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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 9 JULY 2008,**  
**COMMENCING AT 5.01 PM**

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**PRESENT**

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

**IN ATTENDANCE**

ACTING GENERAL MANAGER, ACTING DIRECTOR CORPORATE SERVICES, ACTING 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 NATURAL RESOURCES ADVISORY COUNCIL OF NEW SOUTH WALES HAS ADVISED THAT WYCARE INC HAVE BEEN SUCCESSFUL IN THE RECENT ROUND OF THE FORGING PARTNERSHIPS GRANTS PROGRAM WITH THEIR PROJECT "MOUNTAINS TO THE DUNES LANDCARE FORUM". HE HAS SENT A LETTER OF CONGRATULATIONS TO MARLENE PENNING AND MEMBERS OF WYCARE ON THEIR ACHIEVEMENT.

COUNCILLOR ROSE REPORTED THAT:

- \* HE HAD ACCEPTED, ON COUNCIL'S BEHALF, A PLAQUE FROM THE HUNTER VALLEY RESEARCH FOUNDATION WHICH WAS PRESENTED TO COUNCIL IN APPRECIATION FOR BEING ONE OF THEIR SPONSORS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.01 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND DELIVERED THE OPENING PRAYER.

**APOLOGIES**

THERE WERE NO APOLOGIES.

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**302 Disclosure of Interest**

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F2008/01064 ED:MR

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

***That the report and the fact that no disclosure was made be noted.***

**303 Proposed Inspections**

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F2008/00003 ED:MR

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

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

**304 Proposed Briefings**

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F2008/00003 ED:MR

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

***That the amended report, including the briefing on the Gwandalan Site, be received and the information noted.***

**305 Address by Invited Speakers**

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F2008/00003 ED:MR

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

***That the amended report on Invited Speakers be received and the information noted.***

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**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**306 Confirmation of Minutes of Previous Meeting**

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F2008/00003 ED:MR

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

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

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**307 Contract CPA 104356 – Review of Contract Value for Asphaltic Concrete Works**

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CPA/104356 PM

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

***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.***

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

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F2008/00981

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

- 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.***

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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- 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.***

**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**

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F2008/01219, F2008/01220 JMT

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

- 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.***

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**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**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.*

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**Information Reports**

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

*That with the exception of report numbers 315 and 318 the information reports be received and the recommendations adopted.*

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**310 Wallarah 2 Funding**

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F2006/01080 MDL

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

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

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

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F2004/00103 DJI

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

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

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**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**312 Ourimbah to Wamberal Power Line Project**

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F2006/00475 PB:PB

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

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

**313 Disclosure of Interest Returns**

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F2008/01025 ED

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

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

**314 Funding for Infrastructure in New Residential Areas**

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F2004/06377 MW

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

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

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

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F2004/07086 SG

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

- 1** *That the report be received and the information noted.*
- 2** *That Council publish a number of advertisements, within Council's regular advertising space, drawing the public's attention to the delay in releasing the Chikarovski report and requesting residents contact their local member to expedite the report.*

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**316 Tuggerah Lakes Estuary Management Plan Newsletter**

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F2007/00880 LMcD

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

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

**317 Schedule of Bank Balances and Investments – May 2008**

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F2004/06604 SJG

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

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

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

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F2008/00003 SW

COUNCILLOR BEST LEFT THE CHAMBER AT 5.16 PM AND RETURNED TO THE CHAMBER AT 5.17 PM DURING CONSIDERATION OF THIS ITEM.

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

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

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**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**


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


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F2004/06023 NR

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

- 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.**

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


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F2004/08138 DJE / GPB

MR DOUG GORDON, A COMMUNITY MEMBER, ADDRESSED THE MEETING AT 5.27 PM, ANSWERED QUESTIONS AND RETIRED AT 5.39 PM.

