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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, 13 FEBRUARY 2008,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, 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, ASSISTANT DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND AN ADMINISTRATION OFFICER.

THE MAYOR REPORTED THAT:

**1 THIS MORNING IN PARLIAMENT PRIME MINISTER KEVIN RUDD MOVED A MOTION OF APOLOGY TO THE STOLEN GENERATIONS ON BEHALF OF THE AUSTRALIAN PARLIAMENT.**

- \* "BECAUSE THE TIME HAS COME, WELL AND TRULY COME, FOR ALL PEOPLES OF OUR GREAT COUNTRY, FOR ALL CITIZENS OF OUR GREAT COMMONWEALTH, FOR ALL AUSTRALIANS – THOSE WHO ARE INDIGENOUS AND THOSE WHO ARE NOT – TO COME TOGETHER, TO RECONCILE AND TOGETHER BUILD A NEW FUTURE FOR OUR NATION."
- \* THE PRIME MINISTER SAID "MY PROPOSAL IS THIS, IF THE APOLOGY WE EXTEND TODAY IS ACCEPTED IN THE SPIRIT OF RECONCILIATION IN WHICH IT IS OFFERED, WE CAN TODAY RESOLVE TOGETHER THAT THERE BE A NEW BEGINNING FOR AUSTRALIA."
- \* "THE NATION IS CALLING ON US THE POLITICIANS TO MOVE BEYOND OUR INFANTILE BICKERING, OUR POINT SCORING, OUR MINDLESSLY PARTISAN POLITICS AND ELEVATE THIS ONE, AT LEAST THIS ONE, AREA OF NATIONAL RESPONSIBILITY TO A RARE POSITION BEYOND THE PARTISAN DIVIDE."
- \* "IT IS ALSO AIMED AT BUILDING A BRIDGE BETWEEN INDIGENOUS AND NON-INDIGENOUS AUSTRALIANS, A BRIDGE BASED UPON A REAL RESPECT RATHER THAN A THINLY VEILED CONTEMPT," HE SAID.
- \* "OUR CHALLENGE FOR THE FUTURE IS NOW TO PASS THAT BRIDGE AND, IN SO DOING, EMBRACE A NEW PARTNERSHIP BETWEEN INDIGENOUS AND NON-INDIGENOUS AUSTRALIANS."

OPPOSITION LEADER BRENDAN NELSON SPOKE STRONGLY IN SUPPORT OF THE APOLOGY, SAYING THE NATION HAD TODAY CROSSED A THRESHOLD. HE RECEIVED A STANDING OVATION AT THE CONCLUSION OF HIS SPEECH.

**2 THURSDAY 24 JANUARY 2008 - I TRAVELLED TO SYDNEY WITH THE GENERAL MANAGER TO MEET WITH MINISTER SARTOR TO DISCUSS THE WARNERVALE TOWN CENTRE AND WYONG EMPLOYMENT ZONE (WEZ) REZONINGS WHICH BOTH GO ON EXHIBITION FROM TODAY AND RUNS FOR FIVE WEEKS UNTIL 19 MARCH 2008. ALSO DISCUSSED KORES COAL LOADER AND ITS IMPACT AND THE MINISTER INDICATED THAT CHIKAROVSKI MINING ENQUIRY REPORT WOULD BE HANDED DOWN IN MARCH.**

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**3 AUSTRALIA DAY CELEBRATIONS WITHIN WYONG SHIRE**

SUCCESSFUL AUSTRALIA DAY CELEBRATIONS WERE HELD THROUGHOUT WYONG SHIRE INCLUDING AUSTRALIA DAY EVE CELEBRATIONS AT CANTON BEACH, AUSTRALIA DAY BREAKFAST AT MANNERING PARK, AN AUSTRALIA DAY CITIZENSHIP AND AFFIRMATION CEREMONY AT WYONG FINISHING WITH CELEBRATIONS AND A SECOND CITIZENSHIP CEREMONY AT THE ENTRANCE IN THE AFTERNOON.

