
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 23 JANUARY 2008,
COMMENCING AT 4.07 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES (LEFT 6.00 PM), DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ASSISTANT DIRECTOR SHIRE SERVICES, ACTING MANAGER FUTURE PLANNING, ACTING MANAGER DEVELOPMENT ASSESSMENT, MANAGER PLANNING – LEGAL AND POLICY AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 4.07 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR CHRIS RUBIE DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

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

That standing orders be varied to enable confidential items to be considered.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 001, 005, 002, 003, 004, 009, 015 AND 020, 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 23 January 2008 (contd)

001 Disclosures of Interest

F2008/00003 MW:SW

008 – NOTICE OF MOTION – DEPUTY MAYOR

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE PEOPLE MIGHT REGARD THAT THERE COULD BE A POTENTIAL PECUNIARY INTEREST, LEFT THE CHAMBER AT 8.01 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.16 PM.

011 – DRAFT DEVELOPMENT CONTROL PLAN NO. 2005: CHAPTER 66 – SUBDIVISION

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LAWYER FOR THE OWNER OF INDUSTRIAL ESTATE, LEFT THE CHAMBER AT 9.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.07 PM.

020 – STOP KOREAN COAL MINING – RECEIPT OF LEGAL ADVICE

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON 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 SKCM AND COUNCIL INTERESTS COINCIDE."

020 – STOP KOREAN COAL MINING – RECEIPT OF LEGAL ADVICE

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) 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 BECAUSE I AM A MEMBER OF SKCM."

021 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON 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 SKCM AND COUNCIL INTERESTS COINCIDE."

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

021 – PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) 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 BECAUSE I AM A MEMBER OF SKCM."

021 – 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 LIFE MEMBER OF THE CENTRAL COAST BRANCH SURF LIFE SAVING AND THE LAKES SURF LIFE SAVING 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 OF MANY YEARS OF NON INVOLVEMENT."

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

That the report be received and advice of disclosure(s) noted.

002 Proposed Inspections

F2008/00003 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.54 PM AND RETURNED TO THE CHAMBER AT 6.56 PM DURING CONSIDERATION OF THIS ITEM.

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

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

003 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

004 Address by Invited Speakers

F2008/00003 MW:SW

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

- 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.**

005 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 MW:SW

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

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

W001 – Cabbage Tree Harbour Landslip

W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement

W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance

- 2 That the reason for dealing with Report No W001 – Cabbage Tree Harbour Landslip confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 3 That the reason for dealing with the Report No W002 – Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement 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 the reason for dealing with Report No W003 – Life Saving Facilities and Services at Magenta Beach, North Entrance confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 5 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.**

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

OPEN SESSION

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

That Council resume in Open Session.

THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W001 Cabbage Tree Harbour Landslip

- 1 That Council commence proceedings against the non-complying residents at Cabbage Tree Harbour in the Land and Environment Court to obtain mandatory orders that each of the relevant property owners be ordered to comply with the Orders as issued.***
- 2 That, subject to the State Government providing matching funding, Council as a Local Government Authority, approve the construction of Option B for the toe-drainage structure at Cabbage Tree Harbour at an estimated cost of \$1,130,000 (excluding GST) or \$1,243,000 (including GST).***
- 3 That Council contact the Department of Environment and Climate Change and seek a State Government contribution on a 50-50 basis for the toe-drainage structure.***
- 4 That given Option B is a short to medium term solution, Council continue to examine and develop more sustainable and long-term solutions to address the coastal erosion issues at Cabbage Tree Harbour as part of the Coastline Management Plan.***
- 5 That warning signs be erected at access points to the beach as a matter of urgency in accordance with legal advice.***

006 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

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 12 December 2007 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

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

007 Notice of Motion – Tathra Lifesaving Club National Campaign on Renewable Energy

F2004/00103

COUNCILLOR BEST LEFT THE CHAMBER AT 7.58 PM AND RETURNED TO THE CHAMBER AT 7.59 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.59 PM AND RETURNED TO THE CHAMBER AT 8.01 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.00 PM AND RETURNED TO THE CHAMBER AT 8.03 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

1 That Council seeks further information on the above proposed National Scheme not limited by;

- * ***Costings/benefits***
- * ***Seed funding required***
- * ***Federal Government Rebates***
- * ***Potential Sponsors***

for the many life saving club houses in Wyong Shire.

2 That Council invites Dr Matthew Nott to advise Council by way of an invited speaker's address on how the scheme started in Tathra and the support various communities have shown since the National program was launched.

