
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 24 JANUARY 2007,
COMMENCING AT 5.04 PM

PRESENT

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

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, MANAGER FUTURE PLANNING, MANAGER ENGINEERING PROJECTS AND CONTRACTS, TEAM CO-ORDINATOR MAJOR APPLICATIONS AND AN ADMINISTRATION OFFICER.

THE MAYOR, COUNCILLOR R L GRAHAM, DECLARED THE MEETING OPEN AT 5.04 PM AND PASTOR JOHN BETTS READ THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 001, 002, 003, 004, 010, 011, 012, 008, 009, 027, 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 24 January 2007 (contd)

001 Disclosure of Interests

F2006/02282 ED:SW

009 - NOTICE OF MOTION – KOREAN COAL COMPANY KORES' 120 MILLION TONNE COAL MINE

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LITERATURE CIRCULATED TO THE ELECTORATE HAS HIS NAME WITHIN IT IN REGARDS TO THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

017 – DEDICATION OF LAND AT 480-500 PACIFIC HIGHWAY, WYONG BEING LOTS 51 AND 52 IN DEPOSITED PLAN 1100416

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY ARE FORMER LAND OWNERS OF PROPERTY AFFECTED BY THE REPORT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.11 PM.

035 - RECURRENT FUNDING FOR WARNERVALE FAMILY AND COMMUNITY CENTRE

THE MANAGER FUTURE PLANNING DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS WIFE HAS MEMBERSHIP ON THE BOARD OF THE WARNERVALE FAMILY COMMUNITY CENTRE AND DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and advice of disclosures noted.

002 Proposed Inspections

F2006/02282 ED:SW

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

That the report on inspections conducted on Wednesday, 24 January 2007 be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

003 Proposed Briefings

F2006/02282 ED:SW

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

That the report be received and the information noted.

004 Address by Invited Speakers

F2006/02282 ED:SW

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

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

005 Notice of Intention to Deal with Matters in Confidential Session

F2006/02282 ED:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

W001 – Staff Issues.
- 2 That the reason for dealing with Report No W001 confidentially is that it contains personnel matters concerning particular individuals.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

006 Confirmation of Minutes of Previous Meeting

F2006/02282 ED:SW

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 13 December 2006 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

007 Notice of Motion – Developer’s Forum

F2004/12148 DE

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council reconvene the Developer’s Forum and report on implementation of this resolution.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

008 Notice of Motion – Bio Banking and Carbon Credits

F2004/09073 GPB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.41 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.42 PM DURING CONSIDERATION OF THIS ITEM.

MR RAY RAUSCHER, REPRESENTING THE UNIVERSITY OF NEWCASTLE, SCHOOL OF ENVIRONMENT AND LIFE SCIENCES AS A RESEARCHER, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.40 PM, ANSWERED QUESTIONS AND RETIRED AT 7.45 PM.

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

That Council report on use of part of its investment funds to invest in land suitable for bio banking and carbon credits.

009 Notice of Motion – Korean Coal Company Kores' 120 Million Tonne Coal Mine

F2004/07086 GPB

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT LITERATURE CIRCULATED TO THE ELECTORATE HAS HIS NAME WITHIN IT IN REGARDS TO THE AUSTRALIAN COAL ALLIANCE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 8.15 PM AND RETURNED TO THE CHAMBER AT 8.16 PM DURING CONSIDERATION OF THIS ITEM.

MR RON SOKOLOWSKI, REPRESENTING AUSTRALIAN COAL ALLIANCE, FOR THE PROPOSAL, ADDRESSED THE MEETING AT 7.50 PM, ANSWERED QUESTIONS AND RETIRED AT 8.25 PM.

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

- 1 That having regard to the recent announcement and the release of the proposed long wall coal mining plan by the Korean Coal Company Kores', Council as a matter of urgency reaffirm its resolution at the 11 October 2006, item 427.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 2 *That due to the enormous scale and potential impacts associated with a mine of this capacity i.e. 120 million tonne over stage one, Council seek to reduce the financial burden on our residents and ratepayers through seeking financial assistance from the State Government to review the EIS (\$110,000) particularly as the State Government is the consent authority and also a major beneficiary of the mine (ie State Levy \$6.50 per tonne, total revenue \$780 million dollars stage one).*
- 3 *That Council on behalf of our residents and ratepayers reaffirms its total opposition to any such proposal to mine under our valleys and residential areas with the prospect of damaging our fragile water catchment.*
- 4 *That further to Kores' request of 18 December 2006, in relation to the establishment of water monitoring bore holes along Durrem and Jilliby Roads, staff provide a report to Council prior to Council forwarding any letters of support.*