OUR AUSTRALIA DAY AMBASSADOR, LITTLE PATTIE, WAS WELL RECEIVED BY ALL WHO HEARD HER INSPIRING SPEECH.

**4 THURSDAY 31 JANUARY 2008 - A SUCCESSFUL LIVE DEBATE WITH MINISTER REES ON ABC RADIO ON THE PROPOSED WATER CORPORATION.****5 MET RECENTLY WITH GREG PIPER, MP STATE MEMBER FOR LAKE MACQUARIE FOR DISCUSSION ON VARIOUS ISSUES PERTAINING TO WYONG SHIRE AND LAKE MACQUARIE REGIONS IN PARTICULAR THE MARDI TO MANGROVE LINK.****6 MET RECENTLY WITH 250 MAYOR'S AND GENERAL MANAGER'S WITH THE LOCAL ASSOCIATION – TO DISCUSS THE DEPARTMENT OF PLANNING PROPOSALS TO REFORM SECTION 94 CONTRIBUTIONS AND PLANNING POLICIES.****7 CONGRATULATIONS TO CENTRAL COAST MARINERS – ON THEIR RECENT WIN AND ENTRY INTO "A" LEAGUE GRAND FINAL.**

COUNCILLOR R L GRAHAM PASSED ON SYMPATHIES ON BEHALF OF COUNCIL TO THE GENERAL MANAGER AND HIS WIFE ON THEIR LOSS.

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

**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR EATON AS HE IS AWAY ON BUSINESS.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 043 AND 044, 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.

## **Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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### **036 Disclosures of Interest**

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F2008/00003 ED:MR

#### **043 - NOTICE OF MOTION – PARK BEACH, THE ENTRANCE**

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THERE MAYBE SOME REMOTE REASON THAT HIS FAMILY BUSINESS MAY BENEFIT FINANCIALLY, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.23 PM.

#### **049 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PATRON OF THE NORTHERN LAKES RUGBY LEAGUE AND RECREATION CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 I HAVE NOTHING TO DO WITH THE RUNNING OF THE CLUB."*

#### **042B – MOTION OF URGENCY – PROPOSAL BY ENERGY AUSTRALIA TO INSTALL OVERHEAD HIGH VOLTAGE POWER LINES**

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

#### **042B – MOTION OF URGENCY – PROPOSAL BY ENERGY AUSTRALIA TO INSTALL OVERHEAD HIGH VOLTAGE POWER LINES**

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY LIVING IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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."*

#### **W004 – 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 THE WYONG COMMUNITY RECREATION ASSOCIATION BOARD 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."*

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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

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

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**037 Proposed Inspections**

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F2008/00003 ED:MR

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

*That the report on inspections to be conducted on Wednesday, 27 February 2008 be received and the information noted.*

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**038 Proposed Briefings**

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F2008/00003 ED:MR

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

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

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**039 Address by Invited Speakers**

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F2008/00003 ED:MR

**RESOLVED unanimously on the motion of Councillor PAVIER 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.*

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**040 Notice of Intention to Deal With Matters in Confidential Session**

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F2008/00003 ED:MR

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

- 1 That pursuant to Section 10A(2)(c) and 10A(2)(d)(i) of the Local Government Act, 1993, the following reports be dealt with in Confidential Session:**

**W004 –Wyong Community Recreation Association**

**W005 - Lot 401 DP 1058215 Burnett Road, Warnervale**

- 2 That the reason for dealing with the Report No W004 - 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.**
- 3 That the reason for dealing with the Report No W005 – Lot 401 DP 1058215 Burnett Road, Warnervale confidentially is that it is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**
- 4 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

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**041 Confirmation of Minutes of Previous Meeting**

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F2008/00003 ED:MR

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

**That the minutes of the previous Ordinary Meeting of Council held on 23 January 2008 be received and confirmed.**

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**042 Notice of Motion – Chikarovski Mining Enquiry Report**

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F2004/07086 ED

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

- 1 That Council call on Minister Sartor to release the Chikarovski Mining Enquiry Report mid March as promised.***
- 2 That Council request the Members for Wyong and Lake Macquarie to assist in getting this Report released.***

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

AGAINST: COUNCILLOR ROSE.

**LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR PAVIER SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE ENTRANCE PENINSULA PLANNING STRATEGY AND THE ENTRANCE ROAD, LONG JETTY.

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

***That Council consider a MOTION OF URGENCY regarding The Entrance Peninsula Planning Strategy and The Entrance Road, Long Jetty.***

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

**042A Motion of Urgency - The Entrance Peninsula Planning Strategy and The Entrance Road, Long Jetty**

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F2006/00287

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

***That as a result of The Entrance Peninsula Planning Strategy and concerns raised, particularly by Long Jetty property owners and residents, Council call on the RTA to release immediately any plans it has for The Entrance Road, Long Jetty.***

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**LEAVE TO INTRODUCE A MOTION OF URGENCY**

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING A SUBMISSION TO ENERGYAUSTRALIA REGARDING HIGH VOLTAGE OVERHEAD POWER LINES IN TUMBI UMBI AREA.

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

***That Council consider a Motion of Urgency regarding EnergyAustralia regarding high voltage overhead power lines in Tumbi Umbi area.***

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

**042B Motion of Urgency – Proposal by EnergyAustralia to install High Voltage Overhead Power Lines**

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F2006/00475

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY LIVING IN THE AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST 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."*

THE DIRECTOR SHIRE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER, FOR THE REASON THAT SHE IS A RESIDENT OF THIS AREA, REMAINED IN THE CHAMBER BUT DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

***That further to Gosford City Council's resolution dated 22 January 2008 outlining its rejection of the intention of EnergyAustralia to install high voltage power lines above ground in the Wamberal/Tumby Umbi area:***

- 1 That Wyong Shire Council move to also reject the above ground installation of high voltage power lines along Tumby, Hansens and Bohringer Roads and any other areas affected by this initiative.***
- 2 That Council, as a matter of urgency, subject to an urgent briefing forward a submission to EnergyAustralia to the effect outlined above ie rejection of the initiative.***
- 3 That power lines be installed underground in the Roads as outlined above.***
- 4 That an urgent briefing be held on Wednesday, 20 February 2008 between Council, EnergyAustralia and representatives of the community.***

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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THE MEETING WAS ADJOURNED AT 6.25 PM AND RESUMED AT 6.29 PM. COUNCILLOR BEST RETURNED TO THE CHAMBER AT 6.34 DURING CONSIDERATION OF ITEM 045.

**043 Notice of Motion – Park Beach, The Entrance**

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F2004/00644 MR

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THERE MAYBE SOME REMOTE REASON THAT HIS FAMILY BUSINESS MAY BENEFIT FINANCIALLY, LEFT THE CHAMBER AT 5.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 5.23 PM.

MR JOHN MILLARD, REPRESENTING THE ENTRANCE DISTRICT CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.17 PM.

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

- 1 That Council review the environmental, social and engineering benefits naturally created with the establishment of the new lake beach adjoining The Entrance Memorial Park as a result of the June 2007 long weekend storm event.***
- 2 That subject to the review, Council consider promoting the establishment of this beach through dredging replenishment when necessary.***

**044 Alterations and Additions to Westfield Shopping Centre**

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DA/912/2007 EA

MRS DIANE CAREY, RESIDENT, ADDRESSED THE MEETING AT 5.23 PM, ANSWERED QUESTIONS AND RETIRED AT 5.28 PM.

MR MAT HEALY, DEVELOPMENT EXECUTIVE, REPRESENTING WESTFIELD, ADDRESSED THE MEETING AT 5.28 PM, ANSWERED QUESTIONS AND RETIRED AT 5.34 PM.

