WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL

HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 12 DECEMBER 2007,
COMMENCING AT 5.05 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

- * ON SATURDAY 1 DECEMBER 2007, THE PREMIER ATTENDED A MEDAL PRESENTATION HELD HERE AT COUNCIL WHERE HE PRESENTED STATE MEDALLIONS TO RECIPIENTS RECOGNIZING THEM FOR THEIR EFFORTS DURING THE JUNE LONG WEEKEND STORMS. TWO WYONG SHIRE COUNCIL STAFF MEMBERS RECEIVED THEIR MEDALS FROM THE PREMIER. I WAS ABLE TO TAKE THE OPPORTUNITY TO DISCUSS WITH THE PREMIER ISSUES CONCERNING WARNERVALE ESPECIALLY THE EMPLOYMENT ZONE.
- * ON THURSDAY 6 DECEMBER THE GENERAL MANAGER AND I, TOGETHER WITH GOSFORD CITY COUNCIL'S MAYOR AND GENERAL MANAGER, MET WITH MINISTER NATHAN REES TO DISCUSS FURTHER THE CENTRAL COAST WATER CORPORATION.
- * I AM PLEASED TO REPORT THAT OVER 90 PRESENTS HAVE BEEN DONATED TO THE LOCAL BRANCH OF THE SAMARITANS FOUNDATION FOR DISTRIBUTION TO DISADVANTAGED CHILDREN WITHIN WYONG SHIRE AS A RESULT OF THE COMMUNITY CHRISTMAS TREE APPEAL HELD IN CONJUNCTION WITH THE CHRISTMAS FUNCTION LAST FRIDAY NIGHT.

COUNCILLOR STEWART REPORTED THAT TWO PLAQUES OF APPRECIATION HAD BEEN PRESENTED TO COUNCIL. ONE FROM THE TUGGERAH LAKES MARDI GRAS FESTIVAL FOR COUNCIL'S ASSISTANCE DURING THE FESTIVAL AND THE OTHER FROM THE LONG JETTY SUB BRANCH OF THE RSL FOR ALL THE APPRENTICES AND TRADESMEN WHO HAVE ASSISTED IN RESTORING THE BOFORS GUN OUTSIDE THE RSL LONG JETTY.

CL PAVIER ADVISED THAT HE HAD ATTENDED THE CLIMATE CHALLENGE AWARD NIGHT AND WOULD BE MOVING A NOTICE OF MOTION AT THE NEXT COUNCIL MEETING REGARDING A NATIONAL CAMPAIGN ON CLIMATE CHANGE.

CL STEVENS RECENTLY ATTENDED A GREEN CORPS PRESENTATION AT NORTH ENTRANCE SURF CLUB. GREEN CORPS IS A FEDERAL GOVT INITIATIVE WHICH ACTUALLY TRAINS YOUNG PEOPLE TO LOOK AFTER THE ENVIRONMENT.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.05 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 534, 535, 536 AND 539 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.

528 Disclosures of Interest

F2006/02282 ED:MR

534 - ADOPTION OF THE REVISED WYONG RETAIL CENTRES STRATEGY (2007) AND DCP 2005: CHAPTER 81 - RETAIL CENTRES

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT POTENTIAL PECUNIARY AFFECTATION ON LAND OWNED BY FAMILY COMPANY AT NORTH WYONG, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

536 - PROPOSED ANIMAL ESTABLISHMENT AT KANGY ANGY

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE USES AN ASSOCIATED BUSINESS TO ACCOMMODATE HER FAMILY PET AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR FORSTER 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."

537 - PROPOSED ALTERATIONS AND ADDITIONS TO BUDGEWOI HOLIDAY PARK

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

538 - PROPOSED ALTERATIONS AND ADDITIONS TO CANTON BEACH HOLIDAY PARK

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

539 - PROPOSED ALTERATIONS AND ADDITIONS TO NORAH HEAD PARK

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.34 PM.

540 - PROPOSED ALTERATIONS AND ADDITIONS TO TOOWOON BAY PARK

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

547 - PROPOSED COUNCILLOR'S COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS DAUGHTER IN LAW IS THE COORDINATOR OF GWANDALAN OUT OF SCHOOL HOURS CARE, LEFT THE CHAMBER AT 8.30 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.31 PM.

548 - CENTRAL COAST MARINERS PARTNERSHIP

COUNCILLOR GRAHAM DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 8.31 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.43 PM.