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

- 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;**
  - d other relevant local issues.**
- 3 That Council liaise with the relevant union (ETU) in compiling its submission.**

## **Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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- 4 *That the submission be published on Council's website with advertisements as to the web publication in Council's newspaper general advertisements.*
- 5 *That the Motion be exempted from the provisions of the Code of Meeting Practice to allow the Motion to be actioned from 9.00am 10 July 2008.*
- 6 *That Council's submission be principally based on Council's prior submission dated 6 February 2008 to the Consultative Reference Committee of the Owen Inquiry.*

### **321 Notice of Motion – Alternative Transport Options**

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F2005/03057 DJE

COUNCILLOR FORSTER LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.13 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council in principal commit to a trial of alternative transport options as a demonstration to the public viability of such options.*
- 2 *That 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 and diesel cars; and*
  - f *other new and emerging technologies*
- 3 *That Staff report on how trials of all suitable options can be conducted and cost and or saving to Council.*

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

***The MOTION was put to the vote and declared LOST.***

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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

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F2004/06690 BJP

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

- 1 That Council research the pledges provided by the State Government (preceding 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.***

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

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C2008/05520 PAVIER

COUNCILLOR BEST LEFT THE CHAMBER AT 6.22 PM AND RETURNED TO THE CHAMBER AT 6.24 PM DURING CONSIDERATION OF THIS ITEM.

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

***That staff report to Council on the following:***

- a the traffic counts presently being conducted on Woodbury Park Drive, Mardi.***
- b the history of this matter as reported from the Wyong Shire Traffic Committee.***
- c what measures/options are available to minimise speed/accidents.***

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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

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F2007/00876 GB

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

*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.*

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

***The MOTION was put to the vote and declared LOST.***

**325 Notice of Motion – Supposed fast tracking of Warnervale**

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F2004/00535-04, F2004/05521 GB

MR MICHAEL HANNAH, PRINCIPAL OF LAKES GRAMMAR SCHOOL, ADDRESSED THE MEETING AT 6.37 PM, ANSWERED QUESTIONS AND RETIRED AT 6.46 PM.

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

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

- 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.*

### **Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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- 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 Grammar School. Further the School's concerns regarding this dangerous intersection be referred to Council's Traffic Committee for review and urgent action.*

An AMENDMENT was MOVED by Councillor ROSE and SECONDED by Councillor STEVENS:

*That concerns raised by the Lakes Grammar (The Anglican School) regarding the intersection of Albert Warner Drive and Sparks Road, Warnervale be referred to the Wyong Shire Traffic Committee.*

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

*That the MOTION be put.*

**RESOLVED unanimously that the MOTION be put.**

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

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

AGAINST: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

***The AMENDMENT then became the MOTION.***

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

***That concerns raised by the Lakes Grammar (The Anglican School) regarding the intersection of Albert Warner Drive and Sparks Road, Warnervale be referred to the Wyong Shire Traffic Committee.***

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

AGAINST: COUNCILLORS VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**QUESTIONS WITHOUT NOTICE ASKED****Q044 – Lighthouse Whale Rally****Councillor Veugen**

F2004/10946

*“Councillor Best, as patron of our local peak community whale group, Whale Call, I understand you and Councillor Eaton took time to attend the Lighthouse Whale Rally, an important community event held on 6 July. Could you please report / provide information on the success of the event?”*

**Q045 – Staff Performance****Councillor Best**

F2004/05336

*“Mr General Manager, I have received a number of unsolicited comments regarding the efficiency and professionalism of our front line staff in Customer Service. As a consequence, could you please formally pass on Council’s sincere appreciation for a job well done?”*

**Q046 – Conduct Committee attendance****Councillor Stevens**

F2004/06498

*“Given that Councillor Best is conscious of costs to operate Council’s Conduct Committee, could he advise Council why he failed to attend the last Conduct Committee meeting?”*

**Q047 – Conduct Committee costs****Councillor Stevens**

F2004/06498

*“Could staff please advise how much additional cost will be incurred by Council because of Councillor Best’s failure to attend this meeting and thus necessitating the organisation of another Conduct Committee meeting?”*

**Minutes of the Ordinary Meeting of Council held on 9 July 2008 (contd)**

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**Q048 – Notices of Motion raised by Councillor Best and Councillor Eaton  
Councillor Graham**

F2004/07706

*“Further to question Q041 asked by Councillor Veugen at the Meeting of 25 June last, could the staff advise how many of these Notices of Motion were successful and how many failed? Also, how much staff time was expended on these Notices of Motion and at what cost?”*

**Q049 – Commercial operations at Fountain Dale  
Councillor Eaton**

P2006/04948

*“Could Council be advised of investigations into alleged illegal commercial operations in Peach Orchard Road, Fountaindale?”*

**Q050 – Number of Development Applications  
Councillor Eaton**

F2004/12148

*“Could Council confirm that the development applications for June 2008 are the lowest ever received?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.20 PM.

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CHAIRPERSON