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

- 1 That Development Control Plan 2005 Chapter 81-Retail Centres be varied to permit the development.***
- 2 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.***

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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- 3 *That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 4 *That those who made written submissions be advised of Council's decision.*
- 5 *That Council redouble its efforts regarding monitoring noise abatement throughout the construction phase of this project.*

**045 Draft DCP 2005: Chapter 36 – North Wyong Industrial Area and Draft DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area**

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F2004/08885 LH:LH

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

- 1 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000, DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be adopted, as enclosed with this report.*
- 2 *That in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 appropriate public notice in relation to DCP 2005: Chapter 49 – Warnervale East and Wadalba North West Urban Release Area be given within 28 days identifying that the revised Plan will take effect on, and will apply to all development applications lodged with Council on or after, the date of gazettal of WLEP 1991 (Amendment 163).*
- 3 *That Council's Section 149 Certificates be noted, appropriately identifying the relevant date the adopted Chapter 49 become effective.*
- 4 *That when Wyong Local Environmental Plan 1991 (Amendment 163) is gazetted Council's Section 149 Certificates be further amended to reflect the gazettal date and therefore the effective date of the revised Chapter 49.*

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

AGAINST: COUNCILLORS BEST AND STEWART.

**046 Warnervale Education Precinct – Potential for Integrated Sport Facility  
Jointly used with an Education Establishment**

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F2004/08340 KP:DM

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

- 1 That Council reiterate its vision and commitment to the development of the balance of the Education Precinct primarily for education establishments with such other recreational facilities that may be accommodated on the balance of the land.**
- 2 That joint ventures for facilities be explored as potential developers approach Council.**
- 3 That Council note that recreational facilities in this location taking into account the topography and vegetation, would most likely be restricted to tennis academy; cycling circuits; rogaining or orienteering tracks; bushwalking trails and the like.**

**047 Proposed Acquisitions of Part of Private Land at Nirvana Street, Long Jetty for Mini-Roundabouts**

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F2007/01408, F2007/01721, F2007/01722 SCB

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

- 1 That Council acquire part of Lot 43 Section 1 DP 12043 at the corner of Nirvana Street and Toowoona Bay Road, Long Jetty as public road and parts of Lot 10 Section 2 DP 12043 and Lot 76 Section 2 DP 12043 at the corner of Nirvana Street and Pacific Street, Long Jetty as public road.**
- 2 That Council authorise the payment of compensation if necessary for the acquisition of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.**
- 3 That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.**

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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- 4 ***That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfers and/or Plans 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 acquisitions.***
- 5 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfers and/or Plans and all documents relating to the applications to the Department of Local Government.***

**048 Proposed Easement for Electricity Purposes at Lot 52, DP 785458 Gwandalan**

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F2007/ 01757 SB

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

- 1 ***That Council authorise the granting of an easement for electricity substation purposes 3.3 metres wide, an easement for electricity purposes 8 metres wide, 3 metres wide and variable width and a right of way 4 metres wide and variable width over Council land Lot 52 Deposited Plan 785458.***
- 2 ***That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Transfer Granting Easement and plan between Wyong Shire Council and EnergyAustralia.***
- 3 ***That Council authorise the Mayor and the General Manager to execute all documents relating to the grant of easement between Wyong Shire Council and Energy Australia.***

**049 Proposed Councillors' Community Improvement Grants**

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F2007/00729 SG

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PATRON OF THE NORTHERN LAKES RUGBY LEAGUE AND RECREATION CLUB AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEVENS 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 I HAVE NOTHING TO DO WITH THE RUNNING OF THE CLUB."*

## **Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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*It was MOVED by Councillor GRAHAM and seconded by Councillor STEWART:*

*That an amount of \$1,500 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 2.*

*An AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor STEVENS:*

- 1 That the allocation of \$1,000 to the Friends of Toukley be deferred until the Toukley Strategy is on exhibition.*
- 2 That the balance of \$500 as outlined in Attachment 2 be allocated.*

**The MOTION was WITHDRAWN.**

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

- 1 That the allocation of \$1,000 to the Friends of Toukley be deferred until the Toukley Strategy is on exhibition.**
- 2 That the balance of \$500 as outlined in Attachment 2 be allocated.**

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

AGAINST: COUNCILLORS BEST, STEWART, VEUGEN AND WELHAM.

