
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 27 FEBRUARY 2008,
COMMENCING AT 5.05 PM

PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, 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, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ASSISTANT DIRECTOR SHIRE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING, AND AN ADMINISTRATION OFFICER.

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

APOLOGY

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR FORSTER DUE TO FAMILY ILLNESS.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 064, 065, 066, 067 069, 070 AND 074, 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 27 February 2008 (contd)

064 Disclosures of Interest

F2008/00003 MW:SW

071 CONTRACTS CPA/136398, CPA/136399, CPA/136400 AND CPA/136401 PROVISION OF IMPROVEMENT WORKS 2007/2008 - COUNCIL'S FOUR HOLIDAY PARKS

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY THAT USE COUNCIL VAN PARKS LEFT THE CHAMBER AT 6.40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.45 PM.

072 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS CHILDREN ATTEND THE SCHOOL REFERRED TO IN THE REPORT LEFT THE CHAMBER AT 6.40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.45 PM.

072 PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS MOTHER IS A MEMBER OF THE TOUKLEY ANGLICAN CHURCH PARISH 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 MY MOTHER DOES NOT HAVE ANY POSITION ON THE PARISH COUNCIL, THE DECISION MAKING BODY OF THE PARISH."

074 OASIS YOUTH CENTRE

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE SALVATION ARMY ADVISORY BOARD AND CHAIRS THE RESIDENTIAL APPEAL FOR THE DOOR KNOCK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE 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."

076 MINUTES OF GOSFORD/WYONG COUNCILS' WATER AUTHORITY BOARD MEETING - 20 FEBRUARY 2008 - ITEM WA013 VALES POINT EFFLUENT

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT EFFLUENT PIPELINE IS PROPOSED ALONG FAMILY COMPANY'S LAND AT MANNERING PARK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER AS ITEM WA013 WAS NOT DISCUSSED.

088 NOTICE OF RESCISSION - DRAFT DEVELOPMENT CONTROL PLAN (DCP) 2005: CHAPTER 36 - NORTH WYONG INDUSTRIAL AREA AND DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) 174

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS SOLICITOR FOR THE LANDOWNER LEFT THE CHAMBER AT 8.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.05 PM.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

088 NOTICE OF RESCISSION – DRAFT DEVELOPMENT CONTROL PLAN (DCP) 2005: CHAPTER 36 – NORTH WYONG INDUSTRIAL AREA AND DRAFT LOCAL ENVIRONMENTAL PLAN (LEP) 174
 COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS EMPLOYER HAS AN ASSOCIATION WITH THE LAND OWNER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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 THERE IS NO CONFLICT WITH MY EMPLOYMENT.”

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

That the report be received and advice of disclosures noted.

065 Proposed Inspections

F2008/00003 MW:SW

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

That the report on inspections conducted on Wednesday, 27 February 2008 be received and the information noted.

066 Proposed Briefings

F2008/00003 MW:SW

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

That the report be received and the information noted.

067 Address by Invited Speakers

F2008/00003 MW:SW

RESOLVED unanimously on the motion of Councillor EATON 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 Director's and General Manager reports to be dealt with following the speaker's address.***

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

068 Confirmation of Minutes of Previous Meeting

F2008/00003 MW:SW

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

That the amended minutes of the previous Ordinary Meeting of Council held on 13 February 2008 be received and confirmed.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

069 Change of Use to a Place of Worship – Lot 5 DP 262772

DA/1701/2007 TG

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.24 PM AND RETURNED TO THE CHAMBER AT 5.26 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR ROSE LEFT THE CHAMBER AT 5.25 PM AND RETURNED TO THE CHAMBER AT 5.26 PM AND AS A RESULT TOOK NO PART IN VOTING.

PASTOR MURRAY NEWMAN, REPRESENTING BAYSIDE CHRISTIAN LIFE CENTRE, ADDRESSED THE MEETING AT 5.20 PM, ANSWERED QUESTIONS AND RETIRED AT 5.24 PM.

