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**WYONG SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBER**  
**WYONG CIVIC CENTRE, HELY STREET, WYONG**  
**ON WEDNESDAY, 31 OCTOBER 2007,**  
**COMMENCING AT 5.05 PM**

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**PRESENT**

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

**IN ATTENDANCE**

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR CORPORATE SERVICES, DIRECTOR SHIRE PLANNING, ACTING ASSISTANT DIRECTOR SHIRE SERVICES, ACTING 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 PHIL OLDFIELD DELIVERED THE OPENING PRAYER.

THE RATE PAYMENT INCENTIVE WINNER, MS VALERIE BARKER, WAS WELCOMED BY THE MAYOR, COUNCILLOR WARREN WELHAM AND PRESENTED WITH THE PRIZE OF \$5,000, TO SPEND AT ANY BUSINESS WITHIN WYONG SHIRE.

THE MAYOR ANNOUNCED THAT WYONG COUNCIL WAS NOMINATED BY THE RED CROSS AS PART OF THE CENTRAL COAST COMMUNITY CONGRESS AWARDS AND RECEIVED A "PEOPLE DOING REAL THINGS" AWARD IN THE GOVERNMENT SECTION IN RECOGNITION OF OUTSTANDING EFFORTS BY COUNCIL AND STAFF IN DEALING WITH THE FLOODS IN JUNE.

THE MAYOR CONGRATULATED COUNCILLOR STEWART AND HER FRIEND LYNN WEBSTER ON THE PUBLICATION OF THEIR BOOK "DOWN MEMORY LANE" AN ORAL HISTORY OF THE ENTRANCE AREA.

THE MAYOR REPORTED THAT HE MET WITH THE MINISTER FOR THE CENTRAL COAST, THE HONOURABLE JOHN DELLA BOSCA, TO DISCUSS THE NEW WATER AUTHORITY AND BUSINESS CENTRAL COAST. HE ALSO MET WITH THE SHADOW MINISTER FOR LOCAL GOVERNMENT AND SPORTS AND RECREATION AT FEDERAL LEVEL, MS KATE LUNDY, TO DISCUSS CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT AND THE OURIMBAH SPORTS PRECINCT.

COUNCILLOR ROSE ATTENDED NSW LANDCARE AWARDS AND NOTED THAT A WESTPAC EDUCATIONAL AWARD WAS WON BY WYONG CREEK SCHOOL AND CONGRATULATED THE SCHOOL FOR ITS OUTSTANDING ACHIEVEMENT AS A SMALL SCHOOL TO TAKE OUT THIS AWARD.

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**APOLOGY**

AN APOLOGY FOR THE INABILITY TO ATTEND THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR VEUGEN WHO IS ON HOLIDAY OVERSEAS.

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

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

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 434, 435, 436, 437, 454, 445, 446, 448 AND 449 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.

**434 Disclosures of Interest**

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F2006/02282 MW:SW

COUNCILLOR PAVIER LEFT THE CHAMBER AT 5.09 PM AND RETURNED TO THE CHAMBER AT 5.11 PM DURING CONSIDERATION OF THIS ITEM.

**442 - NOTICE OF MOTION – WARNERVALE TOWN CENTRE**

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE REPORT STUDY AREA AND COULD DERIVE A BENEFIT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

**445 - ADOPTION OF THE WYONG/TUGGERAH PLANNING STRATEGY**

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PROPERTY OWNER IN JENNINGS ROAD, WYONG WHICH IS AFFECTED BY THE STRATEGY, LEFT THE CHAMBER AT 6.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.54 PM.

**446 - THE ENTRANCE PENINSULA PLANNING STRATEGY**

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE STUDY AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE PROPERTY IS NEITHER UP ZONED OR DOWN ZONED AND RECEIVES NO FAVOURABLE CONSIDERATION."*

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER PROPERTIES ARE NOT AFFECTED BY THE STRATEGY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART STATED:

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

THE ACTING MANAGER FUTURE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS FAMILY FRIENDS THAT ARE OFFICE BEARERS AND DIRECTORS OF THE TUGGERAH LAKES GOLF CLUB, A SITE WITHIN THE STRATEGY DOCUMENTATION WHICH PROPOSES ADDITIONAL DEVELOPMENT / REDEVELOPMENT OF THIS SITE. THE ACTING MANAGER FUTURE PLANNING INDICATED THAT ANY QUESTIONS ON THIS SITE WOULD BE HANDLED BY OTHER STAFF MEMBERS AND PARTICIPATED IN DISCUSSION OF THIS MATTER.