## **050 Review of Variation to Council's Code of Meeting Practice**

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F2004/06502 MW

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

- 1 That the number of Notices of Motion permitted per Councillor per meeting be in accordance with Clause 26 (4) of Council's Code of Meeting Practice.**
- 2 That the order of business as set out in Clause 22 of Council's Code of Meeting Practice, be amended to move Notices of Motion, Motions of Urgency and Notices of Rescission (including any speakers) to the end of the order but preceding Confidential Items.**

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

AGAINST: COUNCILLORS BEST, STEWART AND VEUGEN.

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**051 Rental Fees for Use of Central Coast Lifetime Learning Centre**

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F2004/07934 GM:GM

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

- 1 That Council approve the \$4.00 charge per student to attend the CARES Course as a result of school consultation.**
- 2 That Council approve the proposed hire charges as outlined in the attachment for general community use.**
- 3 The hire charges and CARES fee to take effect after a 28 day exhibition period subject to no significant objections being received.**

**052 Vandalism across our Shire**

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F2004/07937 JM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.21 PM AND RETURNED TO THE CHAMBER AT 7.35 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.22 PM AND RETURNED TO THE CHAMBER AT 7.23 PM.

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

- 1 That Council further contacts public utilities to promote and expedite graffiti removal from their properties.**
- 2 That a publicity campaign be undertaken to encourage community members to increase their reporting of graffiti vandalism to Council, public utilities and the NSW Police and to educate the community on the benefits of the speedy removal of graffiti from their own property.**
- 3 That owners of private property be encouraged to remove graffiti from their properties.**
- 4 That a location impacted by high levels of graffiti be selected for the installation of a public art mural as a pilot scheme with community members being involved in the design and execution of the work.**
- 5 That Council continue to work cooperatively with the NSW Police including expanding on intelligence gathering, notifications, joint publicity and sharing information to combat graffiti attacks.**

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**


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**053 Wyong Shire Senior Citizens Council – request to rescind part of Resolution of 14 March 2007**


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F2008/00407 ED

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

- 1 ***That Council rescind item 2a of resolution 113 of 14 March 2007 forming the Wyong Shire Senior Citizens Council:***
  - a ***meetings held fortnightly on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays of each month at 1.00pm.***
- 2 ***That Council confirm its decision to adopt the proposed terms of reference and model charter for the Wyong Shire Senior Citizens Council and that Wednesday is the preferred day for meetings. The interval between meetings should be no more than fortnightly and will not exceed three months.***

**054 Future Funding from Council to Business Central Coast**


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F2004/07942 RAB:LS

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 7.42 PM AND RETURNED TO THE CHAMBER AT 7.43 PM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.45 PM AND RETURNED TO THE CHAMBER AT 7.47 PM.

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

- 1 ***That Council not continue the funding agreement in regard to Business Central Coast beyond its expiry on 30 June 2008.***
- 2 ***That Council request the NSW State Government to establish and fund a Regional Economic Development Board for the Central Coast similar to elsewhere in the state.***
- 3 ***That Business Central Coast, the NSW Department of State and Regional Development, the Minister for the Central Coast, and Gosford City Council be advised of Council's decision.***
- 4 ***That Council retain a project budget in the 2008/2009 Management Plan of \$100,000 in order to partner with other public and private organisations for particular projects to promote the Shire.***

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

AGAINST: COUNCILLORS ROSE.

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**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**


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**Information Reports**


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*The information reports were dealt with by the exception method with Report Nos 055 and 057 called for debate.*

**055 Resumption (or Buy Out) Policy**


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F2004/07782 GW

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.11 PM AND RETURNED TO THE CHAMBER AT 8.12 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 8.16 PM AND RETURNED TO THE CHAMBER AT 8.17 PM.

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

- 1 *That the report be received and the information noted.*
- 2 *That Council report back on initiatives taken by Waverly Council on tidal readings and monitoring.*
- 3 *That Council report on the retreat policy of Byron Bay's Council.*

**056 Changes to the State's Electricity Industry**


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F2004/08138 KRG DP

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

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

**057 Responses Received - Proposal to Privatisise the State Power Industry**


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F2004/08138 SMcL

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

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

*An AMENDMENT was MOVED by Councillor PAVIER:*

*That Council write to the Members of Gosford and Wyong to clarify their position on voting at the Caucus.*

***The AMENDMENT lapsed for want of a SECONDER.***

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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

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

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

AGAINST: COUNCILLOR PAVIER.

