
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 12 SEPTEMBER 2007,
COMMENCING AT 5.05 PM

PRESENT

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

IN ATTENDANCE

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

THE MAYOR MADE THE FOLLOWING ADDRESS TO COUNCIL:

“Tonight will be my last night presiding over an Ordinary Meeting of Council. Next Wednesday, the 19th a ballot will be conducted to select a new mayor to lead the Shire for the next twelve months. I have decided not to contest that ballot.

I would like to take this opportunity to thank those councillors who have supported me over my two terms as Mayor, and those who haven't supported me I hope that I haven't disappointed you too much, likewise I would like to thank the staff for their support, also the members of the community that have given me support and encouragement, but most of all I would like to thank my family and friends, who have stuck by me when I needed them most. This can be a very demanding, thankless and depressing job at times, and a shoulder to lean on now and then comes in handy.

Just a word of advice to any of my colleagues considering putting their hands up for the job next week. You have to give one hundred per cent commitment to the task at hand, you have to weigh up whether you have the time to put in, and can you afford the small remuneration that you receive? If you can't, then forget it. You cannot do this job on a casual basis. If you can't give one hundred per cent you are cheating your Council colleagues, you are cheating the staff, you are cheating the community, but most of all you are cheating yourself.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND PASTOR CHRIS RUBY DELIVERED THE OPENING PRAYER.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 368 TO 377, 382 AND 379 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.

364 Disclosures of Interest

F2006/02282 ED:MR

377 EXPANSION OF EXISTING CARAVAN PARK AT CHAIN VALLEY BAY

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT THE HUNTER & CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY HAS BEEN ASSESSING THE NATIVE VEGETATION ON THE SITE AND THAT WORK MAY INFLUENCE HIS DECISION, LEFT THE CHAMBER AT 5:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6:57 PM.

379 PROPOSED DELTA ELECTRICITY GAS PIPELINE OVER COUNCIL LAND - LOT 192 DP 1032847, BUSHHELLS RIDGE ROAD, BUSHHELLS RIDGE & PACIFIC HIGHWAY, DOYALSON

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICITY 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 UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

382 EFFLUENT SUPPLY AGREEMENT - DELTA ELECTRICITY

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICITY 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 UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

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

That the report be received and advice of disclosures noted.

365 Proposed Inspections

F2006/02282 ED:MR

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

That the report on inspections to be conducted on Wednesday, 26 September 2007 be received and the information noted.

366 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.

367 Address by Invited Speakers

F2006/02282 ED:MR

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

- 1** *That the 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.*

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

368 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:MR

COUNCILLORS FORSTER AND PAVIER WERE NOT PRESENT DURING CONSIDERATION OF THIS ITEM.

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

That the minutes of the previous Ordinary Meeting of Council held on 22 August 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

369 Mayoral Minute – Performance Review Panel

F2004/07000

COUNCILLOR PAVIER RETURNED TO THE CHAMBER AT 6:58 PM.

COUNCILLOR FORSTER WAS NOT PRESENT DURING CONSIDERATION OF THIS ITEM.

RESOLVED unanimously on the motion of Councillor GRAHAM:

That a panel consisting of the Mayor and Deputy Mayor be formed to work with the General Manager to establish draft criteria for a performance agreement and to formulate a process of conducting future performance reviews.

370 Notice of Motion - Plebiscite on Nuclear Power Station(s) in Wyong Shire

F2004/06939 MR

COUNCILLOR FORSTER RETURNED TO THE CHAMBER AT 7:00 PM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 7:09 PM AND RETURNED TO THE CHAMBER AT 7:20 PM.

