shire Services	28 May 2008	A report will be submitted to Council at the 23 July 2008 Ordinary Meeting and a briefing will be held on 9 July.
<p>254 – Recent and Extraordinary Price Increases and Effect on Council's Budget and Works Program</p> <p><i>That Council report on recent significant and projected extraordinary price increases in steel, concrete, oil and other raw materials and the effect of these increases on Council's budget and works program.</i></p>	Shire Services	11 June 2008	A report will be submitted to Council at the 13 August 2008 Ordinary Meeting.
<p>257– Proposal to Reconstitute the NSW Coast Council Program</p> <p><i>That Council call on the State Government to reconstitute the NSW Coastal Council to assist:</i></p> <p>1 <i>NSW coastal councils to deal with climate change and sea level rise(s) effects.</i></p> <p>2 <i>Coastal councils in updating coastal planning regulations.</i></p>	Corporate Services	11 June 2008	Awaiting response from the Department of Environment and Climate Change (DECC).
<p>259 – Unlawful and Unenforceable Council Code of Meeting Practice</p> <p><i>That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.</i></p>	Corporate Services	11 June 2008	A letter has been issued to Mr G Payne, Director General, Department of Local Government (DLG).

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>260 – Toukley “Taj Mahal”</p> <p><i>That staff urgently report to Council on the site known locally as the “Toukley Taj Mahal” and located at the gateway to Toukley at the bridge. The report should advise what options Council may have to force completion of these building works and/or their demolition.</i></p>	Shire Planning	11 June 2008	A report will be submitted to Council at the 23 July 2008 Ordinary Meeting.
<p>261 – Impact on Retail Parking – Wyong</p> <p>1 <i>That further to the likely impacts of the Roads and Traffic Authority’s Pacific Highway upgrade through Wyong and the current critical shortage of carparking in and around the town centre, staff provide a full report on Council’s 5 December 2007 confidential briefing that scoped carparking options and initiatives for the precinct.</i></p> <p>2 <i>That Council now determine whether such a report should be shared with the community in open Council or limited to a confidential reporting session.</i></p>	Shire Planning	11 June 2008	A report will be submitted to Council at the 13 August 2008 Ordinary Meeting.
<p>293 – The Entrance Long Jetty Strategy Meeting</p> <p><i>That Council facilitate a meeting with Key Stake holders – The Entrance Bowling Club, Lakeside Plaza and Wyong Shire Council.</i></p> <p><i>That the Mayor chair the meeting, report back on the progress or otherwise.</i></p>	Shire Planning	25 June 2008	Currently working on framework of meeting. Date to be advised.
<p>294 – Funding of Public Radiation / Oncology Service for the Central Coast</p> <p><i>That Council write to the Member for Dobell, Mr Craig Thomson.</i></p> <p><i>That Council seek the support of Gosford City Council.</i></p> <p><i>That Council write to all Local State Government Members of parliament.</i></p>	Corporate Services	25 June 2008	Letters are currently being drafted and a report will be submitted to Council when responses have been received.

Outstanding Questions Without Notice and Notices of Motion (contd)

Notice of Motion	Department	Meeting Resolved	Status
<p>295 – Wyong Pool Maintenance Policy</p> <p><i>That Council defer any further decisions regarding Wyong Pool pending discussions with the Wyong Tennis Club Administrator.</i></p> <p><i>That the Mayor and General Manager report to Council on discussions.</i></p>	Shire Services	25 June 2008	A report will be submitted to Council following discussions with the Wyong Tennis Club Administrator.
<p>297 – Education Program into Toddler Drowning</p> <p><i>That Council review effectiveness of its current swimming pool audit program.</i></p> <p><i>That staff report to Council on the benefits of redeployment of Council's professional lifeguards from off season duties in the Parks and Gardens Section with a view to utilising their extensive expertise in water safety education.</i></p>	Shire Planning	25 June 2008	A report is being prepared for the August 27 2008 meeting.
<p>298 – Long Jetty Café</p> <p><i>That Council receive a briefing as part of the Long Jetty master planning on the permissibility and benefits / disbenefits of considering sub leasing an area of the Long Jetty to cater for a commercial operation.</i></p>	Shire Planning	25 June 2008	To be given further consideration following the adoption of the Draft Entrance Peninsula Planning Strategy. (The TEPPS encourages this type of potential development).
<p>300 – Wyong Community Recreation Association</p> <p><i>That the Mayor and General Manager negotiate with WYCRA and LiesureCo respectively so as to facilitate a commercial arrangement.</i></p>	Corporate Services	25 June 2008	Negotiations with WYCRA have commenced and are progressing at a satisfactory rate.
<p>301 – Schedule of Ordinary Meetings 2008</p> <p><i>That Council vary its Code of Meeting Practice and not hold the Ordinary Meeting scheduled for 10 September 2008.</i></p> <p><i>That Council not hold briefings on the first and second Wednesday of September 2008.</i></p>	Corporate Services	25 June 2008	Cancellation of Meeting to be advertised in the Media during August.

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WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

Shire Services Department

Answers to Questions Without Notice

Q035 – Rolling Works and Road Issues at Chittaway Bay

Asked by Councillor Pavier at the Ordinary Meeting held on May 28 2008
F2004/ 05304

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

Staff contacted Mr Spratt by telephone on two occasions and confirmed the outcomes by letters dated 1 April 2008 and 2 June 2008.

