
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 14 MAY 2008,
COMMENCING AT 5.09 PM

PRESENT

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

IN ATTENDANCE

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

- * COUNCILLOR GRAHAM ADVISED THAT HE ACCEPTED ON BEHALF OF COUNCIL A PRESENTATION FROM THE SHIRE'S SURF LIFESAVING CLUBS ASSOCIATION IN RECOGNITION OF COUNCIL'S ASSISTANCE TO SURF LIFESAVING.
- * COUNCILLOR ROSE ADVISED THAT HE ACCEPTED ON BEHALF OF COUNCIL FROM SURFING NEW SOUTH WALES A PRESENTATION IN RECOGNITION OF COUNCIL'S SUPPORT FOR THE SURFING EVENT "ARRIVE ALIVE – CENTRAL COAST PRO" HELD AT SOLDIERS BEACH. THIS IS AN EMERGING SURFING EVENT FOR PROFESSIONAL SURFERS WHICH WILL BECOME PART OF THE WORLD QUALIFYING CIRCUIT AND WILL PUT THE CENTRAL COAST ON THE MAP.
- * COUNCILLOR STEVENS ADVISED THAT HE ATTENDED THE TUGGERAH LAKES SECONDARY COLLEGE - TUMBI CAMPUS FOR THE LAUNCHING OF THE BLUE PLANET WEBSITE. THIS IS AN INTERACTIVE WATER EDUCATION WEBSITE THAT WAS DEVELOPED BY GOSFORD AND WYONG COUNCILS IN PARTNERSHIP WITH LOCAL STUDENTS AND TEACHERS AND IS ACCESSIBLE VIA A LINK FROM THE GOSFORD/WYONG COUNCILS' WATER AUTHORITY WEBSITE.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.09 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR PAVIER AS HE IS ON ANNUAL LEAVE.

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

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

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

181 Disclosures of Interest

F2008/01064 ED:MR

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

That the report and the fact that no disclosure was made be noted.

182 Proposed Inspections

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, 28 May 2008 be received and the information noted.

183 Proposed Briefings

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.

184 Address by Invited Speakers

F2008/00003 ED:MR

COUNCILLOR BEST ADVISED THAT THE PROPOSED SPEAKER, DR NORMAN THOMPSON, HAD SENT HIS APOLOGIES FOR HIS INABILITY TO ATTEND THE MEETING THIS EVENING.

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

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

185 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

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

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

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

186 Draft Development Control Plan 2005: Chapter 23 – Caravan Parks

F2004/12355 PJK

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

- 1 *That draft Development Control Plan 2005: Chapter 23 – Caravan Parks be adopted and appropriate public notice be given within 28 days that the draft Chapter will come into effect as Chapter 23 within Development Control Plan 2005 on 2 June 2008.***
- 2 *That a press release be issued detailing the major changes and advising that the provisions of the adopted Chapter will be operational, and applied to all relevant Development Applications received from 2 June 2008.***
- 3 *That a copy of Development Control Plan 2005 containing the amended Chapter 23 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 4 *That Council's Section 149 Certificates be noted as to the adoption of Chapter 23.***
- 5 *That all those who made submissions be advised of Council's decision.***
- 6 *That Policy L3 – Long-term Caravan Parks be repealed and appropriate public notice be given.***
- 7 *That in the formation of Council's Settlement Strategy and the Wyong Principal Local Environmental Plan, Council review appropriate locations for tourist parks and for affordable living in long-term caravan parks, and take these issues into consideration in formulating land use zone boundaries, including the prohibition of such parks from zones and locations not considered to be in accordance with the Strategy.***

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

**187 Repeal of Development Control Plan 2005: Chapter 101 –
Building Over and Adjacent to Sewer Mains**

F2005/03170 PJK

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

- 1 That Development Control Plan 2005: Chapter 101 – Building Over and Adjacent to Sewer Mains be repealed in accordance with the requirements of the Regulations.***
- 2 That a copy of Development Control Plan 2005, with the repealed Chapter 101 removed, be forwarded to the Director General of the NSW Department of Planning within 28 days of the date of the public notice.***
- 3 That Council's Section 149 Certificates be amended to remove any references to Chapter 101.***