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

- 1 That Council officers write to the Prime Minister, the Federal Opposition Leader and local Federal members requesting that they authorise/support the Australian Electoral Commission in conducting a plebiscite of the citizens of Wyong Shire and neighbouring communities to assess their opinion of the siting of nuclear power generation or other nuclear power facilities within the Wyong Shire local government area or surrounding municipalities at the upcoming Federal ballot.***

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

- 2** *That notwithstanding any outcome arising from item 1 above this Council formally advise the Howard Government that it is totally opposed to the outrageous prospect of siting nuclear reactors within highly populated and environmentally sensitive areas such as Wyong Shire.*
- 3** *That Council advise neighbouring councils of its decision and seek their support.*
- 4** *That any responses received be reported to Council.*

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

AGAINST: COUNCILLORS STEVENS AND STEWART.

371 Notice of Motion – Unaffordable Housing and Mortgage Stress

F2004/09609 MR

COUNCILLOR WELHAM LEFT THE CHAMBER AT 7:24 PM AND RETURNED TO THE CHAMBER AT 7:28 PM.

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

- 1** *That Council note with regret that some 40% of residents in new housing areas of Warnervale and Blue Haven are suffering mortgage stress due to unaffordable housing costs and interest rates.*
- 2** *That staff report on measures currently available and that could be taken to alleviate mortgage stress and assist our residents including, but not limited to, rates deferment.*
- 3** *That this issue be subject of a late Notice of Motion to the upcoming LGA conference.*

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

AGAINST: COUNCILLOR PAVIER.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

372 Notice of Motion – So Called Scientific Whaling

F2004/10946 ED

COUNCILLOR ROSE LEFT THE CHAMBER AT 8:00 PM AND RETURNED TO THE CHAMBER AT 8:02 PM AND AS A RESULT TOOK NO PART IN THE FIRST VOTE.

It was MOVED on the motion of Councillor BEST and seconded by Councillor VEUGEN:

- 1 *That further to the International Whaling Commission's repeated calls on Japan to stop its so called "scientific whaling" in the protected Antarctic waters, Council afford its residents and ratepayers opportunity to voice their outrage at this unsustainable practice through Council hosting a Shire wide petition to be tabled with the Japanese embassy.*
- 2 *That Council condemn scientific whaling and note that despite repeated attempts by this Council through its 15 year sister city relationship with Japan's Tanabe to highlight our widespread community concern, our calls have been ignored. In fact, to add insult to injury, Japan is now preparing to escalate its 2007/08 kill by targeting whales such as Wyong Shire's sponsored Norah, the majestic and endangered humpback.*
- 3 *That Council recognise and respect its residents' and ratepayers' outrage on this issue and, as a consequence, formally advise the Mayor of Tanabe that the situation leaves us with no option but to immediately cease the sister city program with Tanabe and that Council's ratepayer funded support of this international relationship now be redirected into local roads and footpath programs.*

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

That having regard to Councillors Best's passion against so-called scientific whaling that this Council implore Councillors Best and Veugen to pay at their own cost their trip to Tanabe to personally lobby political figures on this topic.

RESOLVED unanimously on the motion of Councillor PAVIER that the MOTION be put.

Voting on the AMENDMENT was as follows:

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.

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

That having regard to Councillors Best's passion against so-called scientific whaling that this Council implore Councillors Best and Veugen to pay at their own cost their trip to Tanabe to personally lobby political figures on this topic.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

373 Notice of Rescission - Revised Code of Meeting Practice – Speakers on Motions

F2004/06502 ED

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

That the following resolution carried at the Ordinary Meeting of Council held on 25 July 2007 be rescinded:

That the Code of Meeting Practice be adopted with the following conditions:

- 1** *Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read "Amendments should be debated in the order in which they were put to the meeting".*
- 2** *Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.*

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

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

That the Code of Meeting Practice be adopted with the following conditions:

- 1** ***Item 28 How Subsequent Amendments May Be Moved, the last paragraph should read "Amendments should be debated in the order in which they were put to the meeting".***
- 2** ***Item 9 Election of Mayor – Calling of Extraordinary Meeting, Section 5 Returning Officer and Ballot Paper, the second paragraph to be checked for clarity.***
- 3** ***Item 26(8) –amended to read "Speakers on Notices of Motion and Notices of Rescission are permitted.***
- 4** ***That any speaker addressing Council (with the exception of staff) be those having prior approval of the Mayor in the first instance and ratified by the full Council.***
- 5** ***That the speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.***

374 Notice of Rescission - Proposed Amendment to Council's Code of Meeting Practice – Number of Motions

F2004/06502

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8:18 PM AND RETURNED TO THE CHAMBER AT 8:20 PM.