010 Temporary Desalination Plant – Budgewoi Beach

DA/1667/2006

011 Temporary Desalination Plant – Lakes Beach

DA/1667/2006

012 Temporary Desalination Plant – Tuggerah Beach, Magenta

DA/1667/2006

MR IAN COHEN, REPRESENTING THE GREENS PARTY, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.10 PM, ANSWERED QUESTIONS AND RETIRED AT 5.56 PM.

MR PHIL HEATON, AGAINST THE PROPOSAL, ANSWERED QUESTIONS AT 5.56 PM AND RETIRED AT 6.10 PM.

DAVID WAINWRIGHT OF WBM PTY LTD, CONSULTANT FOR THE APPLICANT, ANSWERED QUESTIONS AT 6.15 PM AND RETIRED AT 6.18 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.04 PM AND RETURNED TO THE CHAMBER AT 6.06 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.27 PM AND RETURNED TO THE CHAMBER AT 6.28 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 a *That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- “28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”*
- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 2 *a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:*
- “30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”*
- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*
- 3 *a That consent for DA/1665/2006 (Budgewoi Beach) be granted subject to the conditions attached to the report and the amended condition 29:*
- “29 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”*
- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

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- 4 That an additional condition be attached to each of the above consents:

“That the order of installation of the temporary desalination plants be in the order of:

- a Tuggerah Beach – Magenta*
- b Lakes Beach*
- c Budgewoi Beach”*

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

- 1 a That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:

“28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

- 2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:

“30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.*
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.*

- 3 That DA/1665/2006 (Budgewoi) be deferred subject to a report to Council on the successful installation and appropriate monitoring of temporary desalination plants that are the subject of DA/1668/2006 (Magenta) and DA/1667/2006 (Lakes Beach).

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 4 That an additional condition be attached to each of the above consents:
- “That the order of installation of the temporary desalination plants be in the order of:
- a Tuggerah Beach – Magenta
b Lakes Beach”
- 5 That the risk management plan for all proposals be brought before full Council prior to installation of the relevant plants.

At this point during the debate Councillor EATON gave notice of a FORESHADOWED AMENDMENT:

- 1 a That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached, with the exception of conditions 5, 6, 28, 29 and 30 which should be deleted.
- b That those residents and interested groups that made submissions be advised of Council's decision.
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report with the exception of conditions 5, 6, 30, 31, 32 which should be deleted.
- b That those residents and interested groups that made submissions be advised of Council's decision.
- c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.
- 3 a That consent for DA/1665/2006 (Budgewoi) be granted subject to the conditions attached, with the exception of conditions 5, 6, 29, 30, 31 which should be deleted.
- b That those residents and interested groups that made submissions be advised of Council's decision.
- c 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 24 January 2007 (contd)

4 That an additional condition be attached to each of the above consents:

“That the order of installation of the temporary desalination plants be in the order of:

- a Tuggerah Beach – Magenta*
- b Lakes Beach*
- c Budgewoi Beach”*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS PAVIER AND WELHAM.

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

The FORESHADOWED AMENDMENT lapsed for want of a SECONDER.

The MOTION was put to the vote and declared CARRIED.

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

1 a That consent for DA/1668/2006 (Magenta) be granted subject to the conditions attached to the report and the amended condition 28:

“28 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

b That those residents and interested groups that made submissions be advised of Council’s decision.

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

2 a That the consent for DA/1667/2006 (Lakes Beach) be granted subject to conditions attached to the report and the amended condition 30:

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

“30 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.***
 - c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***
- 3 a That consent for DA/1665/2006 (Budgewoi Beach) be granted subject to the conditions attached to the report and the amended condition 29:**

“29 Prior to one (1) month after the date of commissioning for the desalination plant the applicant shall consult with the Independent Pricing and Regulatory Tribunal (IPART) regarding how Council is to reflect the energy costs of producing water from the proposed desalination plant into the price of water, including, but not limited to, offsetting greenhouse gas emissions generated.”