550 - MINUTES OF THE SPORTS EQUIPMENT GRANT PANEL - 20 NOVEMBER 2007

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS SEVERAL FAMILY MEMBERS WHO ARE MEMBERS OF THE KILLARNEY VALE AFL CLUB ONE FAMILY MEMBER IS ALSO AN EXECUTIVE MEMBER, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

550 - MINUTES OF THE SPORTS EQUIPMENT GRANT PANEL - 20 NOVEMBER 2007

COUNCILLOR STEWART DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON PLAYS FOOTBALL FOR BERKELEY VALE SOCCER CLUB AND HER DAUGHTER TEACHES AT GWANDALAN PUBLIC SCHOOL, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

W019 - 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 WYONG COMMUNITY RECREATION ASSOCIATION 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 NO CONFLICT TO LOCAL GOVERNMENT ACT PROVISIONS."

W019 - WYONG COMMUNITY RECREATION ASSOCIATION

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCIL NOMINEE ON WYONG COMMUNITY RECREATION ASSOCIATION 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 NO CONFLICT TO LOCAL GOVERNMENT ACT PROVISIONS."

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

That the report be received and advice of disclosures noted.

529 Proposed Inspections

F2006/02282 MW:SW

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

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

530 Proposed Briefings

F2006/02282 ED:MR

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

That the report be received and the information noted.

531 Address by Invited Speakers

F2006/02282 ED:MR

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

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

Notice of Intention to Deal With Matters in Confidential Session

F2006/02282 ED:MR

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

- 1 That pursuant to Section 10A(2)(a) (d) & (g) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:
 - W018 Contract CPA 99940 Construction of Wadalba Sports Facility Application for Funding.
 - W019 Wyong Community Recreation Association.
- 2 That the reason for dealing with Report No W018 Contract CPA 99940 Construction of Wadalba Sports Facility Application for Funding 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.
- 3 That the reason for dealing with the Report No W019 Wyong Community Recreation Association confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 4 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.

533 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

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

That the minutes of the previous Ordinary Meeting of Council held on 28 November 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR FORSTER SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING A PROPOSAL TO PRIVATISE THE STATE POWER INDUSTRY.

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

That Council consider a MOTION OF URGENCY regarding the privatisation of the power industry.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

533A Motion of Urgency – Proposal to Privatise the State Power Industry

F2004/08138

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

- 1 That Council support its community and in particular the significant number of people employed in the power industry by expressing its opposition to the State Government proposal to privatise and lease the NSW power industry.
- 2 That the Mayor express Council's opposition through a letter to the Premier Morris lemma.
- 3 That Council write to each of the Central Coast State Members of Parliament requesting that they support the community in opposing this plan.
- 4 That replies from State Members on this representation be reported to Council in a future business paper.

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

VEUGEN AND WELHAM.

AGAINST: COUNCILLORS ROSE.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE PROPOSAL TO HOLD AN EXTRAORDINARY MEETING NEXT WEEK 19 DECEMBER 2007.

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

That Council consider a MOTION OF URGENCY regarding proposal to hold an extraordinary meeting of Council next week 19 December 2007 and instead deal with this item tonight.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

THE MAYOR RULED THAT THE MATTER WAS NOT ONE OF GREAT URGENCY.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING COUNCILLOR EATON'S FORTHCOMING VISIT TO TANABE AND THIS OPPORTUNITY SHOULD BE USED TO RECONFIRM COUNCIL'S OPPOSITION TO SCIENTIFIC WHALING.

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

That Council consider a MOTION OF URGENCY regarding Councillor Eaton's forthcoming visit to Tanabe and use this opportunity to reconfirm Council's opposition to scientific whaling.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

WELHAM.

THE MAYOR RULED THAT THE MATTER WAS NOT ONE OF GREAT URGENCY.

Adoption of the Revised Wyong Retail Centres Strategy (2007) and DCP 2005: Chapter 81 – Retail Centres

CPA/95742 LH

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT POTENTIAL PECUNIARY AFFECTATION ON LAND OWNED BY FAMILY COMPANY AT NORTH WYONG, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.55 PM.

MR RICHARD RISTWEJ, REPRESENTING ARKADIA PROPERTY, OWNERS OF THE OASIS CARAVAN PARK, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5:20 PM.

MR MATT HEALY, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.40 PM.

MR NEIL INGHAM, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.32 PM, ANSWERED QUESTIONS AND RETIRED AT 5.40 PM.