008 Notice of Motion – Deputy Mayor

F2004/06496 F2004/06511 MR

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE PEOPLE MIGHT REGARD THAT THERE COULD BE A POTENTIAL PECUNIARY INTEREST, LEFT THE CHAMBER AT 8.01 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 8.16 PM.

THE MAYOR STATED THAT COUNCILLORS SHOULD RESTRICT DEBATE TO LACK OF LEADERSHIP AS DISCUSSION ON OTHER ISSUES COULD PREJUDICE CONDUCT COMMITTEE CONSIDERATION DUE TO:

- 1 BREACHES OF THE CODE OF CONDUCT ARE COVERED BY SPECIFIC PROCEDURES WHICH REQUIRE REPORT PREFERABLY IN WRITING TO THE GENERAL MANAGER AND THEN HE FOLLOWS SPECIFIC PROCEDURES. HE ENCOURAGED COUNCILLORS WITH ANY CONCERNS ABOUT BREACHES OF THIS TYPE, TO REPORT THEM IN WRITING TO THE GENERAL MANAGER.***
- 2 DISCUSSION OF RATE PAYMENTS INVOLVED THE PRIVACY ACT AND A NUMBER OF REPORTS RECEIVED BY THE GENERAL MANAGER REGARDING PREVIOUS DEBATE ON RATE PAYMENTS WERE THE SUBJECT OF A NUMBER OF REPORTS TO THE GENERAL MANAGER AND WOULD BE CONSIDERED BY THE CONDUCT COMMITTEE SHORTLY.***

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

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

That Council call on the Deputy Mayor to resign given his appalling lack of leadership, longstanding breaches of the code of conduct and long term rate payment defaulting.

FOR: COUNCILLORS BEST AND EATON.

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

009 Notice of Motion – Fairer Beach Access for Dog Owners

F2004/05295 ED

MS CRISSANDRA MORGAN, RESIDENT, FOR THE MOTION, ADDRESSED THE MEETING AT 6.59 PM, ANSWERED QUESTIONS AND RETIRED AT 7.05 PM.

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

That Council review its policies associated with beach access for dogs to provide responsible dog owners greater and fairer use of our Shire's beaches particularly during low usage periods.

010 Notice of Rescission - Contract CPA 130590 - Concept Design, Detail Design and Tender Documentation for Sewerage Trunk Mains at Warnervale Town Centre and Wyong Employment Zone

CPA/130590 WW:SS

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

That the following resolution carried at the Ordinary Meeting of Council held on 12 December 2007 be rescinded:

That this matter be deferred pending advice from the Minister for Planning as to the rezoning of the Warnervale Town Centre and the Wyong Employment Zone".

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

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

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

- 1 That Council accept tender no 1 from Bonacci Group Pty Ltd in the lump sum amount of \$476,850 including GST (\$433,500 excluding GST).**
- 2 That Council approve a contingency amount of \$50,000 including GST (\$45,455 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: COUNCILLORS FORSTER, GRAHAM, ROSE, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING THE COAL AND ALLIED PART 3A APPLICATION AT GWANDALAN WHICH IS CURRENTLY ON EXHIBITION.

010A Motion of Urgency – Coal and Allied Part 3A Application at Gwandalan Which is Currently on Exhibition

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

That Council consider a MOTION OF URGENCY regarding the Coal and Allied Part 3A application at Gwandalan which is currently on exhibition.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

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

- 1 That Council support the Gwandalan community's efforts in opposing the application to the Department of Planning.**
- 2 That Council staff be congratulated on their ongoing liaison and assistance to the community on behalf of Council.**
- 3 That Council staff make submission to the Department of Planning including the points raised by the community in their draft letter which was distributed to residents at the recent public meeting, including points in relation to the Lower Hunter Strategy, biodiversity, social and lifestyle issues.**

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

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING CENTRAL COAST WATER BOARD PROPOSAL.

010B Motion of Urgency – Central Coast Water Board Proposal

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.43 PM AND RETURNED TO THE CHAMBER AT 8.50 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council consider a MOTION OF URGENCY regarding the Central Coast Water Board proposal.

An AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor STEWART:

That whilst this is a matter of urgency it be deferred to the Confidential Session for the reason that this is a matter effecting the security of Council, Councillors, Council Staff or Council property.

It was MOVED by Councillor PAVIER 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, PAVIER, STEVENS, STEWART AND WELHAM.

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

The AMENDMENT then became the MOTION.

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

That whilst this is a matter of urgency it be deferred to the Confidential Session for the reason that this is a matter effecting the security of Council, Councillors, Council Staff or Council property.

