
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 11 APRIL 2007, COMMENCING AT 5.00 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), D J EATON, K M FORSTER, R E STEWART, R C STEVENS AND W J WELHAM.

IN ATTENDANCE

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

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.00 PM AND PASTOR JOHN BETTS READ THE OPENING PRAYER.

APOLOGIES

APOLOGIES FOR THE INABILITY TO ATTEND THE MEETING WERE RECEIVED ON BEHALF OF COUNCILLORS ROSE, PAVIER AND VEUGEN.

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

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

COUNCILLOR BEST HAS BEEN GRANTED LEAVE OF ABSENCE FOR THE MEETING OF 11 APRIL 2007.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 143, 144, 145 AND 149, WERE DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

143 Disclosure of Interests

F2006/02282 ED:MR

149 - PROPOSED ALTERATIONS AND ADDITIONS TO "CAMP TOUKLEY"

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DENYJENKO FIRM ARE INVOLVED IN THE PLANS PREPARED FOR CAMP TOUKLEY AND HE WAS INVOLVED IN A LONG RUNNING LEGAL CASE AGAINST THEM IN REGARDS TO THE POOR CONSTRUCTION OF HIS HOUSE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM 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 THE LEGAL MATTER IS RESOLVED AND BEARS NO IMPACT ON THE CAMP TOUKLEY RE-DEVELOPMENT."

149 - PROPOSED ALTERATIONS AND ADDITIONS TO "CAMP TOUKLEY"

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ARCHITECT FORMERLY OWED HIS BUSINESS MONEY 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 ONLY ARCHITECT, NOT OWNER / DEVELOPER IS INVOLVED."

156 - PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR STEWART DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS ON THE BATEAU BAY PUBLIC SCHOOL COUNCIL 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 BECAUSE THE ALLOCATION IS FOR AFTER SCHOOL CARE AND THE SCHOOL COUNCIL HAS NO INFLUENCE ON THE AFTER SCHOOL CARE."

160 – DEVELOPER CONTRIBUTIONS AND LEVIES – WYONG EMPLOYMENT ZONE

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IT MAY AFFECT INDUSTRIAL LAND VALUES 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 REPORT DOESN'T RECOMMEND ANY CHANGES."

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

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

That the reports be received and advice of disclosures noted.

144 Proposed Briefings

F2006/02282 ED:MR

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

That the report be received and the information noted.

145 Address by Invited Speakers

F2006/02282 ED:MR

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

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

146 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meetings of Council held on 14 March 2007 and 28 March 2007 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 11 April 2007 (contd)

LEAVE TO INTRODUCE MOTION OF URGENCY

COUNCILLOR EATON SOUGHT AND WAS GRANTED LEAVE TO INTRODUCE A MOTION OF URGENCY.

THE MAYOR RULED THAT THE MATTER WAS URGENT AND COULD BE INTRODUCED AS A MATTER OF URGENCY.

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

That Council consider a Motion of Urgency for a Contribution from the Community Benefit Grant Fund.

146A Motion of Urgency – Contribution from the Community Benefit Grant Fund

F2005/0881

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

That the amount of \$5,000 plus in kind support be allocated to the Formula 1 Superboat Event from the Community Benefit Grant Fund.

147 Development Control Plan Chapter No. 109 – West Wyong Area

F2004/08231 SA:LD

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

- 1 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations, Development Control Plan 2005 – Chapter No. 109 - West Wyong Area be adopted and appropriate notice be given within 28 days.***
- 2 That Development Control Plan 2005 – Chapter No. 109 - West Wyong Area be forwarded to the Department of Planning within 28 days.***
- 3 That the relevant 149 Certificates be annotated regarding the adoption of Development Control Plan 2005 – Chapter No. 109 - West Wyong Area.***

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

- 4** *That the Section 94 Contributions Plan No 1 for the Wyong and Part Rural West District be updated as soon as practical in 2007 to reflect current population projections and infrastructure costs.*
- 5** *That all those who made submissions be advised of Council's decision.*

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

AGAINST: COUNCILLOR EATON.

148 Chemical Storage Warehouse at Wyong

DA/1949/2006 EA:EA

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

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.*
- 2** *That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.*
- 3** *That the variation to DCP 2005, Chapter No 75 Industrial Development be supported.*

149 Proposed Alterations and Additions to "Camp Toukley"

RSM:RSM DA2486/2005

COUNCILLOR WELHAM DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DENYJENKO FIRM ARE INVOLVED IN THE PLANS PREPARED FOR CAMP TOUKLEY AND HE WAS INVOLVED IN A LONG RUNNING LEGAL CASE AGAINST THEM IN REGARDS TO THE POOR CONSTRUCTION OF HIS HOUSE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

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MR PETER CHAPPELL, AS A RESIDENT OF CANTON BEACH, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.16 PM.

MS DENISE LLOYD, REPRESENTING CAMP TOUKLEY AS CHIEF EXECUTIVE OFFICER, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 5.17 PM, ANSWERED QUESTIONS AND RETIRED AT 5.20 PM.