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

That Parts 1 and 3 of the resolution carried at the Ordinary Meeting of Council held on 14 March 2007 be rescinded:

- 1** ***That, while staff are under a high workload due to the drought and climate change, clause 26(4) of the Code of Meeting Practice be varied to permit a maximum of 1 notice of motion (excluding Rescission Motions) from each Councillor to any particular meeting of Council.***
- 3** ***That the number of Notices of Motion permitted per Councillor per meeting be reviewed at the Ordinary Meeting of Council on February 13 2008.***

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

The MOTION was put to the vote and declared LOST.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

375 Proposed Communications Facility at Gwandalan

DA/768/2007 RSM

RESOLVED on the motion of Councillor WELHAM 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 any future applications for telecommunication towers continue to be reported to Council until an appropriate Development Control Plan is produced.**
- 3 That staff report back on the negotiations of the leasing arrangements.**

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

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

The MOTION was CARRIED on the casting vote of the Mayor.

376 Proposed Mixed-Use Development at Watanobbi

DA/359/2007 ADJ:ADJ

MRS SYLVIA MCBRIDE, A RESIDENT FROM WATANOBBI AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5:12 PM, ANSWERED QUESTIONS AND RETIRED AT 5:16 PM.

MR RICHARD JEFFERY, THE APPLICANT, ADDRESSED THE MEETING AT 5:17 PM, ANSWERED QUESTIONS AND RETIRED AT 5:20PM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 5:30 PM AND RETURNED TO THE CHAMBER AT 5:31 PM.

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

- 1 That the application be refused due to:**
 - a Non Compliance with:**
 - i Local Environmental Plan as to general store definition*
 - ii Setbacks*
 - iii Exiting in forward direction*
 - iv Provision of private open space*
 - v Carparking being stacked and inadequate*

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

- b Inadequate landscaping*
- c Poor presentation*
- d Traffic impact*
- e Effect on other neighbourhood shops*
- f Amenity of the neighbourhood*
- g Protection of the neighbourhood as a traditional detached housing estate*

2 That Council reject the Director's recommendation due to:

- a Reasons listed in 1 above, and*
- b in support of the local community noting numerous submissions against the proposal and none in favour.*
- c Council's view that significant unit development in housing estates is undesirable*

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

That the item be deferred for consideration at the next meeting with additional information to be provided on the issues raised.

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

AGAINST: COUNCILLORS EATON AND VEUGEN.

The AMENDMENT then became the MOTION was put to the vote and declared CARRIED.

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

That the item be deferred for consideration at the next meeting with additional information to be provided on the issues raised.

377 Expansion of Existing Caravan Park at Chain Valley Bay

DA/2338/2005:EA:EA

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE HUNTER & CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY HAS BEEN ASSESSING THE NATIVE VEGETATION ON THE SITE AND THAT WORK MAY INFLUENCE HIS DECISION LEFT THE CHAMBER AT 5:39 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6:57PM.

MR MARVIN CAMPBELL, A RESIDENT FROM LAKE MUNMORAH AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5:40 PM, ANSWERED QUESTIONS AND RETIRED AT 5:46 PM.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

MR WARWICK BLACKMAN, A RESIDENT OF THE CARAVAN PARK IN FAVOUR OF THE PROPOSAL, ADDRESSED THE MEETING AT 5:46 PM, ANSWERED QUESTIONS AND RETIRED AT 5:52 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6:01 PM AND RETURNED TO THE CHAMBER AT 6:11 PM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 6:23 PM AND RETURNED TO THE CHAMBER AT 6:25 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6:35 PM AND RETURNED TO THE CHAMBER AT 6:37 PM.