MR PETER LEYSHON, CONSULTANT FOR WYONG SHIRE COUNCIL, ADDRESSED THE MEETING AT 5.40PM, ANSWERED QUESTIONS AND RETIRED AT 5.51 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.50 PM AND RETURNED TO THE CHAMBER AT 5.51 PM.

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

- 1 That the Retail Centres Strategy Review (2007) be adopted.
- 2 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, draft Development Control Plan 2005: Chapter 81 Retail Centres be adopted.
- That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 81 Retail Centres be given within 28 days.
- 4 That a copy of the Retail Centres Strategy Review (2007) and Development Control Plan 2005 containing the amended Chapter 81 be forwarded to the Director General of the NSW Department of Planning within 28 days.
- 5 That Council's Section 149 Certificates be noted.
- 6 That those who made submissions be advised of Council's decision.

- 7 That Council commence implementation of the Retail Centres Strategy Review (2007) through:
 - a Further detailed planning of the San Remo and Northern Lakes Social Planning Districts, in conjunction with the preparation of the North Wyong Structure Plan by the Department of Planning, to determine the required scale and location of new Retail Centres;
 - b Consideration of the current rezoning requests for retail premises across the Shire;
 - c Consultation with the Department of Planning regarding the progression of rezoning requests in accordance with this Strategy in light of its proposed preparation of the North Wyong Structure Plan; and
 - d Consultation with the communities in the northern districts of the Shire regarding the provision of retail premises in their neighbourhoods.
- 8 That assessment of any rezoning request for new or expanded retail/commercial land be undertaken in accordance with the recommendations of the Retail Centres Strategy Review (2007).
- 9 That a draft policy be prepared to address the provision of pad sites, including service stations, within the northern part of the Shire, particularly along the Pacific Highway. Such policy to include consideration of the criteria outlined in this report.
- 10 That a draft policy be prepared to address the provision of direct factory outlets.

535 82A Review of Proposed Home Business at Tumbi Umbi

DA/356/2007 JLC

MR GRAHAM FOWLER, APPLICANT, ADDRESSED THE MEETING AT $5.55\,\mathrm{PM}$, ANSWERED QUESTIONS AND RETIRED AT $6.10\,\mathrm{PM}$.

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

- 1 That Council indicate that it is of a mind to approve this application because:
 - a. there are several other business operating in that area and
 - b it would be an injustice to the applicant to have his application refused.
- 2 That Draft Conditions of consent be submitted to the next Council meeting.
- 3 That a condition of approval be that an electric forklift be provided.

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

- 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 and Planning and Assessment Act under Section 82A and other relevant issues with an indication that based on the information available to it, Council adheres to its previous decision to refuse the application.
- 2 That those who made written submissions be advised of Council's decision.
- 3 That the applicant be given three months to cease operations.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS PAVIER, STEWART AND VEUGEN.

The AMENDMENT then became the MOTION.

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

- 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 and Planning and Assessment Act under Section 82A and other relevant issues with an indication that based on the information available to it, Council adheres to its previous decision to refuse the application.
- 2 That those who made written submissions be advised of Council's decision.
- 3 That the applicant be given three months to cease operations.

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

AGAINST: COUNCILLORS PAVIER, STEWART AND VEUGEN.

536 Proposed Animal Establishment at Kangy Angy

DA/2105/2006 BLF

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE USES AN ASSOCIATED BUSINESS TO ACCOMMODATE HER FAMILY PET AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR FORSTER 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."

COUNCILLOR BEST LEFT THE CHAMBER AT 6.39 PM AND RETURNED TO THE CHAMBER AT 6.40 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.49 PM.

MR RAY GRIFFITHS, REPRESENTING THE RESIDENTS, ADDRESSED THE MEETING AT 6.25 PM, ANSWERED QUESTIONS AND RETIRED AT 6.44 PM.

MR JOHN HANCOCK FROM LONGHILL PLANNING ADDRESSED THE MEETING AT 6.44 PM, ANSWERED QUESTIONS AND RETIRED AT 6.55 PM.

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

- 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.
- 2 That those who made written submissions be advised of the decision.

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

WELHAM.

AGAINST: COUNCILLORS PAVIER AND VEUGEN.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

That report numbers 537, 538 and 540 of the Ordinary Meeting of Council be dealt with by the exception method.