MR JAMIE BONNEFIN, ARCHITECT, REPRESENTING THRUM ARCHITECTS, ADDRESSED THE MEETING AT 5.14 PM, ANSWERED QUESTIONS AND RETIRED AT 5.24 PM.

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

- 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 approval of the application subject to appropriate conditions.***
- 2 That the General Manager be authorised to determine any application for minor modifications to the approved development plans and/or consent conditions.***
- 3 That DCP 2005 Chapter 61, Carparking be varied to permit the proposed development.***

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

070 Prioritising the Reconstruction of Minnesota Road

F2004/11318 ABP/RCB:JEM

COUNCILLOR PAVIER LEFT THE CHAMBER AT 6.00 PM AND RETURNED TO THE CHAMBER AT 6.02 PM DURING CONSIDERATION OF THIS ITEM.

MR FRANK TIBBLES, RESIDENT, AGAINST THE PROPOSAL, ADDRESSED THE MEETING AT 5.25 PM, ANSWERED QUESTIONS AND RETIRED AT 5.34 PM.

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

- 1 *That Council give consideration to the inclusion of the upgrading of Minnesota Road within Council's Rolling Works Program for the 2009/2010 and 2010/2011 years as part of the 2008/2009 Management Plan.*
- 2 *That as part of the upgrade works Council undertake a traffic count and if this indicates traffic calming devices are necessary these be installed.*

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

- 1 *That this item be deferred pending a briefing that takes into consideration the inclusion of the upgrading of Minnesota Road within Council's Rolling Works Program for the 2009/2010 and 2010/2011 years as part of the 2008/2009 Management Plan.*
- 2 *That the briefing to include reasons why a deviation realignment is not recommended.*
- 3 *That Council conduct traffic counts of Minnesota Road.*

FOR: COUNCILLORS EATON, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, STEWART AND VEUGEN.

The AMENDMENT became the MOTION.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

A further AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor VEUGEN:

- 1 That Council include the upgrade of Minnesota Road within Council's Rolling Works Program for the 2009/2010 and 2010/2011 years as part of the 2008/2009 Management Plan.
- 2 That Council hold an urgent briefing to deal with the issues raised by the residents of the existing Northern Section of Minnesota Road, including EEC's.

FOR: COUNCILLORS BEST, STEWART AND VEUGEN.

AGAINST: COUNCILLORS EATON, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

The AMENDMENT was put to the VOTE and declared LOST.

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

- 1 That this item be deferred pending a briefing that takes into consideration the inclusion of the upgrading of Minnesota Road within Council's Rolling Works Program for the 2009/2010 and 2010/2011 years as part of the 2008/2009 Management Plan.
- 2 That this briefing include reasons why a deviation of alignment is not recommended.
- 3 That Council conduct traffic counts of Minnesota Road.

FOR: COUNCILLORS EATON, GRAHAM, PAVIER, ROSE, STEVENS AND WELHAM.

AGAINST: COUNCILLORS BEST, STEWART AND VEUGEN.

**071 Contracts CPA/136398, CPA/136399, CPA/136400 and CPA/136401
Provision of Improvement Works 2007/2008 - Council's Four
Holiday Parks**

CPA/136398, CPA/136399, CPA/136400 and CPA/136401 RDN:JEM

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE HAS FAMILY THAT USE COUNCIL VAN PARKS LEFT THE CHAMBER AT 6.40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.45 PM.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

- 1 That Council accept Tender No CPA/136398 (Toowoan Bay Holiday Park) from Jenbuild Pty Ltd for the lump sum amount of \$374,000 including GST (\$340,000 excluding GST).**
- 2 That Council accept Tender No CPA/136399 (Norah Head Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$820,600 including GST (\$746,000 excluding GST).**
- 3 That Council accept Tender No CPA/136400 (Canton Beach Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$319,000 including GST (\$290,000 excluding GST).**
- 4 That Council accept Tender No CPA/136401 (Budgewoi Holiday Park) from Jenbuild Pty Ltd in the lump sum amount of \$327,800 including GST (\$298,000 excluding GST).**
- 5 That Council approve a combined contingency amount of \$184,140 including GST (\$167,400 excluding GST), representing 10% of the sum of the four contracts, to provide for any unforeseen additional works that may become necessary during the course of the project. This amount is to be distributed proportionally across all contracts.**

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

AGAINST: COUNCILLORS EATON, PAVIER AND VEUGEN.

