
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 23 APRIL 2008,
COMMENCING AT 5.03 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, 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.

THE MAYOR REPORTED THAT:

- * ON MONDAY 21 APRIL 2008 HE VISITED THE CONSUL GENERAL MRS JUDITH FERGIN AT THE CONSULATE GENERAL OF THE UNITED STATES, MARTIN PLACE, SYDNEY. THIS WAS A RECIPROCAL VISIT AFTER MRS FERGIN ATTENDED THE RECENT CENTRAL COAST FESTIVAL OF ARTS, WHERE MRS FERGIN OPENED THE FESTIVAL.
- * THE 20/20 SUMMIT WAS SUCCESSFULLY HELD ON THE WEEKEND AT THE COUNCIL CHAMBERS, IN PARTNERSHIP WITH OUR FEDERAL MEMBER FOR DOBELL, MR CRAIG THOMSON.
- * IT WAS WITH REGRET THAT HE LEARNED OF THE PASSING OF, MS GWEN ABRAHAMS. IN 1991 GWEN COMMENCED WORKING FOR TOUKLEY CHAMBER OF COMMERCE AND WITH A NUMBER OF BUSINESS OWNERS, CONTRIBUTED TO THE FORMATION OF THE GREATER TOUKLEY VISION UNDER THE MAIN STREET PROGRAM. GWEN CONTRIBUTED A GREAT DEAL OF ENERGY AND TIME TO TOUKLEY AND STARTED MANY EVENTS WHICH HELPED PROMOTE THE AREA SUCH AS GATHERING OF THE CLANS, FOOD AND FUN BY THE LAKE, CAROLS BY CANDLELIGHT AND THE ANNUAL BUSINESS AWARDS IN TOUKLEY. CERTAINLY MANY OF THE COUNCILLORS KNEW GWEN PERSONALLY AND GWEN WILL BE REMEMBERED FOR HER DEDICATION TO THE TOUKLEY COMMUNITY ESPECIALLY, BUT ALSO THE CENTRAL COAST COMMUNITY. COUNCIL HAS EXTENDED CONDOLENCES TO HER FAMILY.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF GWEN ABRAHAMS.

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

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR ROSE WHO IS ON A FAMILY HOLIDAY.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NO 165, WAS DEALT WITH FIRST THEN THE REMAINING REPORTS IN ORDER. HOWEVER FOR THE SAKE OF CLARITY THE REPORTS ARE RECORDED IN THEIR CORRECT AGENDA SEQUENCE.

159 Disclosures of Interest

F2008/01064 MW:SW

165 PROPOSED RESTAURANT AND BULKY GOODS AT LONG JETTY

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT MR HOLLAND STOOD AS A MEMBER OF HER ELECTION TEAM (2 YEARS AGO) 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."

169 AUSTRALIAN F1 SUPERBOAT SERIES GREATER TOUKLEY VISION APPLICATION FOR ADDITIONAL COMMUNITY BENEFIT GRANT FUNDING

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY BUSINESS HAS A RELATIONSHIP WITH GREATER TOUKLEY VISION ON OTHER EVENTS, EVEN THOUGH THERE IS NO AMUSEMENTS FOR THIS EVENT 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."

169 AUSTRALIAN F1 SUPERBOAT SERIES GREATER TOUKLEY VISION APPLICATION FOR ADDITIONAL COMMUNITY BENEFIT GRANT FUNDING

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE AMENDMENT TO ALLOCATE \$500 TO SUPPORT POWER LINE PROTEST FOR THE REASON THAT HIS FAMILY LIVES IN THE AREA (GOSFORD COUNCIL 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."

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTION, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DEVELOPMENT HAS A COMPONENT INVOLVING AMUSEMENTS IN DIRECT CONFLICT WITH HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE LIBERAL TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM TERRIGAL GROSVENOR LODGE PTY LTD AND BRENTWOOD VILLAGE PTY LTD IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

180 NOTICE OF MOTION – KLUMPER DEVELOPMENT PROPOSAL

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

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

That the report be received and advice of disclosures noted.

