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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, 12 MARCH 2008,**  
**COMMENCING AT 5.00 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**

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

THE MAYOR NOTED THAT:

- \* TONIGHT'S MEETING IS DAVID CATHERS LAST COUNCIL MEETING AND HE FORMALLY THANKED HIM FOR HIS YEARS OF SERVICE IN COUNCIL AND THE IMPACT HE HAS HAD ON WYONG SHIRE OVER THE YEARS.
- \* THE OFFICIAL FAREWELL FOR BOB BUTT WAS HELD RECENTLY AND HE EXTENDED HIS THANKS TO HIM, ON BEHALF OF COUNCIL, FOR HIS MANY YEARS OF SERVICE IN COUNCIL.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.00 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR PHIL OLDFIELD DELIVERED THE OPENING PRAYER.

**APOLOGIES**

THERE WERE NO APOLOGIES.

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**089 Disclosures of Interest**

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F2008/00003 ED:MR

**098 SUBMISSION ON THE WYONG EMPLOYMENT ZONE**

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE SOLICITOR FOR A LANDOWNER OF SIGNIFICANT EMPLOYMENT LAND WHICH COULD BE SEEN AS COMPETING WITH THE WYONG EMPLOYMENT ZONE LEFT THE CHAMBER AT 6.20 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.27 PM.

**100 RECREATION SMOKE – FREE POLICY**

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MOTION INVOLVES “COUNCIL EVENTS” AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 MATTER IS ONE OF A CONSCIENCE VOTE RATHER THAN A FINANCIAL ONE.”*

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

***That the report be received and advice of disclosures noted.***

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**090 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, 26 March 2008 be received and the information noted.***

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**091 Proposed Briefings**

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F2008/00003 ED:MR

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

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

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**092 Address by Invited Speakers**

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F2008/00003 ED:MR

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

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

**093 Confirmation of Minutes of Previous Meeting**

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F2008/00003 ED:MR

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

***That the minutes of the previous Ordinary Meeting of Council held on 27 February 2008 be received and confirmed.***

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**094 Mayoral Minute – Performance Review**

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F2004/07000

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

- 1 That the performance management process for the General Manager as outlined in Attachment 1 be adopted.***
- 2 That Council delegate the whole process of performance management to the review panel.***
- 3 That Council nominate a Councillor to be part of the review panel.***
- 4 That an interim performance review occurs as a matter of urgency.***

**BUSINESS ARISING**

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

***That Councillor Forster be nominated to be part of the review panel.***

**095 Changes To Developer Contributions in New South Wales**

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F2004/00552 PAB:PAB

*It was MOVED by Councillor WELHAM and SECONDED by Councillor STEVENS:*

- 1 *That Council call on the State Government to immediately halt the implementation of the new rules for development contributions until:
  - a *The Department of Planning releases the draft guidelines on the proposed changes to Section 94 contributions to enable Councils to properly assess the potential impacts on local communities.*
  - b *All of these potential impacts on local communities, including both the economic and social ramifications have been properly considered and addressed.**
- 2 *That Council endorse the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government's proposed planning changes, including both the issue of section 94 developer contributions and the recommendations in the Government's discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, councils, stakeholders and the community.*
- 3 *That Council consider making a contribution to the Local Government and Shires Associations' costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign, subject to the exact amount of contribution being brought back to Council for endorsement.*
- 4 *That this matter be raised with the Federal Minister for Local Government, Anthony Albanese, highlighting that Council believes there should be a role for the Federal Government in funding infrastructure in new release areas to assist in making housing costs affordable.*

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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

*That Council call on the State Government, in conjunction with the Federal Government, to develop a new policy of funding community infrastructure that protects and enhances housing affordability.*

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

***The AMENDMENT was put to the VOTE and declared LOST.***

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

- 1 That Council call on the State Government to immediately halt the implementation of the new rules for development contributions until:***
  - a The Department of Planning releases the draft guidelines on the proposed changes to Section 94 contributions to enable Councils to properly assess the potential impacts on local communities.***
  - b All of these potential impacts on local communities, including both the economic and social ramifications have been properly considered and addressed.***
- 2 That Council endorse the actions of the Presidents and Executives of the Local Government and Shires Associations in mounting a campaign on the NSW Government's proposed planning changes, including both the issue of section 94 developer contributions and the recommendations in the Government's discussion paper, and preparing an alternative reform package as a basis for discussion with the Government, councils, stakeholders and the community.***
- 3 That Council consider making a contribution to the Local Government and Shires Associations' costs of engaging high level lobbying and media representation to formulate and assist with the implementation of a continuing public campaign, subject to the exact amount of contribution being brought back to Council for endorsement.***

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**


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- 4** *That this matter be raised with the Federal Minister for Local Government, Anthony Albanese, highlighting that Council believes there should be a role for the Federal Government in funding infrastructure in new release areas to assist in making housing costs affordable.*

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

AGAINST: COUNCILLORS BEST AND EATON.