### **447 - PROPOSED MODIFICATIONS TO CARAVAN PARK AT LAKE MUNMORAH**

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE APPLICANT'S CONSULTANTS MADE A DONATION TO HIS ELECTION CAMPAIGN AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THIS DONATION WAS CORRECTLY RECORDED IN THE ELECTORAL RETURNS WHICH ARE HELD FOR PUBLIC SCRUTINY BY THIS COUNCIL."*

### **448 - PROPOSED TELECOMMUNICATIONS FACILITY AT WARNERVALE**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT 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 BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**449 - STATE OF THE ENVIRONMENT REPORT 2006/2007**

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT 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 BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

**453 - PROPOSED COUNCILLORS' COMMUNITY IMPROVEMENT GRANTS**

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS PARTICIPATING IN THE BUSINESS WEEK PROGRAM BEING RUN BY ONE OF THE RECIPIENTS, THE TUGGERAH LAKES SECONDARY COLLEGE, LEFT THE CHAMBER AT 10.52 PM, TOOK NO PART IN DISCUSSION AND DID NOT RETURN.

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

***That the report be received and advice of disclosures noted.***

**435 Proposed Inspections**

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F2006/02282 MW:SW

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

***That the amended report on inspections conducted on Wednesday, 31 October 2007 be received and the information noted.***

**436 Proposed Briefings**

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F2006/02282 MW:SW

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

***That the report be received and the information noted.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**437 Address by Invited Speakers**

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F2006/02282 MW:SW

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

- 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.*

**438 Confirmation of Minutes of Previous Meeting**

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F2006/02282 MW:SW

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

*That the minutes of the previous Ordinary Meeting of Council held on 10 October 2007 be received and confirmed.*

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

**439 Mayoral Minute – Central Coast Water Corporation**

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F2004/08792

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.07 PM AND RETURNED TO THE CHAMBER AT 10.09 PM DURING CONSIDERATION OF THIS ITEM.

*It was MOVED by Councillor WELHAM:*

- 1 *That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:*
  - a *To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.*
  - c To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2 That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
  - 3 That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
  - 4 That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
  - 5 That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
  - 6 That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
  - 7 That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE CLAIMED THAT THE MAYOR HAD A CONFLICT OF INTEREST IN THE MATTER. THE MAYOR ADVISED THAT HE DID NOT HAVE A CONFLICT OF INTEREST IN THE MATTER AND RULED THAT THE POINT OF ORDER BE DISMISSED.

COUNCILLOR EATON RAISED A POINT OF ORDER AS HE CLAIMED THAT THE MOTION OF COUNCIL REFERED TO IN THE MAYORAL MINUTE REQUIRES A RESCISSION MOTION AND THAT THE MAYORAL MINUTE IS NOT A MOTION OF COUNCIL. THE MAYOR RULED THAT THE MAYORAL MINUTE IS A MOTION, THAT A RESCISSION MOTION WAS NOT REQUIRED AND RULED THAT THE POINT OF ORDER BE DISMISSED.

**MOTION OF DISSENT**

*It was MOVED by Councillor EATON and seconded by Councillor BEST:*

*"I MOVE dissent from the Chairperson's ruling that a Rescission Motion is not needed for this matter".*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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***The MOTION OF DISSENT was put to the vote and declared LOST***

FOR: COUNCILLORS BEST AND EATON.

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

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

*That further to the professional advice given tonight by Council's external auditor that Council not proceed with any recommendations on this important issue without considering a thorough impact analysis on jobs, Council's assets/liabilities and the likely costs to ratepayers.*

*It was MOVED by Councillor BEST that the MOTION be put.*

***The MOTION was put to the vote and declared LOST***

FOR: COUNCILLORS BEST AND EATON.

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

***The AMENDMENT was put to the vote and declared LOST***

FOR: COUNCILLORS BEST AND EATON.

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

***RESOLVED on the motion of Councillor WELHAM:***

- 1 That Council, in association with Gosford City Council, make a formal submission to the Minister for Water Utilities to amend the Central Coast Water Corporation Act as outlined in this report:***
  - a To vary the provisions in the Act whereby the two Councils automatically cease to be water authorities after a set period and provide for this to be decided by joint agreement of the two Councils.***
  - b To vary the provisions in the Act whereby the Minister has the sole power to transfer assets and liabilities after a set period and provide for decisions on transfer of assets and liabilities to be retained by the two Councils.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- c** *To vary the provisions in the Act in regard to membership of the board to provide for one Councillor and one staff member from each Council to be members, with the balance of power held by the independent representatives on the board.*
- 2** *That the Minister be advised that, in consultation with the relevant unions, Council will consider common law deeds of agreement for employment purposes.*
- 3** *That the membership of the steering committee be expanded to include relevant union representation and that sub-committees, including union representation be established as required to address specific issues.*
- 4** *That Council indicate to the Minister that provided the amendments are made, as above, Wyong Council is prepared to move forward with the formation of the Central Coast Water Corporation as soon as possible.*
- 5** *That the Minister be further advised that these resolutions should not be taken as a resolution under Part 1, Section 2 of the Central Coast Water Corporation Act.*
- 6** *That the Mayor and General Manager seek a further meeting with the Minister for Water Utilities to present the submission and expand on it.*
- 7** *That the Council get an independent report on the financial implications to this Council and its ratepayers and that this information be provided to the Minister supporting the arguments outlined above.*