160 Proposed Inspections

F2008/00003 MW:SW

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

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

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

161 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

162 Address by Invited Speakers

F2008/00003 MW:SW

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

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

163 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 *That pursuant to Section 10A(2)(b) and 10A(2)(c) of the Local Government Act, 1993, the following report be dealt with in Confidential Session:*
 - W008 – Application for Financial Assistance*
 - W009 – Assignment of Sublease for Lake Haven Child Care Centre – 50 Gorokan Drive, Lake Haven*
- 2 *That the reason for dealing with Report No W008 – Application for Financial Assistance confidentially is that it contains matters concerning the personal hardship of any resident or ratepayer.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 3** *That the reason for dealing with the Report No W009 – Assignment of sublease for Lake Haven Child Care Centre – 50 Gorokan Drive, Lake Haven confidentially is that it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 4** *That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.*

164 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 9 April 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

165 Proposed Restaurant and Bulky Goods at Long Jetty

DA/78/2007 JLW

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT MR HOLLAND STOOD AS A MEMBER OF HER ELECTION TEAM (2 YEARS AGO) 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."

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.49 PM AND RETURNED TO THE CHAMBER AT 5.51 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.03 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

MR PAT COLLINS, RESIDENT REPRESENTING THE RESIDENTS OF THE LONG JETTY AREA, ADDRESSED THE MEETING AT 5.17 PM, ANSWERED QUESTIONS AND RETIRED AT 5.27 PM.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

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

- 1 That the applicant be advised that Council views any use of the residential lot or Lake Street as part of any development proposal for this site as unacceptable.*
- 2 That the applicant be invited to submit a revised design limiting the development to the commercial zone.*
- 3 That any fees associated with such an amended design be waived.*
- 4 That any amended design be treated as a priority application.*

An AMENDMENT was MOVED by Councillor STEWART and SECONDED by Councillor PAVIER;

- 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 a deferred commencement approval of the application pursuant to Section (80) 3 of the Environmental Planning and Assessment Act.*
- 2 That the following condition be required to be satisfied prior to the consent operating:*

An acoustical investigation of the proposal being undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emissions from the proposal, including but not limited to:

- * Noise from the loading bay, including recommendations of appropriate delivery/service times*
- * Mechanical plant including air conditioners, refrigeration and extraction fans*
- * Operating hours of restaurant*

The report is to be provided to Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within 12 months of the date of determination.

- 3 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 4 *That Development Control Plan 2005 Chapter 61 – Carparking and Chapter 81 – Retail Centres be varied to permit the development.*
- 5 *That those who made written submissions be advised of Council’s decision.*

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS EATON AND GRAHAM.

The AMENDMENT then became the MOTION.

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

- 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 a deferred commencement approval of the application pursuant to Section (80) 3 of the Environmental Planning and Assessment Act.***

- 2 ***That the following condition be required to be satisfied prior to the consent operating:***

An acoustical investigation of the proposal being undertaken by a suitably qualified acoustical consultant describing and assessing the impact of noise emissions from the proposal, including but not limited to:

- * ***Noise from the loading bay, including recommendations of appropriate delivery/service times***
- * ***Mechanical plant including air conditioners, refrigeration and extraction fans***
- * ***Operating hours of restaurant***

The report is to be provided to Council for approval prior to the consent becoming operational and compliance with this condition is to be achieved within 12 months of the date of determination.

- 3 ***That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

4 *That Development Control Plan 2005 Chapter 61 – Carparking and Chapter 81 – Retail Centres be varied to permit the development.*

5 *That those who made written submissions be advised of Council's decision.*

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

AGAINST: COUNCILLORS EATON AND GRAHAM.