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**096 Proposed Wholesale and Retail Plant Nursery and Associated Facilities at Lot 2 DP 1100181 Bundeena Road, Glenning Valley**

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DA/611/2006 DAL:DAL

THE DIRECTOR SHIRE PLANNING WITHDREW THIS ITEM AS THE APPLICANT REQUESTED AN EXTENSION OF TIME. SINCE THE APPLICANT IS CURRENTLY OVERSEAS, PERMISSION WAS GRANTED FOR THIS ITEM TO BE DEFERRED UNTIL THE NEXT MEETING.

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**097 Submission on the Warnervale Town Centre Exhibition**

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F2004/00535-04 SCF:SCF

COUNCILLOR BEST LEFT THE CHAMBER AT 6.14 PM AND RETURNED TO THE CHAMBER AT 6.15 PM.

*It was MOVED by Councillor ROSE and SECONDED by Councillor STEVENS:*

- 1 That Council express its concern to the Minister for Planning that previous submissions and details submitted by staff have not been adequately taken into account.*
- 2 That Council make a formal submission to the Department of Planning on the Warnervale Town Centre Rezoning and associated documentation along the lines of the enclosed draft submission.*
- 3 That Council make representation to the Minister for Planning that the issues raised in Council's submission be reviewed and taken into account prior to this rezoning proceeding to gazettal and that such review be undertaken in a timely manner to ensure that amendments to the rezoning plans are made as soon as practical.*
- 4 That Department of Planning staff continue to liaise with Council staff on at least a fortnightly basis, as agreed by the representatives of the Department of Planning on 27 February 2008.*

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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- 5 *That the Department of Planning be requested to form a working group consisting of officers of the relevant State Government agencies and Wyong Shire Council staff to mutually resolve the various issues raised by this Council and other stakeholders.*

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

- 1 *That Council express its concern to the Minister for Planning that previous submissions and details submitted by staff have not been adequately taken into account.*
- 2 *That Council make a formal submission to the Department of Planning on the Warnervale Town Centre Rezoning and associated documentation along the lines of the enclosed draft submission.*
- 3 *That Council make representation to the Minister for Planning that the issues raised in Council's submission be reviewed and taken into account prior to this rezoning proceeding to gazettal and that such review be undertaken in a timely manner to ensure that amendments to the rezoning plans are made as soon as practical.*
- 4 *That Department of Planning staff continue to liaise with Council staff on at least a fortnightly basis, as agreed by the representatives of the Department of Planning on 27 February 2008.*
- 5 *That the Department of Planning be requested to form a working group consisting of officers of the relevant State Government agencies and Wyong Shire Council staff to mutually resolve the various issues raised by this Council and other stakeholders.*
- 6 *That Minister Sartor be advised that Council is willing to substantially reduce its Section 94 Contributions to create affordable housing provided the State Government waives its State Infrastructure Charge.*

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

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

**The AMENDMENT was put to the VOTE and declared LOST on the CASTING VOTE OF THE MAYOR.**

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

- 1 ***That Council express its concern to the Minister for Planning that previous submissions and details submitted by staff have not been adequately taken into account.***

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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- 2 ***That Council make a formal submission to the Department of Planning on the Warnervale Town Centre Rezoning and associated documentation along the lines of the enclosed draft submission.***
- 3 ***That Council make representation to the Minister for Planning that the issues raised in Council's submission be reviewed and taken into account prior to this rezoning proceeding to gazettal and that such review be undertaken in a timely manner to ensure that amendments to the rezoning plans are made as soon as practical.***
- 4 ***That Department of Planning staff continue to liaise with Council staff on at least a fortnightly basis, as agreed by the representatives of the Department of Planning on 27 February 2008.***
- 5 ***That the Department of Planning be requested to form a working group consisting of officers of the relevant State Government agencies and Wyong Shire Council staff to mutually resolve the various issues raised by this Council and other stakeholders.***

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

AGAINST: COUNCILLORS BEST, GRAHAM, PAVIER AND VEUGEN.