- b That those residents and interested groups that made submissions be advised of Council’s decision.***
 - c That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***
- 4 That an additional condition be attached to each of the above consents:**

“That the order of installation of the temporary desalination plants be in the order of:

- a Tuggerah Beach – Magenta***
- b Lakes Beach***
- c Budgewoi Beach”***

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

AGAINST: COUNCILLORS BEST, PAVIER, VEUGEN AND WELHAM.

THE MEETING ADJOURNED AT 7.35 PM TO ALLOW THE GALLERY TO CLEAR AND RESUMED AT 7.40PM.

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013 Exhibition of revised draft Wyong Shire Retail Strategy and Development Control Plan 2005 - Chapter 81

CPA/95742 LH

COUNCILLOR BEST LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.35 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 9.33 PM AND RETURNED TO THE CHAMBER AT 9.36 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council exhibit the draft Retail Strategy and Development Control Plan 2005 - Chapter 81 for a period of six weeks in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000.***
- 2 That the following issues be investigated during the public exhibition period:***
 - a The future of the local San Remo shops.***
 - b The impact of the proposed developments at Gwandalan and the Wallarah Peninsula on the draft Retail Strategy.***
 - c The allocation of Bulky Goods floor space in the northern part of the Shire.***
 - d The scope for pad site retailing in Northern Wyong.***
- 3 That a further report be submitted to Council on the results of the public exhibition.***

014 Contract 2408 - Capture and Commercial Utilisation of Landfill Gas from Buttonderry Landfill

F2004/08370 PRW:RA

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

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

- 1 That Council accept the proposal from Landfill Management Services Pty Ltd (LMS) to install equipment at Buttoderry Landfill for the capture and commercial utilisation of the methane gas generated by the landfill, at no cost to Council, and on the basis of royalty payments to Council of 15% of the Total Gross Revenue generated by Landfill Management Services for a period of 20 years.**
- 2 That the General Manager be authorised to execute any contract arising out of the acceptance of the proposal by Landfill Service Pty Ltd.**

015 Wyong Performing Arts Centre – Business Plan and Concept Design Tender

F2004/09609 CB:LD

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept tender number 2 from Creative Thinking – Positive Solutions in the lump sum amount of \$153,384 including GST (\$139,440 excluding GST).**
- 2 That Council approve a contingency amount of \$7,669 including GST (\$6,972, excluding GST), representing approximately 5% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.**

016 Sale of Properties for Overdue Rates

F2006/02184 JT:ED

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.42 PM AND RETURNED TO THE CHAMBER AT 9.47 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

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

- 1 That in accordance with the provisions of Section 713 of the Local Government Act, 1993, notice be given that Council intends to sell for overdue rates and charges allotments of land as described in the attached schedule headed "Land proposed to be sold for overdue rates in 2007".**
- 2 That Council authorise the General Manager, to appoint an Auctioneer to conduct an auction for the sale of the properties.**
- 3 That once an Auctioneer is appointed then the proposed sale be held on Saturday 19 May 2007, commencing at 10.00am in Council's Administration Building, Hely Street Wyong.**
- 4 That the General Manager be authorised to sign and seal all documents associated with the sale and to authorise the withdrawal of properties from sale process.**

017 Dedication of Land at 480-500 Pacific Highway, Wyong being Lots 51 and 52 in Deposited Plan 1100416

DA/ 651/1993/DS CB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS FAMILY COMPANY ARE FORMER LAND OWNERS OF PROPERTY AFFECTED BY THE REPORT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.11 PM.

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

- 1 That Council propose classification of Lots 51 and 52 in DP 1100416 as Operational Land.**
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.**
- 3 That, if no adverse submissions are received, the classification be adopted.**

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

018 Dedication of Land at 37 Barrington Drive, Woongarrah

DA/280/2004 SCB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council propose classification of Lot 407 DP 1101427 as Operational Land.***
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 3 That, if no adverse submissions are received, the classification be confirmed.***

019 Classification of Land at Hamlyn Terrace

DA/971/2005 PF

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council propose classification of Lot 4 DP 1091495 as Operational Land.***
- 2 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 3 That, if no adverse submissions are received, the classification be adopted.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

020 Renewal of Lease to Bi-Lo at Tenth Avenue Budgewoi

F2004/11655 PF

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council lease part of the footpath adjoining Lot 34 DP 708099, No. 34 Noela Place Budgewoi for a term of 18 months commencing 1 March 2007 for annual rent of \$1,000.00 plus GST.