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

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

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR EATON SOUGHT TO INTRODUCE A MOTION OF URGENCY CONCERNING BIG BAY, TUGGERWONG.

010C Motion of Urgency – Big Bay, Tuggerawong

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

That Council consider a MOTION OF URGENCY regarding Big Bay, Tuggerawong.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.52 PM AND RETURNED TO THE CHAMBER AT 8.54 PM AND DURING THAT TIME COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

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

- 1 That Council expresses its disappointment with the delay in the post June storm clean up of Big Bay, Tuggerawong.***
- 2 That Council seek an urgent meeting with the Member for Wyong to resolve the State Government agency issues and finish the clean up.***

011 Draft Development Control Plan No. 2005: Chapter 66 – Subdivision

F2005/01753 PJK:PJK

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LAWYER FOR THE OWNER OF INDUSTRIAL ESTATE, LEFT THE CHAMBER AT 9.04 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.07 PM.

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

- 1 That in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000, draft Development Control Plan 2005: Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 – West Wyong Area be adopted and appropriate public notice be given within 28 days that the draft Chapters will come into effect as Chapters 66, 87, 99 and 109 within Development Control Plan 2005 on 13 February 2008.***
- 2 That a media release be issued detailing the major changes and advising that the provisions of the adopted Chapters will become operational and be applied to all relevant Development Applications received from 13 February 2008.***

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

- 3** *That a copy of Development Control Plan 2005 containing the amended Chapters 66, 87, 99 and 109 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 Chapters 66 – Subdivision, 87 Bateau Bay Urban Release Area, 99 – Building Lines and 109 West Wyong Area.*
- 5** *That all those who made submissions be advised of Council's decision.*

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

AGAINST: COUNCILLORS BEST AND PAVIER.

012 Draft Northern Districts Contributions Plan – Results of Public Exhibition

F2004/00553 PAB

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

- 1** *That in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000, Council approve the draft Contributions Plan for the Northern Districts.*
- 2** *That in accordance with the provisions of Clause 32(2) of the Environmental Planning and Assessment Regulation 2000, Council repeal the Gwandalan, Mannering Park and Lake Munmorah contributions plans.*
- 3** *That any remaining contribution funds collected from the Gwandalan, Mannering Park and Lake Munmorah contribution plans be brought forward into the new Northern Districts Contributions Plan and be utilised for the purposes for which they were originally collected.*
- 4** *That in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000, public notice be given of Council's decision to approve the Plan.*
- 5** *That Council's contribution towards the roads scheme identified within the draft contributions plan be included in future versions of the Management Plan.*
- 6** *That those parties who made submissions to the public exhibition of the draft Plan be informed of Council's decision.*

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

013 Adoption of the Promoting Choice: A Local Housing Strategy for Wyong Shire

F2006/01013 RG/KLF

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

- 1 That the draft Promoting Choice: A Local Housing Strategy for Wyong Shire be adopted.**
- 2 That the strategy be incorporated into Council's toolkit of planning practices to ensure the principles of housing choice and affordability are included as principles for consideration in the development and review of relevant planning documents for the Shire.**
- 3 That those persons who lodged submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS BEST, EATON AND VEUGEN.

014 Proposed Council Policy Review Program - Shire Planning Policies

F2004/07051 DAL

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

- 1 That the following Council Policies be repealed:**
 - a C3 - Car Pooling;**
 - b F6 - Food Shop Standards;**
 - c N1 - Naming of Streets;**
 - d S1 - Second Dwellings in Rural Zones;**
 - e S3 - Strata Subdivisions; and**
 - f S4 - Subdivision.**
- 2 That Council advertise for public comment the proposed changes to Council Policies for a period of 28 days.**
- 3 That should no objections be received that require amendment to the exhibited Policy, the Council Policy Manual be amended accordingly.**
- 4 That relevant Policies be made available to the public and staff via Council's webpage.**

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

015 Proposed Beach Safety Sign at Magenta

DA/1219/2007 RM:RM

MR GAVIN TONNET, DEVELOPMENT DIRECTOR REPRESENTING MIRVAC, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 7.06 PM, ANSWERED QUESTIONS AND RETIRED AT 7.16 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 7.06 PM AND RETURNED TO THE CHAMBER AT 7.11 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That Council refuse DA/1219/2007 for the reasons that the sign is out of context does not met the definitions of the zoning is not in the public interest at this location and due to the public submission received.*
- 2 *That the current temporary signs be relocated to the public carpark for the beach access to Tuggerah Beach.*
- 3 *That Council review the need for signs at other access points to beach areas along Wilfred Barrett Drive.*

An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor GRAHAM:

- 1 *That consent be granted subject to the conditions contained in Attachment 3.*
- 2 *That the General Manager be authorised to determine any application of minor modifications to the approved development plans and/or consent conditions.*
- 3 *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, EATON, FORSTER, GRAHAM, STEVENS, STEWART AND VEUGEN.