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**098 Submission on the Wyong Employment Zone**

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F2004/07714: SJD:SJD

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS THE SOLICITOR FOR A LANDOWNER OF SIGNIFICANT EMPLOYMENT LAND WHICH COULD BE SEEN AS COMPETING WITH THE WYONG EMPLOYMENT ZONE LEFT THE CHAMBER AT 6.20 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.27 PM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.21 PM AND RETURNED TO THE CHAMBER AT 6.22 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.21 PM AND RETURNED TO THE CHAMBER AT 6.22 PM.

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

- 1 ***That Council make a formal submission on the Wyong Employment Zone Rezoning to the Department of Planning.***



**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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- 2 That Council make a formal submission to the Department of Planning on the Wyong Employment Zone and associated documentation along the lines of the attached draft submission.**
- 3 That Council make representations to the Minister seeking an exemption from the proposed State Infrastructure Charge for the Wyong Employment Zone and requesting that the Wyong Employment Zone rezoning proceed rapidly to gazettal.**

**099 Renewal of Lease to Family Child Care Services Central Coast Incorporated at Lot 3 Part 10 DP 3136, 31 Alison Road, Wyong**

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F2004/12954 JMT

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

- 1 That Council grant a Lease of Lot 3 Section 10 DP 3136 at 31 Alison Road, Wyong to Family Child Care Services Central Coast Incorporated for a term of two years with an option to the lessee for renewal of the lease for a further two years, commencing 1 April 2008 at a rental of \$14,000 per annum, inclusive of GST, and otherwise generally on the same terms as the current lease.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Family Child Care Services Central Coast Incorporated.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between Wyong Shire Council and Family Child Care Services Central Coast Incorporated.**

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**100 Recreation Smoke – Free Policy**

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F2004/06003 SP:SP

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE MOTION INVOLVES "COUNCIL EVENTS" AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER 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 MATTER IS ONE OF A CONSCIENCE VOTE RATHER THAN A FINANCIAL ONE."*

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

- 1 That the Proposed Recreation Smoke - Free Zones in the Draft Policy be amended at points 1 and 3, relating to specific locations in Council controlled areas, as follows:*
  - i Delete "golf courses" and insert "golf driving ranges" and "Council events".*
  - ii Insert after "rock pools", "lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas".*
- 2 That Council place the amended draft "Recreation Smoke-Free" Policy on public exhibition for a period of 28 days to enable the public to make comments or submissions and adopt subject to no significant objections being raised.*

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

*That this matter be deferred for a further briefing.*

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

***The AMENDMENT was put to the VOTE and declared LOST.***

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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A further AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor GRAHAM:

- 1 That the Proposed Recreation Smoke - Free Zones in the Draft Policy be amended at points 1 and 3, relating to specific locations in Council controlled areas as follows:
  - i Delete "golf courses" and insert "golf driving ranges and Council events".
  - ii Insert after "rock pools", "lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas".
- 2 That Council place the amended draft "Recreation Smoke-Free" Policy on public exhibition for a period of 28 days to enable the public to make comments or submissions and a report be brought back to Council.

FOR: COUNCILLORS GRAHAM AND PAVIER.

AGAINST: COUNCILLORS BEST, EATON, FORSTER, ROSE, STEVENS, STEWART, VEUGEN AND WELHAM.

**The AMENDMENT was put to the VOTE and declared LOST.**

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

*That the MOTION be put.*

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

***That the MOTION be put.***

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

AGAINST: COUNCILLORS EATON AND WELHAM.

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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

- 1 That the Proposed Recreation Smoke - Free Zones in the Draft Policy be amended at points 1 and 3, relating to specific locations in Council controlled areas as follows:**
  - i Delete "golf courses" and insert "golf driving ranges" and "Council events".**
  - ii Insert after "rock pools", "lake and ocean baths; barbeques, picnic furniture areas and alfresco dining areas".**
  
- 2 That Council place the amended draft "Recreation Smoke-Free" Policy on public exhibition for a period of 28 days to enable the public to make comments or submissions and adopt subject to no significant objections being raised.**

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

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

**The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE OF THE MAYOR.**

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**101 Tathra Lifesaving Club National Campaign on Renewable Energy**

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F2004/00103 DJI

*It was MOVED by 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.*

*An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor STEWART:*

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

FOR: COUNCILLORS EATON AND STEWART.