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

537 Proposed Alterations and Additions to Budgewoi Holiday Park

DA/1339/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.01 PM AND RETURNED TO THE CHAMBER AT 8.02 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 That those who made written submissions be advised of Council's decision.

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

Proposed Alterations and Additions to Canton Beach Holiday Park

DA/1341/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 3.
- That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 That those who made written submissions be advised of Council's decision.

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

539 Proposed Alterations and Additions to Norah Head Holiday Park

DA/1342/2007 RM:RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 7.20 PM AND RETURNED TO THE CHAMBER AT 7.21 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.26 PM AND RETURNED TO THE CHAMBER AT 7.32 PM.

MS ALICIA SELMON, VAN OWNER, ADDRESSED THE MEETING AT 7.17 PM, ANSWERED QUESTIONS AND RETIRED AT 7.29 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 That those who made written submissions be advised of Council's decision.

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

540 Proposed Alterations and Additions to Toowoon Bay Holiday Park

DA/1340/2007 RM

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY USES COUNCIL'S PARKS, LEFT THE CHAMBER AT 8.00 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.01 PM.

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

- 1 That consent be granted subject to the conditions contained in Attachment 4.
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 That those who made written submissions be advised of Council's decision.

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

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

That report numbers 541, 542 and 543 of the Ordinary Meeting of Council be dealt with by the exception method.

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

That report numbers 542 and 543 of the Ordinary Meeting of Council be received and the recommendations adopted.

541 Contract CPA 130590 – Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone

CPA/130590 GHK

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

That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone.

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

- 1 That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850.00 including GST (\$433,500.00 excluding GST).
- That Council approve a contingency amount of \$50,000.00 including GST (\$45,455.00 excluding GST) representing approximately 10% of the contract value to provide for any unforseen additional works that may become necessary during the course of the project.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, GRAHAM, PAVIER AND VEUGEN.

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

That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone.

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

AGAINST: COUNCILLORS ROSE, STEVENS, STEWART AND WELHAM.

542 Contract CPA 133690 - Collection and Purchase of Scrap Metal

from Charmhaven Depot, Long Jetty Depot and Buttonderry

Waste Management Facility

CPA/133690 MDL:EBL

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

That Council accept Tender No 3 from Sell & Parker Pty Ltd for the Collection and Purchase of Scrap Metal from Charmhaven Depot, Long Jetty Depot and Buttonderry Waste Management Facility for a period of six months commencing on 1 February 2008 at an estimated income to Council of \$228,674 (GST inclusive) or \$207,886 (GST exclusive).

543 Contract CPA 130386 - Professional Engineering Consulting Services – Mardi to Mangrove Creek Link

CPA/130386A KB

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

- 1 That Council accept the tender from GHD in the:
 - a lump sum amount of \$3,874,350.00 including GST (\$3,522,136.36, excluding GST); and
 - b schedule of rates (inclusive of provisional sums) estimated total amount of \$2,664,574.00 including GST (\$2,422,340.00, excluding GST).
- 2 That Council approve a contingency amount of \$652,000 including GST (\$592,727.27, 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.

Renewal of Lease to Wyong District Pistol Club of Crown Land Lot 648 DP 1027231, Kanangra Drive, Crangan Bay

F2005/00487 JMT

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

- 1 That Council authorise a lease to Wyong District Pistol Club of Lot 648 DP 1027231, Kanangra Drive, Crangan Bay for a term of five years at a commencing rent of \$380 per annum exclusive of GST subject to annual CPI increases and generally on the same terms and conditions that currently apply.
- 2 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Gwandalan Recreation (R96201) Reserve Trust and Wyong District Pistol Club.
- That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Gwandalan Recreation (R96201) Reserve Trust and Wyong District Pistol Club.

545 Association of Mining Related Councils Inc

F2006/00259 FD

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.22 PM AND RETURNED TO THE CHAMBER AT 8.24 PM.

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

That Council not continue as a member of the Association of Mining Related Councils Inc.

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

VEUGEN.

AGAINST: COUNCILLORS ROSE, STEVENS AND WELHAM.

546 Schedule of Ordinary Meetings 2008

F2006/02282 ED

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

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

547 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS DAUGHTER IN LAW IS THE COORDINATOR OF GWANDALAN OUT OF SCHOOL HOURS CARE, LEFT THE CHAMBER AT 8.30 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.31 PM.

