
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 26 MARCH 2008,
COMMENCING AT 4.04 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM (ARRIVED AT 4.31 PM), B J PAVIER, N T ROSE, R E STEWART, R C STEVENS AND C W VEUGEN.

IN ATTENDANCE

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

THE MAYOR REPORTED THAT:

- * HE MET WITH THE US CONSUL GENERAL TO SYDNEY, JUDITH FERGIN, WHEN SHE VISITED WYONG SHIRE TO OFFICIALLY OPEN THE 33RD CENTRAL COAST FESTIVAL OF ARTS ON FRIDAY 14 MARCH 2008 AND I HAVE BEEN INVITED TO VISIT JUDITH IN SYDNEY ON 21 APRIL 2008.
- * A HIGHLY SUCCESSFUL PHOTOGRAPHIC COMPETITION WAS ALSO HELD IN CONJUNCTION WITH CENTRAL COAST ARTS FESTIVAL.
- * THE ROTARY CLUB OF TOUKLEY PRESENTED COUNCIL WITH A TOKEN OF APPRECIATION FOR OUR CONTINUED INVOLVEMENT.
- * IT WAS WITH DEEP REGRET THAT I HEARD OF THE PASSING YESTERDAY OF TRISHA TICEHURST AFTER A LONG ILLNESS, COUNCIL SENDS ITS SINCERE CONDOLENCES TO KEN AND HIS FAMILY, FUNERAL TO BE HELD TOMORROW AT PALMDALE AT 1.30 PM.

COUNCIL OBSERVED A ONE MINUTE SILENCE IN REMEMBRANCE OF TRISHA TICEHURST.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 4.04 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND PASTOR JOHN BETTS DELIVERED THE OPENING PRAYER.

APOLOGY

THERE WERE NO APOLOGIES BUT IT WAS NOTED THAT COUNCILLOR GRAHAM WAS ABSENT AT THE START OF THE MEETING.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 115 AND 117 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 26 March 2008 (contd)

111 Disclosures of Interest

F2008/00003 ED:MR

117 PROPOSED WHOLESALE AND RETAIL PLANT NURSERY AND ASSOCIATED FACILITIES AT LOT 2 DP 1100181 BUNDEENA ROAD, GLENNING VALLEY

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY (HCRCMA) AND THAT WYONG SHIRE COUNCIL HAS ENTERED INTO A CONTRACT WITH THE HCRCMA FOR THE ADJOINING LOT OF LAND. THE CONTRACT IS FOR A VALUE OF \$450,000 AND THE REPORT INDICATES THAT THE PROPOSED DEVELOPMENT COULD IMPACT ON THE REQUIREMENTS OF THIS CONTRACT. THIS COULD COMPROMISE THE PUBLIC'S VIEW THAT HE MADE A DECISION IN A FAIR AND OBJECTIVE MANNER, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.53 PM.

128 ITEM WA013 OF THE GOSFORD/WYONG COUNCIL'S WATER AUTHORITY BOARD MEETING – 20 FEBRUARY 2008

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE EFFLUENT PIPELINE IS PROPOSED ALONG HIS FAMILY COMPANY'S LAND AT MANNERING PARK, LEFT THE CHAMBER AT 7.12 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.15 PM.

129 MINUTES OF COMMUNITY BENEFIT GRANTS PANEL - 13 MARCH 2008

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE ITEMS, THE G.O.A.T. FESTIVAL, LISTS THE GOROKAN-KANWAL LIONS CLUB AS A SUPPORTER OF THE PROJECT IN THEIR APPLICATION AND HE IS A MEMBER OF THE LIONS CLUB, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO DIRECT INVOLVEMENT WITH THE G.O.A.T.S. FESTIVAL ORGANISATION."

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

That the report be received and advice of disclosures noted.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

112 Proposed Inspections

F2008/00003 ED:MR

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.08 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR BEST LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the report on inspections conducted on Wednesday, 26 March 2008 be received and the information noted.

113 Proposed Briefings

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the amended report be received and the information noted.