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

- 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 the variation to DCP 2005 Chapter 23-Caravan Parks with regard to long-term sites be supported.*
- 3 *That those who made written submissions be advised of the decision.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS STEVENS AND STEWART.

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

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

- 1 ***THAT Council indicates its intention to refuse DA2338/2005 on the following grounds:***
 - i ***Potential impact of the proposed new Sewage Treatment Plant on Karignan Creek***
 - ii ***Increased traffic impact which is inconsistent with the 7B zoning.***
 - iii ***Impact on flora and fauna through clearing required for the development also which is inconsistent with the 7B zoning.***

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

- iv Isolation of the site from basic community services*
 - v Other general non-compliance with the objectives of the zone.*
 - vi Non-compliance with Council's recorded policy on the expansion of long-term Caravan Parks.*
 - vii General non-compliance with DCP Chapter 23, including a significant variation to Clause 5 of 154 dwelling sites (62%).*
 - viii That it is not in the public interest given significant submissions objecting to the proposal.*
- 2** *That the reasons for rejection of the Director's recommendation is as listed above and due to the already existing over proliferation of mobile home estates in the north of the Shire remote from services and facilities.*
- 3** *That the General Manager prepare formal reasons for refusal based on above and supplemented by any others deemed appropriate by staff.*

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

AGAINST: COUNCILLORS STEVENS AND STEWART.

THE MAYOR ADJOURNED THE MEETING AT 6:50PM FOR A PERIOD OF 10 MINUTES.

378 CPA/122066 - Collection of Bulk Mixed Waste and Recyclable Materials for Central Coast Holiday Parks

CPA/122066 LAB

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

That Council accept tender no. 4 from Thiess Services Pty Ltd for a period of three years commencing on 1 October 2007. The estimated annual expenditure against this contract is \$152,755 including GST (\$138,868 excluding GST), however actual expenditure may vary slightly with annual rise and fall price adjustments and fluctuations in demand.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

379 Proposed Delta Electricity Gas Pipeline over Council Land - Lot 192 DP 1032847, Bushells Ridge Road, Bushells Ridge & Pacific Highway, Doyalson Bushells Ridge

F2007/00886 PF

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8:38 PM AND RETURNED TO THE CHAMBER AT 8:40 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICTY 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 UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

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

- 1 That Council agree to the compulsory acquisition by Delta Electricity of an easement 20 metres wide for gas pipeline over Council's land Lot 192 DP 1032847 Bushells Ridge Road Bushells Ridge and over the Pacific Highway at Doyalson.***
- 2 That Council agree to accept compensation for the compulsory acquisition of the easements referred to in Item 1 as determined by the Valuer General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.***

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

That the remaining reports and recommendations of the Ordinary Meeting of Council, with the exception of Report No 383, be received and adopted.

Minutes of the Ordinary Meeting of Council held on 12 September 2007 (contd)

380 Acquisition of Easement for Drainage over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven (Attachment 1)

F2007/01217 SB

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

- 1 That Council acquire an easement to drain water over Lots 182, 183 and 184, DP 218077 Turner Close, Blue Haven.**
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.**
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.**
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.**

381 Contract 2336 – Design Development and Construction of Mardi Transfer System - Request to rescind part of Resolution of 12 April 2006

F2005/01435 GC

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

- 1 That Council rescind item 3 of resolution 127 for Contract 2336 Design Development and Construction of Mardi Transfer System of 12 April 2006 as follows:**
 - “3 That Council invite fresh tenders from the original panel of selected tenderers on the basis of the alternative design option”**
- 2 That Council invite fresh open tenders.**

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382**Effluent Supply Agreement - Delta Electricity**

F2006/01365 MR

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY HAS DEALINGS WITH THE STAFF SOCIAL CLUB OF DELTA ELECTRICTY 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 UNDER CONSIDERATION HAS NO DIRECT CONNECTION WITH THE STAFF SOCIAL CLUB."