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

That an amount of \$11,623 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

548 Central Coast Mariners Partnership

F2004/07942 RAB:LS

COUNCILLOR GRAHAM DECLARED A SIGNIFICANT NON-PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST MARINERS BOARD OF DIRECTORS, LEFT THE CHAMBER AT 8.31 PM RETURNED AT 8.43 PM TOOK NO PART IN DISCUSSION AND DID NOT VOTE.

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

- That, subject to agreement by Business Central Coast, Gosford City Council and the Department of State and Regional Development Council provide \$105,000 from the 2007/08 Economic Development project funds for continued funding of the Central Coast Mariners.
- 2 That Council sees merit in the establishment of a football complex within the boundary of Wyong Shire and that a briefing be held to outline the proposal.
- 3 That senior staff of Council meet with relevant Government agencies and representatives of the central Coast Mariners to progress the above complex and report to Council at a future date.

548A Central Coast Water Corporation

F2004/08792 KY:LS

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

That the matter be deferred for consultation with stakeholders in particular, the unions, the community and Gosford City Council.

549 Minutes of the Wyong Shire Governance Committee Meeting – 28 November 2007

F2004/07245 MR

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

- 1 That the minutes of the Wyong Shire Governance Committee meeting held on 28 November 2007 be received and the recommendations contained therein, adopted.
- 2 That Council welcome and congratulate the new independent Chairman of the Governance Committee, Mr David Holmes, further Council recognise the contribution to this committee made by the outgoing Chairman Mr Neil Rose.

550 Minutes of the Sports Equipment Grant Panel Meeting - 20 November 2007

F2007/01294 ED

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS SEVERAL FAMILY MEMBERS WHO ARE MEMBERS OF THE KILLARNEY VALE AFL CLUB ONE FAMILY MEMBER IS ALSO AN EXECUTIVE MEMBER, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

COUNCILLOR STEWART DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER GRANDSON PLAYS FOOTBALL FOR BERKELEY VALE SOCCER CLUB AND HER DAUGHTER TEACHES AT GWANDALAN PUBLIC SCHOOL, LEFT THE CHAMBER AT 8.45 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.46 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT $8.45~{\rm PM}$ AND RETURNED TO THE CHAMBER AT $8.47~{\rm PM}$ AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the Sports Equipment Grant Panel meeting held on 28 November 2007 be received and the recommendations contained therein, adopted.

Information Reports

The information reports were dealt with by the exception method. No reports were coaled for debate.

551 Schedule of Bank Balances and Investments – October 2007

F2004/06604 HS

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

That the report be received and the information noted.

552 Annual Water Supply and Sewerage Performance Reporting

F2004/06842 IJ:DP

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

That the report be received and the information noted.

553 Successful Envirofund Projects - Wyong Volunteer Groups

F2004/06937 RY

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

That the report be received and the information noted.

554 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED

Q122 – Home Businesses in the Hansen's Road, Tumbi Umbi Area Councillor Stewart

F2004/07560

"Would Council please supply a list from the compliance staff, investigate to see if there are any home businesses in the Hansen's Road, Tumbi Umbi area, as they may be operating in a 7C Scenic Protection: Small Holding Area?"

Q123 –Darcy Smith Court Case Councillor Pavier

F2007/01468

"Darcy Smith is in court with Council again soon and it involves Class 4 proceedings. Can staff reply on the outcome of the court case and how much it has cost this Council?"

Q124 – Total Outstanding Rates, Garbage Charges, Stormwater Levies and Water Charges

Councillor Eaton

F004/06161

"Could I be advised how much in total are outstanding rates, garbage charges, stormwater levies, water charges etc levied on rates notices in arrears and how do we compare with other Councils?"

Q125 – Legal Information on Klumper Development Councillor Eaton

DA/2660/2004

"In recent briefings I requested information particularly legal information on the Klumper development, when will this be distributed?"

Q126 – Policies and Controls over Commercial Auto Repairs and Oil Changes Councillor Best

F2004/06929

"Mr General Manager. My question is on behalf of Mr Chris Kebblewhite of Natuna Avenue, Budgewoi seeking information from Council as to whether we have any policies or controls over commercial auto repairs and oil changes being conducted in public streets and on Council land and clearly within the catchment of Tuggerah Lakes?"

Q127 – Determination of Extraordinary Meeting Being Rejected for 12 December 2007 and Scheduled for 19 December 2007

Councillor Best

F2004/06496

"Mr General Manager, would you please provide Council with the information as to how you and the Mayor have arrived at the determination that Councillor Eaton's request for an extraordinary meeting to be held in conjunction with this evening's Council meeting 12 December 2007 has been rejected in favour of now holding the meeting on 19 December 2007, particularly as the Act requires any such meeting be held as soon as practically possible? This information will form the basis of a formal determination currently being requested from the Department of Local Government on this matter?"