188 Plan of Management No 9 – Jubilee Park and Baden Powell Park

F2005/03198 BMc:RE

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

- 1 That in accordance with Section 36 of the Local Government Act 1993, Council adopt the revised Plan of Management No 9 for Jubilee Park and Baden Powell Park.***
- 2 That public notice be given of the decision.***
- 3 That those people who made a submission to the exhibition be informed of the decision.***

189 **2007 Warnervale Rail Station**

DA/261/2005 JW

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

- 1 *That Council staff bring back a report on the new Warnervale Rail Station Development Application with a view to Council issuing deferred development consent.*
- 2 *That Council write to the Minister for Environment and Climate Change and indicate a preference that the issue of the Rutidosis heterogama (Heath Wrinklewort) be dealt with under the biodiversity certification which is proposed for the town centre in Warnervale.*

190 **Contract Nos CPA 131816 and CPA 141595 - Sludge Dewatering at Council's Wyong South, Charmhaven and Mannering Park Sewage Treatment Plants**

CPA/141595 SM:DP

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

- 1 *That, due to the intervening changes occurring at the Wyong South Treatment Plant in regards to desludging requirements which arose after the close of tenders, Council decline to accept any of the tenders received for Contract CPA 131816.*
- 2 *That Council accept tender No 1 from Waste Processing Solutions for Contract CPA 141595 for the Sludge Dewatering of No 2 Sludge Lagoon at Charmhaven STP and Nos 1 and 2 Sludge Lagoons at Mannering Park STP for an estimated total amount of \$216,520 including GST (\$ 196,836 excluding GST).*
- 3 *That Council approve a contingency amount of \$22,000 including GST (\$20,000 excluding GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project for Contract CPA 141595.*

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

191 Extension of Alcohol Free Zone at Long Jetty

F2008/00602 MW

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

- 1 That Council prepare a proposal for the extension of the Alcohol Free Zone at the following location for a period up to 30 June 2009:

Long Jetty: Surf Street, The Entrance Road and Watkins Street up to and including Swadling Street to corner of Oaks Street.**
- 2 That procedures for advertisement and notification of the proposal be implemented in accordance with the Ministerial Guidelines on Alcohol Free Zones.**
- 3 That Council exercise the option of advising the NSW Anti-Discrimination Board of all the proposals.**
- 4 That the matter be resubmitted for Council determination following compliance with these procedures.**

192 Goods and Services Tax Compliance

F2004/06615 RDG

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

- 1 That the report on Goods and Services Tax be noted.**
- 2 That the Goods and Services Tax Compliance Certificate for the period 1 May 2007 to 30 April 2008 be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer and submitted to NSW Department of Local Government before 1 June 2008.**

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

**193 New Rural Fire Station Ourimbah - Lots 6 and 19 DP 22433
Ourimbah Creek Road, Ourimbah**

F2004/07102 GAW:JK

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

- 1 That Council make available land contained within Lots 6 and 19 DP 22433 Ourimbah Creek Road for the construction and operation of a Rural Fire Station.***
- 2 That Council pursue grant funding opportunities to fund the construction of the Ourimbah Rural Fire Station.***
- 3 That Council authorise the lodgement of a development application for the construction of a Rural Fire Station within Lots 6 and 19, DP 22433, Ourimbah Creek Road, Ourimbah.***
- 4 That this matter be reported back to Council when results of the current funding application are known.***

Information Reports

The information reports were dealt with by the exception method with report numbers 194 and 196 called for debate.

194 Geotextile Bag Investigations

F2007/00876 GW

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

- 1 That the report be received and the information noted.***
- 2 That this report be referred to the Peak Manufacturers of this technology Geofabrics Australasia to provide a current product performance update for Council's consideration.***

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

195 Drainage on Tuggerah Straight

F2004/00156 ABP:JEM

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

That the report be received and information noted.

196 Schedules of Bank Balances and Investments – March 2008

F2004/06604 HS

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 5.40 PM AND RETURNED TO THE CHAMBER AT 5.41 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.41 PM AND RETURNED TO THE CHAMBER AT 5.42 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

That the report be received and the information noted.