021 Acquisition of Easement for Drainage at Killarney Vale

F2006/01488 JMT

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acquire an easement for drainage 3 metres wide and variable over Lot 466 DP 44382.***
- 2 That Council authorise the payment of compensation, if necessary, for the acquisition of the easement in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.***
- 3 That Council proceed to compulsorily acquire the easement in the event that negotiations with the property owner cannot be satisfactorily resolved.***
- 4 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.***
- 5 That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

022 Relinquish Trusteeship of Reserve at Ourimbah

F2004/06017 AWS

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.05 PM AND RETURNED TO THE CHAMBER AT 10.09 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council advise National Parks and Wildlife Service that it has no objection to the transfer of Portion 12 Parish of Eglinton at Ourimbah Creek Rd, Palm Grove and Portion 19 Parish of Eglinton, Kilkenny Rd, Ourimbah from the Crown to National Parks and Wildlife Service for inclusion in Palm Grove Nature Reserve.**
- 2 That Council as the Manager of the Reserve Trust created for Reserve 14412 for Public Recreation and Water Supply advise the Crown that it has no objection to the removal of Portion 19 Parish of Eglinton Kilkenny Rd, Ourimbah from Reserve 14412 for the purpose of allowing the Crown to transfer the land to National Parks and Wildlife Service.**

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

AGAINST: COUNCILLOR EATON.

023 Open Space and Recreation in Mardi

F2004/08340 BMc

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

- 1 That the report be received and the information noted.**
- 2 That, in planning for restoration of the Mardi Tip site, consideration be given in design to the provision of further open space areas including possibility of an oval.**

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024 Climate Change - Risk Assessment and Adaptation

F2004/00080 KD:LD

COUNCILLOR FORSTER LEFT THE CHAMBER AT 9.45 PM AND RETURNED TO THE CHAMBER AT 9.47 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 *That the report be received and noted.*
- 2 *That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.*
- 3 *That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%.*
- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

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

- 1 *That the report be received and noted.*
- 2 *That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 3 *That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%, or alternatively Council increase its tree planting programme or use nuclear power.*
- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLOR EATON.

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

The MOTION was put to the vote and declared CARRIED.

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

- 1 ***That the report be received and noted.***
- 2 ***That Council endorse the climate change risk assessment and adaptation recommendations outlined in the report and attachments.***
- 3 ***That Council increase its purchase of GreenPower generally in line with State guidelines as well as other water authority and Council initiatives. As a minimum Council should increase its GreenPower purchase for non water and sewer related energy use from 6% to 25% by 2008 and for water and sewer related energy use from 6% to 10 % by 2008 (all at an additional cost of \$134,000 above current costs) Then, for non water and sewer related energy use, a further increase up to 50% by 2020 and for water and sewer, an increase up to 15% by 2020. Total additional cost in 2020 is \$308,000 above current expenditure with further potential costs for increased consumption up to an additional 50%.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

- 4 *That Council develop a decision making framework to incorporate climate change and energy saving initiatives in all relevant Council business.*
- 5 *That Council engage the community in discussion about its role in addressing climate change and advise the community of the positive actions currently being undertaken by Wyong Council in response to climate change.*
- 6 *That Council formally congratulate the staff who prepared the report.*

025 Schedule of Ordinary Meetings 2007

F2006/02282 LC

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

- 1 *That the provisions of Clause 6(2) of the Code of Meeting Practice be varied and the Ordinary Meeting scheduled for Wednesday 25 April 2007 be cancelled.*
- 2 *That the appropriate public notice of the cancellation be given.*

026 Establishment of Alcohol Free Zone at Lake Haven

F2006/01909 MW

COUNCILLOR BEST LEFT THE CHAMBER AT 10.13 PM AND RETURNED TO THE CHAMBER AT 10.14 PM DURING CONSIDERATION OF THIS ITEM.