166 Public Art Policy and Implementation Plan

F2004/12513 CB:CB

COUNCILLOR BEST LEFT THE CHAMBER AT 6.24 PM AND RETURNED TO THE CHAMBER AT 6.31 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.29 PM AND RETURNED TO THE CHAMBER AT 6.31 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.36 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That the Draft Implementation Plan be adopted.*
- 2 That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.*
- 3 That should no significant objections be received, the draft Public Art Policy be adopted.*
- 4 That Council consider in its 2009-2010 Management Plan increasing the annual allocation of \$10,000 for public art to \$60,000 including \$20,000 for an Artist-with-Community Project Partnership Program.*
- 5 That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council's design requirements for public art, generally in accordance with the matters addressed in Attachment 1.*

An AMENDMENT was MOVED by Councillor PAVIER and SECONDED by Councillor GRAHAM;

- 1 That the Draft Implementation Plan be adopted.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 2 *That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.*
- 3 *That should no significant objections be received, the draft Public Art Policy be adopted.*
- 4 *That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council's design requirements for public art, generally in accordance with the matters addressed in Attachment 1.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS GRAHAM AND PAVIER.

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

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

- 1 ***That the Draft Implementation Plan be adopted.***
- 2 ***That the draft Public Art Policy be placed on public exhibition for a period of 28 days, with a period of 42 days being available for public submissions.***
- 3 ***That should no significant objections be received, the draft Public Art Policy be adopted.***
- 4 ***That Council consider in its 2009-2010 Management Plan increasing the annual allocation of \$10,000 for public art to \$60,000 including \$20,000 for an Artist-with-Community Project Partnership Program.***
- 5 ***That in accordance with Section 74C of the Environmental Planning and Assessment Act 1979, Council prepare and exhibit a draft Development Control Plan Chapter addressing Council's design requirements for public art, generally in accordance with the matters addressed in Attachment 1.***

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

AGAINST: COUNCILLORS GRAHAM AND PAVIER.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

167 Exemption from Approval for Greywater Re-Use

F2005/00630 PJK:PJK

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

That the report be received, the information noted and no further action be taken.

An AMENDMENT was MOVED by Councillor EATON and SECONDED by Councillor VEUGEN;

That this matter be referred to the Local State Members, Minister for Local Government and Minister for Health and point out the discrepancy between the legal sale of grey water diversion hoses and the Department of Health ban on use of such devices.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLOR EATON.

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

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

That the report be received, the information noted and no further action be taken.

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

AGAINST: COUNCILLOR EATON.

168 In Case of Emergency (ICE)

F2004/07516 SN/SG

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

That Council write to the Minister for Police and Local Members of Parliament requesting that formal consideration be given to the promotion of this initiative.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

**169 Australian F1 Superboat Series Greater Toukley Vision
Application for Additional Community Benefit Grant Funding**

F2005/01881 MD

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY BUSINESS HAS A RELATIONSHIP WITH GREATER TOUKLEY VISION ON OTHER EVENTS, EVEN THOUGH THERE IS NO AMUSEMENTS FOR THIS EVENT 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."

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE AMENDMENT TO ALLOCATE \$500 TO SUPPORT POWER LINE PROTEST FOR THE REASON THAT HIS FAMILY LIVES IN THE AREA (GOSFORD COUNCIL 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."

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

- 1 *That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.*
- 2 *That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.*
- 3 *That Council approve \$500 to the Central Coast Residents United group (CCRU) for the costs of attending the protest meeting today regarding the Tumbi Creek overhead power lines.*

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

- 1 *That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.*
- 2 *That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

The AMENDMENT was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

The AMENDMENT became the MOTION.

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

- 1 That Council approve an additional \$5,000 to the F1 Superboat Series Greater Toukley Vision.***
- 2 That the \$5,000 referred to in item one above be considered as part of the March 2008 quarterly review.***

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

AGAINST: COUNCILLOR STEWART.

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

That report numbers 170, 171, 172, 173, 174 and 175 of the Ordinary Meeting of Council be dealt with by the exception method.