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

- 1 That Council enter into an agreement with Delta Electricity for the supply of treated sewage effluent to the Vales Point Power Station, in accordance with the details contained in this report.***
- 2 That the General Manager be authorised to sign documents associated with the agreement, on behalf of Council.***

383
**NSW Local Government Association Annual Conference 2007
and resulting cancellation of Council meeting scheduled for
24 October 2007**

F2004/06466 MR/ED

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

- 1 That interested Councillors be authorised to attend the NSW Local Government Annual Conference 2007.***
- 2 That reasonable expenses incurred in Councillors attending the conference be met in accordance with Council's Facilities and Expenses Policy for Councillors.***
- 3 That should more than five Councillors indicate their intention to attend the conference, the five delegates with voting entitlements be determined.***
- 4 That Council note the draft motions previously submitted to the Secretariat for consideration at the NSW Local Government Association Annual Conference 2007.***

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- 5 *That the Ordinary Meeting scheduled for Wednesday 24 October 2007 be rescheduled to 31 October 2007.*
- 6 *That appropriate public notice of the cancellation be given.*
- 7 *That interested Councillors be authorised to attend the 16th NSW Coastal Conference at Yamba.*

384 Proposed Councillors' Community Improvement Grants

F2007/00729 MW

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

That an amount of \$2,550 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

385 Schedule of Bank Balances and Investments – July 2007

F2004/06604 HS

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

That the report be received and the information noted.

386 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

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387 Results of Water Quality Testing for Bathing Beaches

F2004/06822

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

That the report be received and the information noted.

388 Outstanding Questions Without Notice and Notices of Motion

F2006/02282 ED:MR

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED

**Q085 – Condition of The Entrance Bridge
Councillor Stewart**

F2004/00409

“Would Council please take up urgent negotiations with the Roads and Traffic Authority regarding the condition of The Entrance Bridge, including the underneath of the bridge on the southern side?”

**Q086 – September Business Review Article regarding Wyong Council and the Mayor
Councillor Stewart**

F2004/07136

“Having received and read the Editorial by Edgar Adams in the September Business Review, regarding the Wyong Council and our Mayor. I would like Council to seek legal advice on the article regarding defamation. Also if Council has in the past financially supported this magazine, that in the future Council rejects any advertising or any submission of new articles?”

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Q087 – Removal of Wrack on Tuggerah Lakes

Councillor Welham

F2004/11674

“Could staff provide an update on negotiations with NSW Fisheries on the removal of wrack on Tuggerah Lakes and also permits to remove aquatic and terrestrial wrack from Lake Macquarie?”

Q088 – Options to Council on DCP 23

Councillor Welham

F2004/12355

“Could the General Manager provide options to Council on DCP 23 given his comments on page 79 of the Business Paper “it is imperative for Council to clarify its position in relation to this matter?”

Q089 – Willows Bend Estate Hamlyn Terrace Mowing and Maintenance

Councillor Eaton

F2004/05432

“Could Council Staff increase mowing and maintenance at the park in Willows Bend Estate Hamlyn Terrace or report on why not?”

Q090 – New Warnervale Community Centre Report

Councillor Eaton

F2004/07280

“When will the report on the New Warnervale Community Centre and associated land acquisition come to Council?”

Q091 – Sparks Road F3 Interchange

Councillor Best

F2004/07399

“Mr General Manager my question is, an endeavour to avoid serious injury and/or fatality on the Sparks Road F3 interchange east side, where the Roads and Traffic Authority (RTA) has installed a small visually obstructed traffic island that numerous motorists have reported hitting and/or near misses at high speed. Council Council’s Traffic Committee raise this issue as a matter of urgency with the RTA and provide an information report in reply to this question?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8:50 PM.

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CHAIRPERSON