AGAINST: COUNCILLORS PAVIER, ROSE AND WELHAM.

The AMENDMENT then became the MOTION.

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

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

- 1 That consent be granted subject to the conditions contained in Attachment 3.**
- 2 That the General Manager be authorised to determine any application of minor modifications to the approved development plans and/or consent conditions.**
- 3 That those who made written submissions be advised of Council's decision.**

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

AGAINST: COUNCILLORS PAVIER, ROSE AND WELHAM.

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

That report numbers 016, 017, 018 and 019 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 ROSE:

That with the exception of report number 019 the reports be received and the recommendations adopted.

016 Contract CPA 104356 - Review of Contract Value for Asphaltic Concrete Works

CPA/104356 PM

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

That the tender from Pioneer Road Services Pty Ltd for the Schedule of Rates contract, amounting to \$5,081,380 (inclusive of GST) be amended to \$6M (inclusive of GST) for Asphaltic Concrete Works for the period of two years to 31 July 2008.

017 Contract CPA 104358 - Review of Contract Value for Sprayed Bituminous Surfacing Works

CPA/104358 PM

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

That the tender from Sami Pty Ltd for the Schedule of Rates contract, amounting to \$1,705,946 (inclusive of GST) be amended to \$2,300,000 (inclusive of GST) for Sprayed Bituminous Works throughout the Shire for the period of two years to 31 July, 2008.

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

018 Contract CPA 117144 - Toukley Reclaimed Effluent Treatment Plant Augmentation Works

CPA/117144 BW

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

- 1 That Council accept Tender No 2 from Water Treatment Australia Pty Ltd in the lump sum amount of \$2,461,100.80 including GST (\$2,237,364.40, excluding GST).**
- 2 That Council approve a contingency amount of \$246,000 including GST (\$223,700 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.**

019 Contract CPA 118139 – Illuminated Street Signs with Advertising Panels

CPA/118139 BW

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

- 1 That in accordance with Local Government (General) Regulation 2005 – Reg 178 (3) Council cancel its proposal for Contract CPA 118139 due to the inability of tenderers to submit conforming tenders and the failure of the tenders to meet expected financial returns.**
- 2 That the unsuccessful tenderers be advised of Council's decision.**

020 Stop Korean Coal Mining – Receipt of Legal Advice

F2007/00729 ED

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON 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 SKCM AND COUNCIL INTERESTS COINCIDE."

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

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) 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 BECAUSE I AM A MEMBER OF SKCM."

MR JOHN LEWER, REPRESENTING STOP KOREAN COAL MINING GROUP, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.45 PM, ANSWERED QUESTIONS AND RETIRED AT 7.57 PM.

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

- 1 That the advice from Home Wilkinson Lowry be received and the information noted.**
- 2 That an amount of \$800 be allocated to Stop Korean Coal Mining on behalf of Councillors Eaton and Veugen from the 2007/2008 Councillors' Community Improvement Grants.**
- 3 That no further action be taken in regard to the proposed \$500 donation on behalf of Councillor Best to Stop Korean Coal Mining.**

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

AGAINST: COUNCILLORS GRAHAM AND WELHAM.

021 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REAMIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE SKCM AND COUNCIL INTERESTS COINCIDE."

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

COUNCILLOR BEST DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF STOP KOREAN COAL MINING (SKCM) 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 BECAUSE I AM A MEMBER OF SKCM."

COUNCILLOR STEVENS DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A LIFE MEMBER OF THE CENTRAL COAST BRANCH SURF LIFE SAVING AND THE LAKES SURF LIFE SAVING 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 OF MANY YEARS OF NON INVOLVEMENT."

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

That an amount of \$13,017.00 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1, with the exception of the allocation to Stop Korean Coal Mining which was already been dealt with previously in report 020.

022 Inquiry into Electoral and Political Party Funding

F2004/06420 MR

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

- 1 That Council make a formal submission to the Select Committee of the New South Wales Legislative Council on Electoral and Political Party funding.***
- 2 That Councillors be invited to provide individual comments and ideas to staff for inclusion in the submission.***
- 3 That the submission be reported to Council.***

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

AGAINST: COUNCILLOR EATON.