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

AGAINST: COUNCILLORS BEST AND EATON.



**440 Notice of Motion – Drainage on Tuggerah Straight**

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F2004/00156 SW

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

***That following a recent inspection of the works near the traffic lights of the Tuggerah Railway Station on Tuggerah Straight there appears to be a complete blockage of the culvert/drain as workmen are actually in the drain undertaking construction;***

- 1 Can the RTA confirm that the drain/culvert is blocked off at present and how long it is blocked off and for what periods of time it will be blocked off?***
- 2 Can the RTA provide Council with what contingencies exist should a freak storm/rain event (as witnessed recently in June on the long weekend) occur and what protection mechanism are in place to assist those businesses upstream or west of this road works area, given that the culvert/drain is blocked by works?***
- 3 Can the State Rail Authority confirm that the section between Tuggerah Railway Station and the Wyong Station is to undergo in the near future a sleeper exchange from wooden to cement and that this process will require more fill to go into the actual rail line, raising the present height of the wall (ie levee) dividing the Tuggerah Straight and business area and Pioneer Dairy Site.***
- 4 That Council write to the Member for Wyong seeking what he is going to do about the present flood and drainage situation on Tuggerah Straight as a result of the road works and potential State Rail works and that he intervenes into this mess and finds a solution to the present flooding potential problem.***
- 5 That a further report on any responses to the above be presented to Council when available.***

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**441 Notice of Motion – Upgrading of the Foreshore Area Between Memorial Park and Picnic Point at The Entrance**

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F2006/00496 SW

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

***That as part of the foreshore upgrading works to be carried out under the Estuary Management Plan, plans be developed for upgrading of the foreshore area between Memorial Park and Picnic Point at The Entrance.***

***The first stage of the works should provide for increased foreshore areas by narrowing or closure of The Entrance Road in order to provide for a cycleway/pedestrian pathway separated from the fishing areas, together with picnic and barbeque areas and seating.***

**442 Notice of Motion – Warnervale Town Centre**

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F2004/07829 SW

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE REPORT STUDY AREA AND COULD DERIVE A BENEFIT, LEFT THE CHAMBER AT 10.10 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 10.20 PM.

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

***That this matter be deferred for discussion at the next Strategic Planning briefing.***

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

AGAINST: COUNCILLOR WELHAM.

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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**443 Notice of Motion – Ratepayers and Residents Satisfaction Survey**


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F2004/06868 SW

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

***That a briefing be held and a report brought back to Council on the costs associated with a customer satisfaction survey, giving our ratepayers and residents the opportunity to provide Council with important satisfaction feedback on Council's key performance areas, such as but not limited to, water supply, waste management, roads/drainage, library facilities, sporting facilities, customer service, parks and gardens, vandalism management and lakes/foreshores.***

**444 Proposed Section 94A Plan**


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F2005/03091 PAB

***The Director Shire Planning advised Council that THIS ITEM IS NOW WITHDRAW because there is a proposed change to State Legislation that may affect Section 94 contributions.***

**445 Adoption of the Wyong/Tuggerah Planning Strategy**


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F2004/07589 LH:LH

COUNCILLOR EATON DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A PROPERTY OWNER IN JENNINGS ROAD, WYONG WHICH IS AFFECTED BY THE STRATEGY, LEFT THE CHAMBER AT 6.35 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.54 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.33 PM AND RETURNED TO THE CHAMBER AT 6.35 PM DURING CONSIDERATION OF THIS ITEM.

MR KEVIN FAULKS, EXECUTIVE MANAGER, REPRESENTING WYONG TUGGERAH CHAMBER OF COMMERCE, ADDRESSED THE MEETING AT 6.14 PM, ANSWERED QUESTIONS AND RETIRED AT 6.26 PM.