072 Proposed Councillors' Community Improvement Grants

F2007/00729 SG

COUNCILLOR BEST DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS CHILDREN ATTEND THE SCHOOL REFERRED TO IN THE REPORT LEFT THE CHAMBER AT 6.40 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.45 PM.

COUNCILLOR WELHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS MOTHER IS A MEMBER OF THE TOUKLEY ANGLICAN CHURCH PARISH 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 MY MOTHER DOES NOT HAVE ANY POSITION ON THE PARISH COUNCIL, THE DECISION MAKING BODY OF THE PARISH."

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

That an amount of \$800.00 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.

073 Delegations of Authority under the Noxious Weeds Act 1993

F2004/06923 PM

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

- 1 That Council rescind all previous appointments and delegations under the Noxious Weeds Act 1993.**
- 2 That Council appoint the Noxious Weeds and Pest Species Officer as an inspector under Section 41 of the Noxious Weeds Act 1993.**
- 3 That Delegation be given to Kerry Yates, Paul Wise, Michael Achelles, Paul Marynissen and Darren Williams to carry out Council's duties and responsibilities under sections 12, 18a, 18, 19, 20, 28, 29, 30, 32, 36a, 41, 45, 46, 47, 50, 54, 55 and 64 of the Noxious Weeds Act 1993 outlined in the enclosure.**

074 Oasis Youth Centre

F2004/07853 JV

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE SALVATION ARMY ADVISORY BOARD AND CHAIRS THE RESIDENTIAL APPEAL FOR THE DOOR KNOCK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR ROSE STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

COUNCILLOR BEST LEFT THE CHAMBER AT 6.18 PM AND RETURNED TO THE CHAMBER AT 6.25 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 6.18 PM AND RETURNED TO THE CHAMBER AT 6.20 PM DURING CONSIDERATION OF THIS ITEM.

CAPTAIN ANDREW SCHOFIELD, DIVISIONAL SOCIAL PROGRAM SECRETARY, REPRESENTING THE SALVATION ARMY, ADDRESSED THE MEETING AT 6.18 PM, ANSWERED QUESTIONS AND RETIRED AT 6.25 PM.

MR MALCOLM PITTENDRIGH, BUSINESS MANAGER, REPRESENTING THE SALVATION ARMY WAS AVAILABLE FOR QUESTIONS.

MR DYLAN DYER, OASIS CENTRE MANAGER, REPRESENTING THE OASIS YOUTH CENTRE WAS AVAILABLE FOR QUESTIONS.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

- 1 ***That the General Manager be authorised to finalise negotiations for a 2 x 2 year agreement in line with the principles between Salvation Army and Wyong Shire Council detailed in this report.***
- 2 ***That as the lease rolls out Council consider its strategic direction of the site land and other potential sites for the youth centre.***

075 2007/2008 Management Plan – December 2007 Quarter Review

F2004/07006 BR

COUNCILLOR WELHAM VACATED THE CHAIR AT 7.03 PM AND COUNCILLOR STEVENS ASSUMED THE CHAIR DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WELHAM RESUMED THE CHAIR AT 7.05 PM

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

- 1 ***That Council receive and note the report and endorse budget amendments proposed in this report.***
- 2 ***That Council note the advice from Council's Responsible Accounting Officer that in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3; Clause 203) that Council's financial position is satisfactory.***

076 Minutes of Gosford/Wyong Councils' Water Authority Board Meeting – 20 February 2008

F2004/06808 SG

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT EFFLUENT PIPELINE IS PROPOSED ALONG FAMILY COMPANY'S LAND AT MANNERING PARK AND PARTICIPATED IN CONSIDERATION OF THIS MATTER AS ITEM WA013 WAS NOT DISCUSSED.