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

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

Lake Haven: Goobarabah Avenue, Lake Haven Drive
- 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.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

027 Report Following Exhibition of Fee Increase – Holiday Storage Vans

F2004/08335, F2004/08336, F2004/08337, F2004/083389 GJP

COUNCILLOR BEST LEFT THE CHAMBER AT 8.30 PM AND RETURNED TO THE CHAMBER AT 8.34 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR ROSE LEFT THE CHAMBER AT 8.49 PM AND RETURNED TO THE CHAMBER AT 8.51 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM LEFT THE CHAMBER AT 8.58 PM AND RETURNED TO THE CHAMBER AT 9.00 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.09 PM AND RETURNED TO THE CHAMBER AT 9.11 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 9.19 PM AND RETURNED TO THE CHAMBER AT 9.22 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 9.19 PM AND RETURNED TO THE CHAMBER AT 9.24 PM DURING CONSIDERATION OF THIS ITEM.

MR KEITH MCGUCKIN, REPRESENTING TOOWOON BAY HOLIDAY PARK ACTION COMMITTEE, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 8.30 PM, ANSWERED QUESTIONS AND RETIRED AT 8.55 PM.

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

- 1 *That Council note the objections received.*
- 2 *That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.*
- 3 *That in the interim Council staff explore ways to improve communication and consultation with affected van owners.*

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

- 1 *That Council note the objections received.*
- 2 *That Council ratify the increase in fees for holiday storage vans as resolved at the Ordinary Meeting of Council on 13 September 2006.*
- 3 *That Council staff report back on ways to improve communication and consultation with affected van owners.*

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS FORSTER, GRAHAM, ROSE AND STEVENS.

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

The MOTION was put to the vote and declared CARRIED.

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

- 1 That Council note the objections received.***
- 2 That Council defer the increase in fees for holiday storage vans pending exhibition of the concept plan.***
- 3 That in the interim Council staff explore ways to improve communication and consultation with affected van owners.***

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

AGAINST: COUNCILLORS FORSTER, GRAHAM AND ROSE.

028 Draft Pesticide Use Notification Plan

F2004/06926 DW/LM

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

- 1 That the report be received and the information noted.***
- 2 That Council endorse the draft of the proposed Wyong Shire Council's Pesticides Use Notification Plan 2006, to allow it to be placed on public exhibition for a period of four weeks for comment.***
- 3 That, subject to no significant objections being received, the plan be adopted.***

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

029 Safety Audit on Intersection of Burns Road and Chittaway Road, Ourimbah

F2005/01215 TC:JEM

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

- 1 That Council not undertake works at this intersection at this time.**
- 2 That upon completion of the Roads and Traffic Authority works at the Pacific Highway and Burns Road intersection that a traffic study be undertaken to review the effects of these works on the Burns Road and Chittaway Road Intersection.**
- 3 That Council send strong representation to the RTA and the Minister for the Central Coast opposing the effective closure of Burns Road and the bypass.**

030 Proposed Councillors' Community Improvement Grants

F2006/00788 MW

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

That an amount of \$4,750.00 be allocated from the 2006/2007 Councillors' Community Improvement Grants as outlined in Attachment 1.

031 Gosford and Wyong Councils' Water Authority Board Meeting

F2004/06808

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 10.31 PM AND RETURNED TO THE CHAMBER AT 10.32 PM DURING CONSIDERATION OF THIS ITEM.

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

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

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

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted with the exclusion of 5.5 and 5.8 from 17 January 2007 minutes:

With regard to item 5.5 Council resolve:

- 1 *That with Mangrove Creek Dam now approaching 10% and Level 5 restrictions a real prospect, Council recognises the worsening water supply situation and redoubles its efforts to harness valuable coastal rainfall.*
- 2 *That to further assist in supporting the dwindling domestic supply and provide some semblance of normality in and around the homes of our residents and ratepayers, Council formulates a policy/initiative to provide appropriate tanking to all residents and ratepayers free of charge.*
- 3 *That any such initiative should be in partnership with both the State and Federal Governments and should seek to support the growing local stormwater harvesting industry.*
- 4 *That those residents and ratepayers who have currently taken up Council's tank installation incentive be afforded the same provision as outlined above.*

In relation to Item 5.8, that Council request TAG to further investigate the acquisition of water entitlements from the agricultural sector in the Hunter.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, EATON AND VEUGEN.

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

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

That the minutes of the Gosford and Wyong Councils' Water Authority Board meeting held on 20 December 2006 and 17 January 2007 be received and the recommendations contained therein, adopted.

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 24 January 2007 (contd)

032 Information Reports

F2006/02282 ED:SW

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

That the Information Reports of the Ordinary Meeting of Council be received and the information noted.

033 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

034 F3 Access to Wyong

F2004/06586 RCB

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

That the report be received and the information noted.