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

- 1 That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.***
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans or consent conditions.***
- 3 That those who made submissions be advised of Council's decision.***

150 Shire Wide Contributions Plan

F2004/00552 PAB

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

- 1 That in accordance with Clause 28 of Part 4 of the Environmental Planning and Assessment Regulations 2000, the draft plan be exhibited for public comment.***
- 2 That subject to no objections being received as a result of the public exhibition, the plan be adopted and public notice be given in accordance with Clause 31 of Part 4 of the Environmental Planning and Assessment Regulations 2000.***

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

- 3** *That Council's existing contributions plans be amended to remove any duplication in the areas of cycleways and library stock that arises as a result of the adoption of the Shire Wide Contributions Plan.*
- 4** *That a briefing of Councillors be held prior to the results of the public exhibition being submitted to Council.*

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

AGAINST: COUNCILLOR EATON.

151 Maintenance Dredging of Tumbi Creek, Killarney Vale

LA/248/2006 KP/KP

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

- 1** *That the application be referred to the General Manager for determination having regard to the matters for consideration detailed in Clause 228 of the Environmental Planning and Assessment Regulations and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions.*
- 2** *That those who made submissions be advised of Council's decision.*

152 Revised Tender for Contract No CPA/94561 – Tumbi Creek Dredging

CPA/94561 MDL

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

- 1** *That subject to the granting of a Part 5 Assessment approval, Council accept the revised tender of Enviropacific Pty Ltd in the estimated Schedule of Rates amount of \$1,153,543.27 including GST (\$1,048,675.70 excluding GST) to undertake the dredging of Tumbi Creek under Contract CPA/94561.*
- 2** *That Council approve a contingency amount of \$115,000.00 including GST, (\$104,545.45 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.*

153 Proposed 2007/08 Draft Management Plan

F2004/07006 MM

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

That the 2007/08 Draft Management Plan be adopted for the purpose of public exhibition in accordance with Section 405 of the Local Government Act 1993.

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

AGAINST: COUNCILLOR EATON.

154 Proposed Project to Improve the Intersection of Goorama Avenue and Pacific Highway, Blue Haven and to Provide an Improved Network of Shared Pathways

F2004/07739 AKP:JEM

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

- 1** ***That Council, following the successful community consultation process, proceed with the design and construction of the additional works to improve the intersection of Goorama Avenue and Pacific Highway, Blue Haven, and to provide an improved network of shared pathways.***
- 2** ***That Council authorise the acquisition of Lot 16 DP 230826 No. 29 Allambee Crescent, Blue Haven by direct purchase from the current owner for an amount to be negotiated by the General Manager, taking account of an assessment by a qualified valuer. In the event that negotiations with the property owner cannot be satisfactorily resolved, Council proceed to compulsorily acquire Lot 16 DP 230826.***
- 3** ***That Council authorise the affixing of the Common Seal of Wyong Shire Council to the Transfer and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor for compulsory acquisition, related to the acquisition of Lot 16 DP 230826 .***
- 4** ***That Council authorise the Mayor and the General Manager to sign all documents relating to the transfer of Lot 16 DP 230826 to Wyong Shire Council.***
- 5** ***That Council propose classification of Lot 16 DP 230826 as Operational Land.***
- 6** ***That the proposed Classification be advertised in accordance with Section 34 of the Local Government Act, 1993.***
- 7** ***That, if no adverse submissions are received, the classification be confirmed.***

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

155 Conferences 2007

F2004/06466 ED

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

- 1 That interested Councillors be authorised to attend the conferences as detailed in the report.**
- 2 That reasonable expenses incurred in Councillors attending the conferences be met in accordance with Council's Facilities and Expenses Policy for Councillors.**

156 Proposed Councillors' Community Improvement Grants

F2006/00788 JL

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COUNCILLOR STEWART STATED;

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

That an amount of \$5075.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

157 Australian Sister Cities Conference

F2004/06517 ED

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

That the report be received and information noted.

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

158 Local Government Association Conference

F2004/06517 ED

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

That the report be received and information noted.

159 Information Reports

F2006/02282 ED:MR

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

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

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

That the Information Reports and recommendations of the Ordinary Meeting of Council, with the exception of report number 161 be received and the information noted.

160 Developer Contributions and Levies – Wyong Employment Zone

F2006/01781 PAB

COUNCILLOR EATON DECLARED AN INSIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT IT MAY AFFECT INDUSTRIAL LAND VALUES AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

That the report be received and information noted.

Minutes of the Ordinary Meeting of Council held on 11 April 2007 (contd)

161 NSW Association of Mining Related Councils Inc

F2004/06808 ED

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

That the report be received and information noted.

162 Water Poll / Referendum

F2004/06534 ED

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

That the report be received and information noted.

163 Schedule of Bank Balances and Investments – February 2007

F2004/06604 KF

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

That the report be received and information noted.

164 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 MW:SW

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

That the report be received and information noted.

QUESTIONS WITHOUT NOTICE ASKED

Q039 – Contents of \$39.00 refit kit

Councillor Eaton

F2004/11989

Could Council review the contents of the \$39.00 refit kit, which includes a hose trigger nozzle?

Q040 – Activities and Achievements of Business Central Coast for Financial Year 2006/2007

Councillor Eaton

F2004/07942

Could Council report on the activities and achievements of Business Central Coast for this financial year?

Q041 - Property on the Corner of Warrigal and Taylor Streets, The Entrance

Councillor Stewart

Would Council please contact the owner of the partially demolished house on the corner of Warrigal and Taylor Streets, The Entrance, with the view of having it demolished? There is probably asbestos involved in the demolition as it is a very old house.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.25 PM.

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CHAIRPERSON