114 Address by Invited Speakers

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

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

115 Notice of Intention to Deal With Matters in Confidential Session

F2008/00003 ED:MR

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

- 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:**

W006 – Land and Environment Court Proceedings 11054 of 2007: Expansion of Existing Caravan Park (Valhalla) at Mulloway Road, Chain Valley Bay – DA/2338/2005

W007 - Waterfront Tourist Park, Canton Beach

- 2 That the reason for dealing with Report No W006 – Land and Environment Court Proceedings 11054 of 2007: Expansion of Existing Caravan Park (Valhalla) at Mulloway Road, Chain Valley Bay – DA/2338/2005 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 Report No W007 – Waterfront Tourist Park, Canton Beach 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.**

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 4.10 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 5.00 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

W006 Land and Environment Court Proceedings 11054 of 2007: Expansion of Existing Caravan Park (Valhalla) at Mulloway Road, Chain Valley Bay – DA/2338/2005

DA/2338/2005 DL

- 1 *That the report and legal advice be received and the information noted.*
- 2 *That the General Manager be authorised to determine the legal proceedings.*

W007 Waterfront Tourist Park, Canton Beach

F2008/00345 GSM:LS

- 1 *[Confidential Resolution – see note below].*
- 2 *[Confidential Resolution – see note below].*
- 3 *[Confidential Resolution – see note below].*

NOTE: THE PRECISE DETAIL CONTAINED IN THIS RESOLUTION IS WITHHELD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT AND THE FREEDOM OF INFORMATION ACT AND IS NOT AVAILABLE FOR RELEASE AT THIS TIME.

116 Confirmation of Minutes of Previous Meeting

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.23 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That the minutes of the previous Ordinary Meeting of Council held on 12 March 2008 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 26 March 2008 (contd)

117 Proposed Wholesale and Retail Plant Nursery and Associated Facilities at Lot 2 DP 1100181 Bundeena Road, Glenning Valley

DA/611/2006 DAL:DAL

COUNCILLOR ROSE DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY (HCRCMA) AND THAT WYONG SHIRE COUNCIL HAS ENTERED INTO A CONTRACT WITH THE HCRCMA FOR THE ADJOINING LOT OF LAND. THE CONTRACT IS FOR A VALUE OF \$450,000 AND THE REPORT INDICATES THAT THE PROPOSED DEVELOPMENT COULD IMPACT ON THE REQUIREMENTS OF THIS CONTRACT. THIS COULD COMPROMISE THE PUBLIC'S VIEW THAT HE MADE A DECISION IN A FAIR AND OBJECTIVE MANNER, LEFT THE CHAMBER AT 5.11 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.53 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 4.45 PM AND RETURNED TO THE CHAMBER AT 5.23 PM DURING CONSIDERATION OF THIS ITEM.

MS CAROLINE DONNELLY, RESIDENT, ADDRESSED THE MEETING AT 5.12 PM, ANSWERED QUESTIONS AND RETIRED AT 5.23 PM.

MR MALCOLM ROSE, APPLICANT/PARTNER REPRESENTING GLENNING VALLEY PARTNERSHIP, ADDRESSED THE MEETING AT 5.23 PM, ANSWERED QUESTIONS AND RETIRED AT 5.47 PM.

MR MARK TOOKER, RESOURCE INFRASTRUCTURE MANAGER REPRESENTING WORLEYPARSONS AND ENERGY, ANSWERED QUESTIONS AT 5.41 PM AND RETIRED AT 5.43 PM.

DR STEPHEN AMBROSE, DIRECTOR REPRESENTING AMBROSE ECOLOGICAL SERVICES PTY LTD, ANSWERED QUESTIONS AT 5.44 PM AND RETIRED AT 5.48 PM.

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

- 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 refusal of the application for the reasons outlined in the report and for reasons of use impermissibility.***
- 2 That those who made written submissions be advised of the decision.***
- 3 That staff identify other possible sites within the Shire that could cater for such a mega plant business.***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

THE MEETING WAS ADJOURNED AT 6.48 PM AND RESUMED AT 6.53 PM.

COUNCILLORS VEUGEN AND BEST WERE ABSENT AFTER THE RESUMPTION:

COUNCILLOR VEUGEN RETURNED TO THE CHAMBER AT 7.02 PM DURING CONSIDERATION OF ITEM 112.

COUNCILLOR BEST RETURNED TO THE CHAMBER AT 7.07 PM DURING CONSIDERATION OF ITEM 127.

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

That report numbers 118, 119 and 120 of the Ordinary Meeting of Council be dealt with by the exception method.