197 Outstanding Questions Without Notice and Notices of Motion

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.

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

198 Notice of Motion – Zero Carbon Footprint Homes

F2004/00080 MR

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

That in liaison with the Developers Forum, would staff please provide a report to Council on:

- 1 The definition of "Zero Carbon Footprint" as it relates to all construction, habitation and/or ongoing maintenance;*
- 2 The current status and legislation regarding design and construction of Zero Carbon Footprint construction;*
- 3 The financial and environmental benefits and costs of requiring all construction in Wyong to have a Zero Carbon Footprint; and*
- 4 The most efficient way to ensure that all new buildings constructed in Wyong have a Zero Carbon Footprint and the appropriate timeframe for its introduction.*

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS FORSTER, ROSE, STEVENS AND WELHAM.

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

199 Notice of Motion – Car Pooling Website to Combat Increase in Petrol Costs

F2004/06719 MR

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

That Council investigate and report on ways to alleviate the petrol price crisis by promoting car pooling for example by developing a website to connect car poolers.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON, AND VEUGEN.

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

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

200 Notice of Motion – Ban on Political Donations

F2004/06402 MR

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.25 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.36 PM AND RETURNED TO THE CHAMBER AT 6.37 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

- 1 *That Council recognise and endorse the community's view that all electoral donations should be banned.*
- 2 *That Council request that all candidates for the September 2008 Council Elections provide statutory declarations committing themselves to personally funding their own election campaigns and refusing all election donations.*
- 3 *That Council publish by way of a full page advertisement in the Central Coast Express on 3 September 2008 a register of those candidates who have provided such a declaration and noting that candidates not listed have failed to provide such a declaration.*
- 4 *That the Local Government Association be requested to forward copies of this resolution to every Council Mayor and Councillor in NSW.*
- 5 *That Council write to the Minister for Local Government requesting a reasonable expenditure limit be placed on candidates in Local Government campaigns.*

An AMENDMENT was MOVED by Councillor WELHAM and SECONDED by Councillor FORSTER;

That this Council reaffirm its submission to the NSW Parliament Select Committee on Political Donations and support the actions of the Mayor in representing this Council in giving evidence at that Select Committee.

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

That the MOTION be put.

RESOLVED unanimously that the MOTION be put.

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

The AMENDMENT then became the MOTION.

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

That this Council reaffirm its submission to the NSW Parliament Select Committee on Political Donations and support the actions of the Mayor in representing this Council in giving evidence at that Select Committee.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

COUNCILLOR GRAHAM NOTED THAT THE ACTING DIRECTOR OF CORPORATE SERVICES, CRAIG BENNETT, HAD RECENTLY ANNOUNCED HIS RESIGNATION AS HE WAS MOVING TO TAKE UP A POSITION AS DIRECTOR OF CORPORATE AND COMMUNITY SERVICES AT CESSNOCK CITY COUNCIL AND EXTENDED THANKS TO CRAIG ON BEHALF OF COUNCIL FOR HIS SERVICES OVER THE PAST THREE YEARS.

QUESTIONS WITHOUT NOTICE ASKED

Q030 – State of the Jetty at Long Jetty

Councillor Stewart

F2005/02289

“What has been done about the previously investigated state of the “Long Jetty”, action is now urgently needed on repairs to the Jetty or there will no longer be one as it is in a very bad state?”

Q031 – Outstanding Report on WYCRA

Councillor Forster

F2008/00352

“Given it’s been some months since the relevant briefing, can staff advise when the outstanding report on WYCRA will be reported to Council?”

Q032 – Preferred Route for the Pacific Highway

Councillor Eaton

F2004/07589

“Can Council seek confirmation from the RTA that the preferred route for the Pacific Highway through Wyong is through the town centre?”

Minutes of the Ordinary Meeting of Council held on 14 May 2008 (contd)

Q033 – Cabbage Tree Bay Sea Wall

Councillor Best

CPA/13545

“Mr General Manager, Council made an announcement in February 2008 that it would be proceeding to build a toe drainage sea wall in Cabbage Tree Bay and that construction would commence approximately June 2008. Could staff provide information on progress to date?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.23 PM.

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CHAIRPERSON