**058 Responses Received - Plebiscite on Nuclear Power Station(s) in Wyong Shire**

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F2004/06939 ED

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

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

**059 Unaffordable Housing and Mortgage Stress**

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F2004/09609 CT

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

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

**060 Inquiry into Electoral and Political Party Funding**

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F2004/06402 ED

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

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

**061 Activities of the Development Assessment Unit**

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F2004/07830 NL

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

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

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**062 Schedules of Bank Balances and Investments – November and December 2007**

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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.*

**063 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 STEWART:**

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

**QUESTIONS WITHOUT NOTICE ASKED**

**Q005 – Maintenance Programme on the Jubilee Oval  
Councillor Stewart**

F2004/00479

*“Could I please be advised on the maintenance program on the Jubilee Oval?”*

**Q006 – Misuse of Ratepayers Funds  
Councillor Best**

F2004/08792

*“Mr General Manager, I am seeking information and advice with regard to assertions made by the Member for Wyong, Mr David Harris, in his correspondence dated, 16 January 2008, outlining his concerns regarding the independence and transparency of Council’s recent poll on Central Coast Water Supply. Mr Harris indicates he believes that the poll smacked of propaganda and was a blatant misuse of ratepayer’s funds. Further he has referred the issue to the Minister for Local Government, Mr Paul Lynch, seeking thorough investigation. Could the General Manager please provide information on who formulated the questions, who finally approved the questions and in Council’s view has there been any breaches with regard to expenditure of ratepayer’s funds? Also could the General Manager provide the total cost of formulating, conducting and analysing the poll and its results?”*

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**Q007 – Australia Day 2008****Councillor Best**

F2004/06176

*“Mr General Manager, as the strict interpretation of the use of Questions Without Notice now prohibits Councillors from requesting any actions, could you please provide information as to whether any formal correspondence or appreciation has been circulated to those responsible for the outstanding and highly successful recent Australia Day events, in particular at Wyong, Canton Beach and The Entrance?”*

**CONFIDENTIAL SESSION**

AT THIS STAGE OF THE MEETING BEING 8.31 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 8.50PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

**W004                      Wyong Community Recreation Association**

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F2004/07006

***That matter be deferred for briefing.***

**Minutes of the Ordinary Meeting of Council held on 13 February 2008 (contd)**

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**W005                      Lot 401 DP 1058215 Burnett Road, Warnervale**

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F2007/01228 GSM:LS

- 1     *That Council endorse the Mayor and General Manager to proceed with and finalise the sale of Lot 401 DP 1058215 Burnett Road to Pacific Beverages Pty Ltd in accordance with the terms of their offer of purchase dated 7 February 2008.***
- 2     *That Council endorse the closure of part of Burnett Road, Warnervale and agree to the transfer of this land to Pacific Beverages in accordance with the terms of the offer of purchase dated 7 February 2008.***
- 3     *That Council apply to the Minister for Land and Water Conservation to close the public road being part of Burnett Road Warnervale.***
- 4     *That Council agree to the sale of part of the closed road to the owner of the adjoining property in accordance with the terms of offer of purchase dated 7 February 2008.***
- 5     *That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the documentation including the Transfer to effect the sale of the land in Item 1 and to effect the closure of the road and sale of land described in Item 2***
- 6     *That Council authorise the Mayor and the General Manager to execute all documents including the Transfer to effect the sale of the land in Item 1 and to effect the closure of the road and sale of land described in Item 2.***
- 7     *That Council agree in principal to support the location of the proposed sign adjacent to Sparks Road and the F3 Freeway as identified in the offer of purchase and that the area of land be leased to Pacific Beverages for a nominal rent for a period of ten years with a 5 by 5 year option.***

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.51 PM.

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CHAIRPERSON