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

***The AMENDMENT was put to the VOTE and declared LOST.***

***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.

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**102 Tuggerah Lakes Estuary Coastal and Floodplain Management Committee**

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F2004/07986 ED

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.27 PM AND RETURNED TO THE CHAMBER AT 7.29 PM.

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

- 1 That Council request the State Emergency Service to prepare an appropriate emergency response plan to address significant coastal erosion events.***
- 2 That any such emergency response plan be provided to Councillors for their information.***

**Information Reports**

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***The information reports were dealt with by the exception method.***

**103 Wallarah 2 Coal Mine**

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F2006/01080 GV:NL

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

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

**104 Disclosure of Interest Returns**

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F2007/01540 ED

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

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

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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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

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F2008/00003 MW:SW

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

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

**106 Notice of Motion - Expedition of Toukley Planning Strategy**

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F2004/07926 MR

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.36 PM AND RETURNED TO THE CHAMBER AT 7.37 PM.

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

- 1 That having regard to the continued decline of the Greater Toukley District ie (Toukley East, Canton Beach, Toukley CBD) Council continue its efforts to encourage the State Government to expedite the Central Coast Regional Strategy.***
- 2 That Council formally recognise the significant planning driver, "The Wyong Shire Settlement Strategy" as a KFA (key focus area) for Council's Planning Department and that this KFA be adequately resourced. Further this KFA now be included in the 07/08 – 08/09 Management Plans.***
- 3 That staff brief Council on the now completed Toukley Economic Feasibility Study and discussions be held at the briefing on timing, benefits and disbenefits of the consideration of an icon project for the greater Toukley district.***

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**107 Notice of Motion - Pipeline Corridor Quarantine Zone**

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F2006/01080 MW

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.04 PM AND RETURNED TO THE CHAMBER AT 8.05 PM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 7.56 PM AND RETURNED TO THE CHAMBER AT 7.59 PM.

MR RON SOKOLOWSKI REPRESENTING AUSTRALIAN COAL ALLIANCE, ADDRESSED THE MEETING AT 7.47 PM, ANSWERED QUESTIONS AND RETIRED AT 7.55 PM.

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

- 1 That the new \$100 million Mangrove/Mardi Water Transfer Pipeline is a project of regional significance and is also recognised as infrastructure that is both economically and socially required for development of the Wyong Region, and the Pipeline is absolutely essential to the provision of the future water requirements of the greater urban areas of the Wyong Region and the Central Coast, and that Council make urgent representations to Planning Minister Sartor formally requesting that he cause such actions as may be within his powers and/or the powers of the Government of NSW to be taken to refuse the proposal for the establishment of a an underground long wall mining operation by longwall mining operations by Wallarah 2, due to the significant subsidence that will occur as a result of its proposed operations. On the grounds that any such mining operations will have unacceptable environmental, social, commercial, industrial and community development effects on the Wyong Region.**
- 2 That as the new \$100 Million Mangrove Mardi water transfer pipeline is a project of regional significance and is also recognised as economically and socially vital infrastructure, Council make urgent representations to Planning Minister Sartor, formally requesting the proposed pipeline corridor be quarantined from mining due to the extensive subsidence predicted by Wallarah 2, the mine proponents.**
- 3 That regardless of the outcome of 1 above and in the event that the State Government approves the mine plan, Council request the Minister to condition the applicant Wallarah 2 to fund all costs associated with engineering the pipeline to accommodate predicted subsidence levels.**
- 4 That Council investigate the merit of requesting a pipeline bond fund to be established by Wallarah 2 in the event of a pipeline failure due to mining activities.**



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**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**108 Notice of Motion – Warnervale Town Centre Exhibition**

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F2004/00535

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.06 PM AND RETURNED TO THE CHAMBER AT 8.07 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.13 PM AND RETURNED TO THE CHAMBER AT 8.15 PM.