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 8.45 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 9.29 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W018 Contract CPA 99940 – Construction of Wadalba Sports Facility Funding

CPA/99940 MGA

- 1 That Council endorse the action of the Director of Shire Services in approving payment of variations totalling \$167,926.00 (\$152,660.00 excluding GST) in excess of the approved contingency for contract CPA/99940.
- 2 That Council approve the provision of a further \$110,000.00 (\$100,000.00 excluding GST) in contingency funds against expected future variations under this contract.
- That funds for the additional expenditure be provided from Section 94 Developer Contributions appropriate for this development.

W019 Wyong Community Recreation Association

F2004/07006

- 1 That Council note the Wyong Community Recreation Association Inc (WYCRA) Audited Financial Statements for the financial year ended 30 June 2006, as adopted by the WYCRA Board, which report:
 - a An Operating Loss for 2005/2006 of \$21,475, Accumulated Losses to 30 June 2006 \$441,841, and Total Members Equity \$123,821 as at 30 June 2006 (based on their view that Council's financial assistance of \$85,216 was a subsidy which is different to Council's view that this assistance was intended to have been provided as a loan).
 - b That the Audited Statements Accounting Policies, Item 12, states the Ongoing Viability of WYCRA is dependent upon:
 - i "In accordance with the management agreements outlined in Note (i)(b) the Wyong Shire Council will immediately provide the cash required to enable the operations of the Association to continue as a going concern."
 - c That the Independent Audit Report states WYCRA is economically dependent upon Wyong Shire Council's financial support, without which there is significant uncertainty that WYCRA could continue to operate as a going concern.
- That Council endorse the amount of \$85,216 paid by Council to WYCRA for financial assistance for the 2005/2006 budgeted deficit (as modified in WYCRA's revised forecast in December 2005) and that Council seek a loan agreement with WYCRA for repayment based on forecast sustainable operational cash flows enabling repayment.
- That Council as a key user of WYCRA's financial statements recommend to the WYCRA Board that the unfunded General Reserve \$142,000 and unfunded Equipment Replacement Reserve \$176,020 be returned to unrestricted members equity, in effect making Accumulated Losses reflect the net balance of Total Members Equity, effective in the preparation of the 2006/2007 Annual Statements.
- 4 That Council note the WYCRA Monthly Operations Report (unaudited) for period ended 30 June 2007 which reports a Year to Date Operating Loss of \$187,351.

- That given the Management Consulting Fees paid to LeisureCo have not been renegotiated despite the change in their management responsibility from two to one leisure centres, that Council, in accordance with Clause 3.6 of the Deed of Lease, request WYCRA to provide a full analysis of the fee structure proposed in the 2007/08 Business Plan and to renegotiate a more appropriate fee with LeisureCo and that a report be bought back to Council.
- That Council agree to underwrite the operations of WYCRA to the extent of the amount owed by WYCRA to Leisureco as at 30 June 2007 and any underwriting as necessary in line with the adopted 2007/08 Business Plan.
- 7 That Council request WYCRA to provide details of arrangements with LeisureCo for the payment of outstanding management consulting fees owed to LeisureCo.
- 8 That Council request WYCRA to meet all reporting requirements as per the current Deed of Lease and to formally submit such reports in writing to Council's General Manager in a timely manner.
- 9 That the General Manager conduct a review of the governance and legal considerations raised in this report and report back to Council with a view to implementing an improved governance model.
- 10 That Council endorse the underwriting of the WYCRA's Goods and Chattell Mortgage for \$358,220 with Suncorp Metway.
- 11 That the General Manager prepare a draft report for Council including a draft Deed of Underwriting and Indemnity Agreement with WYCRA limiting and detailing the extent of financial support being provided by Council and that such arrangements be limited to:
 - (a) liabilities of WYCRA at 30 June 2006
 - (b) financial requirements as spelt out in the 2007/08 Business Plan, and
 - (c) the Goods and Chattel Mortgage for \$358,220 with Suncorp Metway
- 12 That the General Manager arrange for an independent review of the WYCRA 2007/08 Business Plan and budget projections and that the results of this review be reported back to Council.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.30 PM.
CHAIRPERSON