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

That with the exception of report number 118 the reports be received and the recommendations adopted.

118 Contract CPA 130591 – Concept Design, Detail Design and Tender Documentation for Water Trunk Mains at Warnervale Town Centre and Wyong Employment Zone

CPA/130591 LM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept Tender No 9 from SMEC Pty Ltd in the combined lump sum and schedule of rate amount of \$280,984 including GST (\$255,440 excluding GST).***
- 2 That Council approve a contingency amount of \$28,100 including GST (\$25,545.45 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.***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

119 Contract CPA 136486 – Concept Design, Detail Design and Tender Documentation for Toukley STP Inlet Works Upgrade

CPA/136486 LM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept Tender No 2 from Maunsell Australia Pty Ltd in the combined lump sum and schedule of rates amount of \$164,052.90 including GST (\$149,139 excluding GST).***
- 2 That Council approve a contingency amount of \$16,405 including GST (\$14,914 excluding GST), representing approximately 10% of the contract value, to provide for any additional works that may become necessary during the course of the project.***

120 Contract CPA 137955 – Minnesota and Warnervale Roads Intersection Upgrade, Hamlyn Terrace.

CPA/137955 BW

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council accept Tender No 2 from C&W Constructions Pty Ltd in the lump sum amount of \$1,090,672 including GST (\$991,520.00 excluding GST).***
- 2 That Council approve a contingency amount of \$110,000.00 including GST (\$100,000.00 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.***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

121 Acquisition of Land at Hamlyn Terrace - Lot 1 DP 1071685

F2007/01688 JMT

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council authorise the payment of compensation for the acquisition of Lot 7 DP 1071685 Minnesota Road, Hamlyn Terrace in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.***
- 2 That, in the event it is deemed that agreement with the property owners cannot be achieved, Council authorise acquisition by compulsory process.***
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the necessary applications to the Department of Local Government for the approval of the Minister and the Governor, to proceed with the compulsory acquisition.***
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the necessary applications to the Department of Local Government for the approval of the Minister and the Governor, to proceed with the compulsory acquisition.***
- 5 That Council propose classification of Lot 7 DP 1071685 as Operational Land.***
- 6 That the proposal be advertised in accordance with Section 34 of the Local Government Act 1993.***
- 7 That, subject to no significant objections being received, the classification be confirmed.***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

122 Acquisition of Easement for Drainage over existing pipes at Lot 9 Section 9 DP 758779 Soldiers Point Drive, Norah Head

F2007/01595 SB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council acquire an easement for drainage four (4) metres wide over Lot 9 Section 9 DP 758779.***
- 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.***

123 Release of Easement for Water Main at Lot 10 DP 25355, 1A Yates Road, Ourimbah

F2007/01898 SB

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council release the Easement for Water Main three (3) metres wide affecting Lot 10 DP 25355 for an amount of compensation to be determined by a qualified valuer and agreed to between the parties.***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

- 2 ***That Council authorise the affixing of the Common Seal of Wyong Shire Council to the Transfer Releasing Easement.***
- 3 ***That Council authorise the execution of all documents relating to the Transfer Releasing Easement by the Mayor and the General Manager.***

124 Reservation of Crown Land for Public Recreation at Saltwater Creek Long Jetty - Lots 453 DP 40809 and Lot 362 DP 755263

F2007/01913 PF

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council apply to the Department of Lands to have Lot 453 DP 40809 and Lot 362 DP 755263 reserved for Public Recreation and for that land to be added to Saltwater Creek Reserve (R84059) for Public Recreation.

125 Proposed Renaming of Lot 15 DP 789442, Lot 4 DP 734269 and Lot 12 DP 789442 to Peter Clifford Reserve - Shelly Beach

F2004/06023 LS/CAM

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 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 support the renaming of the reserve Lot 15 DP 789442, Lot 4 DP 734269 and Lot 12 DP 789442 as "Peter Clifford Reserve".***
- 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 "Peter Clifford Reserve".***

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

126 Blue Haven Neighbourhood Centre

F2005/02949 KS

COUNCILLOR BEST LEFT THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.07 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council approve the demolition of the old Blue Haven Neighbourhood Centre building and amenities block.