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

023 Proposed Renaming of Lot 1 DP 376964 "Neill's Park" - George Downes Drive, Kulnura

F2004/06023 LS/LM

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

- 1 That Council support the renaming of the reserve at Lot 1 DP 376964, George Downes Drive, Kulnura as "Neill's Park".**
- 2 That the proposal to rename the reserve be advertised on Council's website and in local print media seeking comments from the public for a period of 28 days.**
- 3 That subject to no significant objection being received, Council apply to the Geographical Names Board for the reserve to be named "Neill's Park".**

024 Ethnic Affairs Priorities Statement

F2004/00064 MD

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

That Council adopt the Ethnic Affairs Priorities Statement 2007 - 2008.

025 Minutes of Central Coast Regional Organisation of Councils Meeting – 5 December 2007

F2004/06390 JV

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

That the minutes of the Central Coast Regional Organisation of Councils meeting held on 5 December 2007 be received and recommendations adopted.

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

026 Response from Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee About Ourimbah Creek Environmental Flows

F2006/01040 ED

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

That the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee's support of the information provided in the report be noted.

Information Reports

The information reports were dealt with by the exception method. No reports were called for debate.

027 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

028 Results of Water Quality Testing for Bathing Beaches

F2004/06822 DR:DR

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

That the report be received and the information noted.

029 Recruitment Activities of the Staff Services Unit

F2004/00355 BSS:KB

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

That the report be received and the information noted.

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

030 Local Government Remuneration Tribunal

F2004/06505 SW

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

That the report be received and the information noted.

031 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

032 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

033 Status of Timber Bridges

F2004/00409 ABP:JEM

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

That the report be received and the information noted.

034 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

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

035 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

QUESTIONS WITHOUT NOTICE ASKED**Q001 – Environmental and Business Categories at the Australia Day Awards****Councillor Eaton**

F2004/00022

“Who decided and why to abolish Environmental and Business categories in this year’s Australia Day Awards?”

Q002 – Cost of Legal Advice on the Stop Korean Coal Mining Issue**Councillor Eaton**

F2007/00729

“What was the cost of the legal advice required by Councillor Pavier on the Stop Korean Coal Mining (SKCM) issue?”

Q003 – Supermarkets for Shire’s North**Councillor Best**

F2004/09163

“Council recently adopted the new Shire wide Retail Strategy that calls for greater supermarket choice for our ratepayers in areas such as the Toukley district. Can staff update information to Council on their facilitation of this objective in particular the “interest” shown by the Aldi Group to develop new supermarkets in East Toukley and the Wyong Town Centre?”

Q004 – Pets on Death Row**Councillor Best**

F2004/06957

“A recent media article titled “Pets on Death Row” revealed that NSW councils put down some 24,000 dogs and cats in the 2006/2007 year. Wyong was identified as being in the top 10 culling councils. Could staff please update Council with information on the number of dogs and cats entering the pound system in 2006/2007 and the number of these which were put down?”

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

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 9.32 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.10 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W002 Contract CPA 101062 – The Provision of Bus Shelters Under Licence Agreement

CPA/101062 BW

- 1** *That Council accept the negotiated Offer C from The Claude Group for Contract CPA 101062 for a period of 12 years as detailed in this report.*
- 2** *That any operating surplus from the annual licence fee be allocated to provide new bus shelters.*
- 3** *That the General Manager be authorised to finalise and execute the licence Agreement to formalise the current offer from The Claude Group.*
- 4** *That the current \$20,000/year bus shelter budget be redirected to provide new bus shelters in addition to those shelters provided under Recommendation '2' above.*

W003 Life Saving Facilities and Services at Magenta Beach, North Entrance

- 1** *That Council not proceed with any life guard service at Tuggerah Beach, Magenta at this time.*
- 2** *That as a consequence of the Minister for Planning not adopting Council's recommended condition for Mirvac to provide Life Guard services at Tuggerah Beach at Mirvac's expense, Council now not pursue Mirvac to deliver these services.*

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

W003A Motion of Urgency – Central Coast Water Board Proposal

- 1 That Council request Gosford City Council to urgently meet with Wyong Council in a joint meeting to resolve a mutual direction on the Central Coast Water Board proposal.**
- 2 That Council advise the Water Utilities Minister that it seeks further assurances on future privatisation of his proposed model and requests a meeting with the Minister to further discuss the issue.**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.18 PM.

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CHAIRPERSON