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

That WA013 be dealt with as a separate item.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

- 1 That the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 20 February 2008 with the exception of item WA013 be received and the recommendations contained therein, adopted.**
- 2 That Council's current position on waiving DA fees on water tanks be continued whilst the community is on Level 3 water restrictions.**
- 3 That Council's current position on waiving development fees for grey water reuse schemes be continued whilst the community is on Level 3 water restrictions.**
- 4 That Wyong Shire Council encourage Gosford City Council to provide similar concessions.**

077 Minutes of the Wyong Shire Governance Committee Meeting – 13 February 2008

F2004/07245 MW

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

That the minutes of the Wyong Shire Governance Committee meeting held on 13 February 2008 be received and the recommendations contained therein, adopted.

Information Reports

The information reports were dealt with by the exception method. Report Nos 080 was called for debate.

078 Activities of the Development Assessment Unit

F2004/07830 NL:NL

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

079 Results of Water Quality Testing for Bathing Beaches

F2004/06822 DR:DR

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

That the report be received and the information noted.

080 Fraser Island Sandmining Case

F2006/01080

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

- 1 *That the report be received and the information noted.*
- 2 *That this information be forwarded to all Federal Government members.*
- 3 *That as part of this information being provided to Local Federal Members information be included that Mr Craig Thomson, Member for Dobell indicated in a public forum the pledge to introduce to Federal Parliament a private members bill to stop the coal mine.*
- 4 *That Mr Craig Thomson, Member for Dobell be requested to advise when he will be introducing to Federal Parliament his private members bill to stop the coal mine.*

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

- 1 *That the report be received and the information noted.*
- 2 *That this information be forwarded to all Local Federal and State Members on the Central Coast for their information and action.*

FOR: COUNCILLORS ROSE, STEVENS AND WELHAM.

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

The AMENDMENT was put to the VOTE and declared LOST.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

- 1 That the report be received and the information noted.**
- 2 That this information be forwarded to all Federal Government members.**
- 3 That as part of this information being provided to Local Federal Members information be included that Mr Craig Thomson, Member for Dobell indicated in a public forum the pledge to introduce to Federal Parliament a private members bill to stop the coal mine.**
- 4 That Mr Craig Thomson, Member for Dobell be requested to advise when he will be introducing to Federal Parliament his private members bill to stop the coal mine.**

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

AGAINST: COUNCILLOR WELHAM.

081 General Works in Progress Report

F2004/07830 JEM

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

That the report be received and the information noted.

082 Works in Progress Report – Water and Sewerage

F2004/07830 KRG:DP

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

That the report be received and the information noted.

083 Wyong Shire Library Statistics

F2004/11651 JM

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

That the report be received and the information noted.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

084 Outstanding Questions Without Notice and Notices of Motion

F2008/00003 MW:SW

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

That the report be received and the information noted.

085 Notice of Motion – ICE (In Case of Emergency)

F2004/07516

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

That Council bring back a report on how this message can be transmitted within our present forms of media and educational training to the community. The report should canvass things such as community notice boards, website, shirewide, rate notice information and council's various community officers and workers.

086 Notice of Motion – Water Efficiency – Retrofitting Toilets

F2004/11989

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

That Council in consultation with the Joint Water Authority report on the possible replacement of the Refit program with a retrofitting program which subsidises the replacement of old single flush toilets with modern dual flush water efficient ones with significant water savings.

087 Notice of Motion – Geotextile Bag Investigations

F2007/00876

MS MARLENE PENNING, REPRESENTING THE ENTRANCE COAST CARE, ADDRESSED THE MEETING AT 8.05 PM, ANSWERED QUESTIONS AND RETIRED AT 8.25 PM.