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

- 1 That Council make urgent representations to the Member for Wyong, Mr David Harris, and to the Member for Swansea, Mr Robert Coombs, to change residential zones imposed under part 3A applications in Warnervale East and Gwandalan to those consistent with current 2A single cottage residential zones.***
- 2 The representations to the Member for Wyong also suggest the removal of brothel provisions of the Warnervale Town Centre Development Control Plan.***

**109 Notice of Motion – Council's Landholdings**

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F2004/00535

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

***That a report be provided on Council's landholdings in the Warnervale area including details of current and projected use, zonings and value.***

**110 Notice of Motion – Submission for Black Spot Funding**

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F2004/06312

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

- 1 That Council formally make submission to the black spot funding program for:
  - a the roundabout intersection of Wyong Road and Tuggerah Straight**
  - b The Cobbs Road/F3 Interchange.****
- 2 That Council advise the Roads and Traffic Authority (RTA) that it has taken this action because of its extreme concern of the potential for a fatality to occur at both of these locations.**
- 3 That staff report to Council relevant data to support the submission including traffic volumes and accident history.**

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING AN INCIDENT OF FAECAL COLI FORM CONTAMINATION IN THE WATER SUPPLY AT GWANDALAN RECENTLY WHICH HAD THE POTENTIAL FOR SIGNIFICANT DAMAGE TO THE YOUNG AND THE ELDERLY.

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

*That Council consider a Motion of Urgency regarding an incident of faecal coli form contamination issue in the water supply at Gwandalan recently.*

FOR: COUNCILLORS BEST AND VEUGEN.

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

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

**QUESTIONS WITHOUT NOTICE ASKED****Q012 – Upkeep of Coral Street Carpark, The Entrance****Councillor Stewart**

F2004/13195

*“Could staff advise on the upkeep of the Coral Street carpark; in particular the maintenance of the lifts, the landscaping in Duffy’s Lane and the overall cleanliness of the carpark, in particular the stairwells and the louvers in Duffy’s Lane.?”*

**Q013 – Vehicular Access in Rutleys Road, Doyalson****Councillor Stevens**

DA/204/2007

*“Could staff advise Council of the progress/situation in regard to safe vehicular access to and from places of business on Rutleys Road, Doyalson?”*

**Q014 – Pest/Vermin Control/Eradication Programs scheduled for the Bateau Bay/Shelly Beach areas.****Councillor Forster**

F2004/06940

*“Could staff advise what pest/vermin control/eradication programs are currently scheduled for the Bateau Bay/Shelly Beach areas – particularly those for rabbit control?”*

**Q015 – Legal Proceedings Council vs Darcy Smith****Councillor Pavier**

F2007/01468 and F2004/07626

*“Legal results with Darcy Smith are now Smith - 4/ Council - 0 and over \$200,000 of legal expenses for the ratepayers. When is Council proposing to negotiate with Mr Smith and how can Councillors feel comfortable that non-legal avenues are being explored with this person?”*

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**Q016 – Length of time required to prepare an Assessment of Significance**

**Councillor Pavier**

F2004/07052

*“How long does it take to do an Assessment of Significance (7 part Test) and would it take longer to process than two weeks?”*

**Q017 – Date of Proposed Meeting between Council and Minister Nathan Rees**

**Councillor Eaton**

F2004/08792

*“Could Council advise if and when the requested meeting between Councillors and Minister Nathan Rees will occur?”*

**Q018 – Vegetation Study along Hue Hue Road.**

**Councillor Eaton**

CPA/138942

*“Could Council advise why and on whose authority Council is undertaking a vegetation study along Hue Hue Road and what rights of entry Council has in relation thereto?”*

**Q019 – Rezoning application by Westfield for Land at Corner of Cobbs Rd, Tonkiss Street and the F3.**

**Councillor Welham**

RZ/2/2007

*“Could staff advise on the progress of the lodged rezoning application by Westfield on the site of the corner of Cobbs Road, Tonkiss Street and the F3?”*

**Minutes of the Ordinary Meeting of Council held on 12 March 2008 (contd)**

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**Q020 – Competitive Section 94 Analysis****Councillor Best**

F2006/01781, F2006/002289

*“Mr General Manager my question is seeking information as to what comparisons were undertaken with regard to contributions levied in other similar Local Government Areas, such as the Lower Hunter, to ensure market parity and competitiveness in the Wyong Employment Zone and the Warnervale Town Centre. Further, on what basis were the standards of provision of facilities and Services in the Warnervale Town Centre determined? Could analysis and summaries please be attached to Staff’s reply?”*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.27 PM.

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CHAIRPERSON

AN INFORMAL DISCUSSION WAS HELD FROM 8.32 PM AND CONCLUDED AT 9.02 PM.