127 Polling Places

F2007/01531 JB:JB

THE MAYOR READ A STATEMENT FROM BRIAN DECELIS OF THE NSW ELECTORAL COMMISSION:

“THE CONSULTATION PROCESS UNDERTAKEN BY THIS OFFICE IN THE REVIEW OF POLLING PLACES PROPOSED FOR THE SEPTEMBER 2008 LOCAL COUNCIL ELECTION WAS UNDERTAKEN IN GOOD FAITH TO ALLOW THE OPPORTUNITY FOR COUNCIL AND TO OFFER TIMELY AND CONSTRUCTIVE COMMENT.

AS I MENTIONED IN MY EARLIER EMAIL, THIS OFFICE VISITED AND INSPECTED THE COUNCIL'S PROPOSALS IN THE SAN REMO AREA WHERE, IF COUNCIL'S PROPOSAL WAS ADOPTED, THE PREMISES AND THE CAR PARKING FACILITIES WOULD NOT COPE. ON THE BASIS OF THAT EXAMPLE, THERE IS THE LIKELIHOOD THAT MANY OR ALL OF THE OTHER PROPOSALS FROM COUNCIL ARE NOT ACCEPTABLE.

THIS OFFICE DOES NOT FIND IT APPROPRIATE TO ENTER INTO DIRECT NEGOTIATIONS WITH ELECTED REPRESENTATIVES ON MATTERS PERTAINING TO THE CONDUCT OF THE ELECTION. WHEREAS I ACKNOWLEDGE THE MAYOR'S INVITATION TO ADDRESS COUNCIL, IT WOULD NOT BE APPROPRIATE TO DO SO.

AGAIN I POINT OUT THAT THE ELECTORAL COMMISSIONER'S PRIMARY CONSIDERATION IS TO THE ELECTOR AND, ON THE EVIDENCE TO DATE, THE CURRENT PROPOSAL AND IMPACT ON ELECTORS IS UNACCEPTABLE.

THIS OFFICE CONTINUES TO DIVERT RESOURCES ONTO THIS MATTER AND, AS INDICATED EARLIER, THIS NEEDS TO BE RESOLVED BY THE END OF NEXT WEEK IN ORDER TO MEET OUR PLANNED TIMETABLE FOR SUPPLYING COUNCILS WITH ITEMISED BUDGETS.

IF A SATISFACTORY RESOLUTION IN CONJUNCTION WITH YOUR COUNCIL IS NOT FOUND BY THE END OF NEXT WEEK THE COMMISSIONER HAS INDICATED THAT THE ORIGINAL PROPOSAL WILL BE APPLIED WITHOUT ANY FURTHER CONSULTATION WITH COUNCIL.”

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

That the information from the Electoral Commission be noted.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

128 Item WA013 of the Gosford/Wyong Councils' Water Authority Board Meeting – 20 February 2008

F2004/06808 SW

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT THE EFFLUENT PIPELINE IS PROPOSED ALONG HIS FAMILY COMPANY'S LAND AT MANNERING PARK, LEFT THE CHAMBER AT 7.12 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.15 PM.

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

That item WA013 of the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 February 2008 be received and the recommendation contained therein, adopted.

129 Minutes of Community Benefit Grants Panel - 13 March 2008

F2005/01881 JV

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE ITEMS, THE G.O.A.T. FESTIVAL, LISTS THE GOROKAN-KANWAL LIONS CLUB AS A SUPPORTER OF THE PROJECT IN THEIR APPLICATION AND HE IS A MEMBER OF THE LIONS CLUB, AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR WELHAM STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I HAVE NO DIRECT INVOLVEMENT WITH THE G.O.A.T.S. FESTIVAL ORGANISATION."

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

That the reports and recommendations of the Community Benefit Grants Panel be received and the recommendations contained therein be adopted.

Information Reports

The information reports were dealt with by the exception method with Report No 135 called for debate.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

130 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

131 Results of Water Quality Testing for Bathing Beaches

F2004/06822 JS:JS

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

That the report be received and the information noted.

132 Finalisation of Contracts

F2005/03113 GJP/ GJP

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

That the report be received and the information noted.

133 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

134 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

135 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

136 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

137 Notice of Motion – Proposed Inclusion of Council's Opposition to Wallarah 2 Coalmine on Council's Website

F2004/00210

COUNCILLOR FORSTER LEFT THE CHAMBER AT 8.03 PM AND RETURNED TO THE CHAMBER AT 8.06 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council's website be updated to include a page on Councils' opposition to the proposed Wallarah 2 Coalmine and links to ACA, SKCM and other relevant sites.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

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

That Council's website be updated to include a page on Councils' opposition to the proposed Wallarah 2 Coalmine.