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

That staff investigate and report on the emerging technology and use of geotextile sandbags for dune stabilisation as temporary/permanent solutions to assist in maintaining effective management of our estuary and coastal environments.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

088 Notice of Rescission – Draft Development Control Plan (DCP) 2005: Chapter 36 – North Wyong Industrial Area and Draft Local Environmental Plan (LEP) 174

CPA/130590 WW:SS

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS SOLICITOR FOR LANDOWNER LEFT THE CHAMBER AT 8.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 9.05 PM.

COUNCILLOR VEUGEN DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HIS EMPLOYER HAS AN ASSOCIATION WITH THE LAND OWNER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VEUGEN 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 THERE IS NO CONFLICT WITH MY EMPLOYMENT."

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

That the following resolution carried at the Ordinary Meeting of Council held on 26 September 2007 be rescinded:

- 1 That draft Local Environmental Plan 174 be referred to the Department of Planning under Section 69 of the Environmental Planning and Assessment Act requesting that the Minister for Planning make the plan.***
- 2 That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area, as amended, be adopted by Council and become effective as at the date of gazettal of draft Local Environmental Plan 174 and to apply to all development applications lodged after the date of public notification.***
- 3 That appropriate public notice be given within 28 days.***
- 4 That a copy of Development Control Plan 2005 containing the amended Chapter 36 be forwarded to the Director General of the NSW Department of Planning within 28 days.***
- 5 That Council's 149 Certificates be noted.***
- 6 That all those who made submissions be advised of Council's decision.***
- 7 That a comprehensive review of Development Control Plan 2005: Chapter 36 North Wyong Industrial Area be undertaken by Council's Planning Legal and Policy Section as a matter of priority.***

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

AGAINST: COUNCILLOR WELHAM.

Minutes of the Ordinary Meeting of Council held on 27 February 2008 (contd)

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

- 1 That draft Local Environmental Plan 174 be referred to the Department of Planning under Section 69 of the Environmental Planning and Assessment Act requesting that the Minister for Planning make the plan.**
- 2 That draft Development Control Plan 2005: Chapter 36 – North Wyong Industrial Area, be adopted by Council and become effective as at the date of gazettal of draft Local Environmental Plan 174 and to apply to all development applications lodged after the date of public notification.**
- 3 That appropriate public notice be given within 28 days.**
- 4 That a copy of Development Control Plan 2005 containing the amended Chapter 36 be forwarded to the Director General of the NSW Department of Planning within 28 days.**
- 5 That Council's 149 Certificates be noted.**
- 6 That all those who made submissions be advised of Council's decision.**
- 7 That in order to ensure consistency of landscaping and setback provisions within industrial precincts in the vicinity of the North Wyong Industrial Area, a comprehensive review of DP 2005: Chapter 36 – North Wyong Industrial Area be undertaken as a high priority, including a comparative analysis of landscaping and setback provisions in other industrial areas.**
- 8 That in the comprehensive review of DCP 2005: Chapter 36, Council is of the opinion that the setbacks at North Wyong for all properties fronting the Pacific Highway should be of the order of approximately 15 metres.**

QUESTIONS WITHOUT NOTICE ASKED

**Q008 – Demolition of Burnt Out Houses in The Entrance Road and Bayview Avenue
Councillor Stewart**

F2004/00422

“I am seeking advice on what Council can do to have burnt out houses demolished in both The Entrance Road and at 18 Bayview Avenue?”

**Q009 – Application of Special Rate to Fisherman’s Wharf, The Entrance
Councillor Stewart**

RA/007838

“Can I have advice on the situation of the “special rate” of The Entrance being applied to the new Fisherman’s Wharf?”

**Q010 –Commencement of Council Meetings at the Allocated Time
Councillor Graham**

F2004/06496

“Could the Mayor ensure that future Council meetings commence at the allocated time?”

**Q011 – Effects of Dredging on Islands in The Entrance Channel
Councillor Pavier**

F2007/01516

“With regard to the islands in The Entrance Channel, directly west of the Entrance Bridge – have the dredging practices of Council undermined any of the vegetation root systems on those islands?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.16 PM.

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CHAIRPERSON