Mr Spratt was advised that road resurfacing works on the relevant section of road will be completed as part of a major road reconstruction and improvement project proposed on Chittaway Drive between Wyong Road and Aston Wilde Avenue. These works are identified in both the 2007/2008 and draft 2008/2009 Rolling Works Program for construction in 2009/2010.

An onsite meeting has since been held between Mr Spratt, Councillor Pavier and Council's Acting Manager, Roads and Drainage to provide additional information and confirm previous advice on this matter.

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WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

**319 Notice of Motion – Proposal to name Lot 1 DP 942380 and
Lot 1 DP 663618 corner of Church and Margaret Streets
Wyang as Arthur Mollett Reserve**

F2004/06023 NR

Councillor Rose has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

- “1 That Council place on exhibition for public comment for a period of 28 days, its proposal for Lot 1 DP 942380 and Lot 1 DP 663618, corner of Church and Margaret Streets, Wyong be named the Arthur Mollett Reserve.*

- 2 That should no significant objections be received, Council recommend to the Geographical Names Board that this land be named the Arthur Mollett Reserve.”*

9 July 2008
To the Ordinary Meeting of Council

**320 Notice of Motion – Submission to Auditor General on
Electricity Privatisation Enquiry**

F2004/08138 DJE / GPB

Councillors D J Eaton and G P Best have given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 they will move the following Motion:

- "1 *That Council urgently make a submission to the Auditor General in relation to the State Government's decision to privatise electricity supply infrastructure and to refer this issue to the Auditor General.*

- 2 *That Council's submission be based on:*
 - a *job retention and security at local generating stations and distribution depots;*
 - b *likely exorbitant price increases;*
 - c *air quality reductions with increasing adverse health effects from privatisation of local generating works, and other relevant local issues*

- 3 *That Council liaise with the relevant union (ETA) in compiling its submission.*

- 4 *That the submission be published on Council's website with advertisements as to the web publication in Council's newspaper general advertisements."*

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

321 Notice of Motion – Alternative Transport Options

F2005/03057 DJE

Councillor D J Eaton has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

- “1 That Council in principal commit to a trial of alternative transport options as a demonstration to the public viability of such options.*
- 2 The options include:*
 - a electricity power assisted bicycles;*
 - b electric and/or gas step through cycles;*
 - c gas powered machinery;*
 - d biodiesel powered trucks and heavy machinery;*
 - e hybrid cars; and*
 - f other new and emerging technologies*
- 3 Staff report on how trials of all suitable options can be conducted and cost and or saving to Council.”*

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

322 **Notice of Motion – Flashing Warning Lights outside of Shire's
Schools**

F2004/06690 BJP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

- "1 *That Council research the pledges provided by the State Government (proceeding the previous state election) on the number of flashing warning lights to be provided, and when outside our Shire's schools.*

- 2 *That this report comes back to Council at the end of July 2008."*

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

**323 Notice of Motion – Traffic Counts being conducted on
Woodbury Park Mardi**

C2008/05520 BP

Councillor B J Pavier has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

"That staff report to Council on the traffic counts presently being conducted on Woodbury Park Drive, Mardi."

9 July 2008
To the Ordinary Meeting of Council

324 **Notice of Motion – Investigation into Geotextile bags for
Cabbage Tree Bay**

F2007/00876 GB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

"That further to Council's resolution of 14 May 2008 seeking a report from Geofabric Australia into the performance specifications and compatibility of their product for use in and around The Entrance Channel, Council now expand the product review to include the possibility of using this technology as an emergency temporary ocean barrier in Cabbage Tree Bay."

WYONG SHIRE COUNCIL

9 July 2008
To the Ordinary Meeting of Council

325 Notice of Motion – Supposed fast tracking of Warnervale

F2004/00535-04, F2004/05521 GB

Councillor G P Best has given notice that at the Ordinary Meeting of Council to be held on Wednesday, 9 July 2008 he will move the following Motion:

- “1 That Council note it is now two years since the Minister for Planning, the Hon Frank Sartor, “called in” on 26 June 2006 the Warnervale District Centre Plan to supposedly fast track the approvals process, to date no announcement has been forthcoming. Council further note the alarming pattern / trend of this State Government to make major planning announcements regarding Warnervale that result in absolutely no action, such as the 2004 announcement to open the new Warnervale Rail Station by 2007.*
- 2 That having regard to 1. Above and the utter frustration of our residents and ratepayers, Council seek to bypass the paralysed Planning Minister and the recently stood down Minister for the Central Coast, the Hon John Della Boca, through sending a high level Council delegation directly to the Premier to demand action.*
- 3 That Council also send a similar delegation to the Leader of the Opposition, Barry O’Farrell, for his support.*
- 4 That Council maintain a high level focus on this important community issue through staff reporting to Council on a bi monthly basis on emerging issues pertaining to the greater Warnervale district.*
- 5 That Council recognise as a consequence of the inaction outlined the current load on aging infrastructure is now critical, such as Warnervale road and the highly dangerous intersection of Albert Warner Drive and Sparks Road adjoining Lakes Anglican Grammar School. Further the School’s concerns regarding this dangerous intersection be referred to Council’s Traffic Committee for review and urgent action.”*