035 Recurrent Funding for Warnervale Family and Community Centre

F2004/07793 ED

THE MANAGER FUTURE PLANNING DECLARED A NON PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS WIFE HAS MEMBERSHIP ON THE BOARD OF THE WARNERVALE FAMILY COMMUNITY CENTRE AND DID NOT PARTICIPATE IN CONSIDERATION OF THIS MATTER.

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

036 Warnervale Fire Station

F2006/02055 ED

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

That the report be received and the information noted.

037 Best Practice Management – Strategic Business Plan Audit for Water and Sewerage

F2004/11324 KRG:DP

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

That the report be received and the information noted.

038 Schedule of Bank Balances and Investments – 30 November 2006

F2004/06604 MC

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

That the report be received and the information noted.

039 Outstanding Questions Without Notice and Notices of Motion

F2005/00926 SW

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

QUESTIONS WITHOUT NOTICE ASKED**Q001 – Water Banking for the Pool and Spa Industry****Councillor Veugen**

F2006/1604

Could staff please report on the amount of water that has been pre paid for in water banking for the pool and spa industry? The report is to give it in a percentage of total storage so as to indicate the realistic storage left within our dams for domestic use. N.B this report is not aimed at limiting or stopping the pool and spa industry.

Q002 – Cost and Feasibility of New Technology for Library System**Councillor Veugen**

F2004/11651

Could staff please report into the cost and feasibility of installing a new hand held talking book known as the Navigator into our library systems? This new technology has been trialled by North Sydney and Maitland Councils.

Q003 – Possible Sale of Toukley Rotary Park**Councillor Best**

F2004/07926

Council has discussed at a weekend workshop briefing the prospect of selling of public land in the form of the Toukley Rotary Park in Main Road Toukley, possibly to an adjoining developer for a large lake-front unit complex. Could staff update Council on this issue?

Q004 – Thanks to OH&S Committees for 2007 Safety Calender**Councillor Best**

F2004/00319

General Manager, would you please pass on Council's thanks for an outstanding effort by staff of the Indoor and Outdoor OH&S Committees for the creation of Council's Safety Calendar?

Q005 – Weekend Workshop**Councillor Stewart**

F2004/07008

When will Council be discussing the feasibility of a weekend workshop?

Q006 – Traffic Calming Devices in Vales Rd, Mannering Park**Councillor Rose**

F2004/06630

Would staff investigate traffic calming devices in Vales Road, Mannering Park?

Q007 – Possible Desalination Plant at Vales Point**Councillor Rose**

F2004/08368

Would Staff organise to meet with residents of Mannering Park to inform them of the possible construction of a desalination plant at Vales Point?

Q008 – Lighting of Laneway between Reef Close and Roper Road, Blue Haven**Councillor Pavier**

F2004/05506

Could staff install lighting in the entrance and length of a laneway between Reef Close and Roper Road, Blue Haven as soon as possible?

Q009 – Financial Cost of Providing Rain Water Tanks to All Rateable Properties**Councillor Pavier**

F2004/07528

Can Council report on the financial cost of providing rain water tanks to all rateable properties through the Shire?

Q0010 – Alcohol Free Zone – J P Howard Reserve, San Remo**Councillor Welham**

F2004/06077

Could staff report on making the Lake Foreshore reserve shared pathway at San Remo an Alcohol Free Zone?

Q011 – Water Permits for Sale at Ferriers Nursery, North Wyong**Councillor Eaton**

F2004/00338

Could Council investigate and report on the sign at Ferriers Nursery North Wyong, purporting to sell water permits for \$5?

Q012 – Pensioner Rebates for Bateau Bay Retirement Village residents**Councillor Eaton**

F2004/08864

Could Council report on the loss of pensioner rebates for Bateau Bay Retirement Village residents?

Minutes of the Ordinary Meeting of Council held on 24 January 2007 (contd)

CONFIDENTIAL SESSION

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

That Council move into Confidential Session with the press and public excluded, to consider the following reports

W001 – Staff Issues.

for the reasons contained in Report No 005 - Notice of Intention to Deal with Matters in Confidential Session.

OPEN SESSION

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

That Council resume in open session.

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

W001 Staff Issues

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

That the report be received and that Kerry Yates be reappointed as General Manager in accordance with the resolution of the confidential session.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.30 PM.

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CHAIRPERSON