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

That with the exception of report number 170 and 175 the reports be received and the recommendations adopted.

170 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

171 Disclosure of Interest Returns

F2007/01540 SG

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

That the report be received and the information noted.

172 Wyong Shire Library Statistics

F2004/11651 JM:JM

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

That the report be received and the information noted.

173 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

174 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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 23 April 2008 (contd)

175 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.28 PM AND RETURNED TO THE CHAMBER AT 7.30 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That the report be received and the information noted.***
- 2 ***That Council records its dissatisfaction with action taken in regards to Notice of Motion 137 – Proposed Inclusion of Council’s Opposition to Wallarah 2 Coal Mine on Council’s Website.***

176 Notice of Motion – Review of Council’s Slogan

F2004/00073

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.36 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.43 PM AND RETURNED TO THE CHAMBER AT 7.45 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 ***That as Council’s slogan “Building a Better Tomorrow” was formulated 12 April 1989, Council in partnership with the community develop a new, more relevant and reflective slogan that embraces modern community expectations.***
- 2 ***That any such initiative be developed through a competitive process in partnership with our creative, educational institutions – Schools, TAFE and Universities.***

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLOR BEST.

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

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

177 Notice of Motion – Indian Myna Bird Plague

F2004/06909

MR PETER BLYTHE, REPRESENTING THE INDIAN MYNA BIRD ACTION GROUP, ADDRESSED THE MEETING AT 7.46 PM, ANSWERED QUESTIONS AND RETIRED AT 8.01 PM.

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

- 1 That Council reaffirm its commitment to eradicate the escalating plague of Indian Myna Birds while also recognising the significant impact and damage these feral pests are having on the local native bird population.***
- 2 That further to one above Council investigate the eradication initiatives used by other local Councils such as, education programs, the provision of traps to local community groups and the provision of approved euthanising services.***
- 3 That indicative costs associated with the various initiatives be reported for Council's consideration.***

178 Notice of Motion – Australian National Surf Lifesaving Championships

F2004/06179

MR PAUL QUICK, DIRECTOR OF SURF SPORTS REPRESENTING SURF LIFESAVING CENTRAL COAST, ADDRESSED THE MEETING AT 8.05 PM, ANSWERED QUESTIONS AND RETIRED AT 8.15 PM.

COUNCILLOR STEWART LEFT THE CHAMBER AT 8.05 PM AND RETURNED TO THE CHAMBER AT 8.06 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That further to Surf Lifesaving Australia's decision to seek expressions of interests to host their 2010, 2011 and 2012 National Championships, Council as a matter of urgency hold initial discussions with Gosford City Council, Central Coast Tourism Inc and Surf Lifesaving Central Coast to establish the level of support for a Central Coast bid for the 2010, 2011 and 2012 Championships.***
- 2 That Council recognise for any such bid to succeed Council must form a genuine partnership of the key stake holders and that the bid should be on behalf of the Central Coast as a regional initiative.***

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

179 Notice of Motion – Briefing to Explain Calculation of Development Levies

F2004/00552

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

- 1 That Council provide a transparent calculation of Section 94 and State Infrastructure levy applying to a range of sizes including 600m² house/land development in the Warnervale Town Centre.**
- 2 That Council convene an urgent briefing to discuss the exorbitant development levies for single lot development in the Warnervale Town Centre.**

180 Notice of Motion – Klumper Development Proposal

DA/2660/2004

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTION, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE DEVELOPMENT HAS A COMPONENT INVOLVING AMUSEMENTS IN DIRECT CONFLICT WITH HIS FAMILY BUSINESS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE LIBERAL TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM TERRIGAL GROSVENOR LODGE PTY LTD AND BRENTWOOD VILLAGE PTY LTD IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE ALP TEAM RECEIVED A SIGNIFICANT ELECTORAL DONATION FROM NAYTION PTY LTD CARE OF EL LAGO HOTEL, THE ENTRANCE IN THE LEAD UP TO THE 2004 LOCAL GOVERNMENT ELECTIONS, LEFT THE CHAMBER AT 8.28 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.29 PM.