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

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

The AMENDMENT was put to the vote and declared CARRIED on the casting vote of the Mayor.

The AMENDMENT became the MOTION.

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

That Council's website be updated to include a page on Councils' opposition to the proposed Wallarah 2 Coalmine.

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

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

The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE OF THE MAYOR.

138 Notice of Motion – Affordable Housing Summit

F2004/09609

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

That Council convene a summit to examine ways to achieve a significant price reduction in new housing and land costs.

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

139 Notice of Motion – 2007 Warnervale Rail Station

DA/26/2005

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.28 PM AND RETURNED TO THE CHAMBER AT 8.30 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That staff report to Council on the key issues still surrounding the delay of the Warnervale Rail Station Development Application currently before Council.**
- 2 That staff also report to Council a separate report on the key issues surrounding the delay of the infrastructure outlined in the transport action plan.**

140 Notice of Motion – Mowing and Maintenance of Open Space and Park Areas

F2004/06144

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

- 1 That further to the increased community concerns regarding the scheduling of maintenance works related to Open Space/Parks, staff report on the adequacy of the current scheduling and targets achieved.**
- 2 That Council recognise the efforts of staff in delivering the various maintenance programs, particularly having regard to urban expansion and current resource levels.**

141 Notice of Motion – Parking Fine Review Panel (PFRP)

F2004/00468

MR LEWIS JOHNSON, RESIDENT, ADDRESSED THE MEETING AT 7.20 PM, ANSWERED QUESTIONS AND RETIRED AT 7.36 PM.

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

- 1 That staff report on the number of parking infringement notices and their total value issued by Council over the past two years.**

Minutes of the Ordinary Meeting of Council held on 26 March 2008 (contd)

- 2 *That Council in co-operation with the State Government Process Infringement Bureau investigate and report whether there is scope to establish a PFRP, with a view to providing a mechanism for our residents and ratepayers with extenuating circumstances, an avenue of appeal other than the costly and often lengthy court process. The report should also canvass issues of financial management.*
- 3 *That Council recognise the efforts of staff in delivering the often contentious infringement management program.*

FOR: COUNCILLORS BEST, EATON, PAVIER, AND VEUGEN.

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

The MOTION was put to the vote and declared LOST.

142 Notice of Motion – Leadership Consultant’s Program

F2004/07000

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 8.33 PM AND RETURNED TO THE CHAMBER AT 8.34 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council receive a report on the Leadership Consultant’s Program including detailed information on total costs to Council and outcomes achieved.

The report should include;

- * ***detailed costings for the consultants including fees, travel, accommodation, meals and other incidentals.***
- * ***positions of staff members and total numbers of staff involved in the program.***
- * ***benchmark criteria used to assess the success or otherwise of this program.***
- * ***an explanation as to why this program has not been subject to public tender requirements.***
- * ***the justification used in renewing the program on a reportedly three monthly basis.***
- * ***the credentials of those involved in delivering the program.***

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- * *examples, if any, of their work in other Local Government areas.*
- * *what outcomes have been achieved from staff participating in this program.*
- * *what percentage of staff, that have participated in this program are still employed by Wyong Shire Council.*
- * *that given the budgetary impact of this program on the 2008/2009 Management Plan, this report be included in the Council Business Paper for the meeting of 28 May 2008.*

QUESTIONS WITHOUT NOTICE ASKED

Q021 - Development Application Trends

Councillor Eaton

F2004/12148

“Could Council prepare a graph showing Development Application number trends with local and state unemployment levels over the last 10 years?”

Q022 - Shortfall in Construction Costs of the Mardi Mangrove Link

Councillor Eaton

F2007/01128

“Could Council advise on the funding proposals for the shortfall in construction costs of the Mardi Mangrove Link compared to Federal Government Grants?”

Q023 - Agreement with Central Coast Tourism Inc

Councillor Stewart

F2004/12356

“Could I please be advised if the agreement with Central Coast Tourism Inc for the The Entrance Visitors Centre has been signed and if Council has received any payment for the rental?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.37 PM.

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CHAIRPERSON