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE BELIEVED THE REPORT NEEDED TO BE CALLED BEFORE COUNCIL AND THE GENERAL MANAGER ADVISED THAT A LACK OF A QUORUM WOULD BE PRESENT FOR CONSIDERATION OF THIS ITEM.

COUNCILLORS WELHAM AND STEVENS VACATED THE CHAIR.

As a QUORUM WAS NO LONGER PRESENT, the General Manager advised this motion would not be considered and would seek advice from the Minister.

COUNCILLOR WELHAM RESUMED THE CHAIR.

QUESTIONS WITHOUT NOTICE ASKED**Q024 – Coral Street Carpark Louvers****Councillor Stewart**

F2004/07999

“Could staff please advise when the louvers on the Coral Street Carpark undergo their annual clean?”

Q025 – Rent Paid on The Entrance Visitors Centre**Councillor Stewart**

F2004/12356

“Could staff please advise if the rent on The Entrance Visitors Centre has been paid from the date of the signing on 14 September 2007?”

Q026 – Community and Staff Parking in and around Council’s Civic Centre**Councillor Best**

F2007/01904

“Mr General Manager, the issue of community and staff parking in and around Council’s civic centre is approaching a critical shortage. Council recently purchased properties in Margaret Street at 16, 18 and 20 with a view to providing much needed staff parking. Could you as a matter of urgency please provide information to Council regarding the status of this initiative?”

Q027 – Red-Eared Sliter Turtle**Councillor Veugen**

F2004/06922

“Could staff please advise Council if there are any of the introduced pest, the Red - Eared Sliter Turtle within our LGA and if so, what actions are being taken?”

Q028 – Vision Speakers Forum Fees**Councillor Eaton**

F2004/11115

“Could Council advise on fees paid to speakers for the Strategic Vision Speakers Forum (eg Ian Kiernan)?”

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

Q029 – Cessnock City's Performing Art Centre Design and Cost**Councillor Eaton**

F2004/07438

“Could Council advise on design and cost for Cessnock City's Performing Art Centre under construction in Vincent Street, Cessnock for reputedly \$8 million?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 8.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 8.34PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W008 Applications for Financial Assistance

F2007/00591 LAB/TM

That the applications be approved.

**W009 Assignment of Sublease for Lake Haven Child Care Centre –
Lot 40 DP 719158 at 50 Gorokan Drive, Lake Haven**

F2005/02750 JMT

- 1** *That Council approve the assignment of the Sublease or, subject to the approval of the Minister for Housing, grant a new Sublease in similar terms to the existing sublease of Lot 40 DP 719158 at 50 Gorokan Drive, Lake Haven, subject to payment by the new sublessee of \$10,000 to offset rent arrears of the former sublessee.*
- 2** *That the amount of \$8,652.32 be written off as irrecoverable.*
- 3** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Deed of Assignment between Wyong Shire Council, Schypsl Pty Ltd and Benjamin Enterprises (Aust) Pty Ltd or to the new Sublease between Wyong Shire Council and Benjamin Enterprises (Aust) Pty Ltd and Surrender of Sublease between Wyong Shire Council and Schypsl Pty Ltd.*

Minutes of the Ordinary Meeting of Council held on 23 April 2008 (contd)

- 4 That Council authorise the Mayor and General Manager to execute all documents relating to the Deed of Assignment between Wyong Shire Council, Schypsl Pty Ltd and Benjamin Enterprises (Aust) Pty Ltd or to the new Sublease between Wyong Shire Council and Benjamin Enterprises (Aust) Pty Ltd and Surrender of Sublease between Wyong Shire Council and Schypsl Pty Ltd.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.36 PM.

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CHAIRPERSON