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

***1 That the draft Wyong/Tuggerah Planning Strategy be adopted.***

- 2 That Council commence implementation of the Wyong/Tuggerah Planning Strategy by:**
  - a The preparation of a draft Local Environmental Plan to rezone land within the Wyong township to allow for mixed use, commercial and residential development in accordance with the Strategy;**
  - b The revision of Development Control Plan 2005: Chapter 7 Wyong Town Centre to increase heights and densities, and improve design guidelines for the Wyong Town Centre, in line with the Strategy and in association with the draft Local Environmental Plan; and**
  - c The preparation of masterplans for the River Foreshore and Baker Park Precincts in accordance with Council's 2007/2008 Management Plan.**
- 3 That the preferred sites for public carparking be further investigated during the preparation of the draft Local Environmental Plan to rezone land within the Wyong Township and revised Development Control Plan 2005: Chapter 7 Wyong Town Centre, in accordance with the Strategy.**
- 4 That the carparking sites be identified publicly through the proposed draft Local Environmental Plan and revised Development Control Plan, and costed in a Section 94 Contribution Scheme for Carparking within the Wyong Town Centre.**
- 5 That a copy of the Wyong/Tuggerah Planning Strategy be forwarded to the Department of Planning for its reference.**
- 6 That Council recognise the constraints and difficulties in the implementation of this planning process as a consequence of the absence of the State Government's confirmation of the details of the transport corridor through Wyong.**
- 7 That again Council call on the State Government to expedite this vital transport corridor plan/arterial road and flooding issues on Tuggerah Straight and surrounding areas.**
- 8 That Council does not support the Option 2 proposal contained in the report for height of building of some 20 storeys at Tuggerah.**

## **Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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### **446 The Entrance Peninsula Planning Strategy**

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CPA/105639 SA:SA

COUNCILLOR PAVIER DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT A FAMILY PROPERTY IS CONTAINED WITHIN THE STUDY AREA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR PAVIER STATED:

*"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE THE PROPERTY IS NEITHER UP ZONED OR DOWN ZONED AND RECEIVES NO FAVOURABLE CONSIDERATION."*

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER PROPERTIES ARE NOT AFFECTED BY THE STRATEGY AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR STEWART STATED:

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

THE ACTING MANAGER FUTURE PLANNING DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE HAS FAMILY FRIENDS THAT ARE OFFICE BEARERS AND DIRECTORS OF THE TUGGERAH LAKES GOLF CLUB, A SITE WITHIN THE STRATEGY DOCUMENTATION WHICH PROPOSES ADDITIONAL DEVELOPMENT / REDEVELOPMENT OF THIS SITE. THE ACTING MANAGER FUTURE PLANNING INDICATED THAT ANY QUESTIONS ON THIS SITE WOULD BE HANDLED BY OTHER STAFF MEMBERS AND PARTICIPATED IN DISCUSSION OF THIS MATTER.

*It was MOVED by Councillor WELHAM and SECONDED by Councillor STEVENS:*

- 1 *That the draft The Entrance Peninsula Planning Strategy (incorporating corrections to rectify minor typographical errors, including plain English descriptions where required, and locational misdescriptions) be placed on public exhibition in accordance with the community consultation process outlined in this report.*
- 2 *That Council reaffirm its ongoing recognition of the Key Site as a site of significance for the development of The Entrance and request staff to report back to Council during the exhibition period of options and strategies that encourage lot amalgamation of the "vacant site" and the "KFC site".*
- 3 *That the draft strategy be amended by not reducing any current height limits in the strategy area for the purposes of public exhibition.*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 4 *That during the exhibition period independent consultants be engaged to undertake an economic feasibility study of the 3(a) Business Centre, 3(d) Tourist Business and 2(g) Residential Tourist zones within The Entrance Town Centre.*
- 5 *That the results of the public exhibition, comments and consultation and end results of 3 above be reported to Council.*
- 6 *That there be also a document that identifies the changes between this strategy and the existing LEP/DCP.*

*An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor STEWART:*

*That the strategy be deferred pending resolution of the issues raised in this evening's debate, correction of typographical errors, and that there be no reduction in height limits in the strategy area.*

***RESOLVED unanimously on the motion of Councillor EATON that the MOTION be put.***

***The AMENDMENT was put to the vote and declared LOST.***

FOR: COUNCILLORS BEST, FORSTER AND STEWART.

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

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

- 1 ***That the draft The Entrance Peninsula Planning Strategy (incorporating corrections to rectify minor typographical errors, including plain English descriptions where required, and locational misdescriptions) be placed on public exhibition in accordance with the community consultation process outlined in this report.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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- 2 ***That Council reaffirm its ongoing recognition of the Key Site as a site of significance for the development of The Entrance and request staff to report back to Council during the exhibition period of options and strategies that encourage lot amalgamation of the “vacant site” and the “KFC site”.***
- 3 ***That the draft strategy be amended by not reducing any current height limits in the strategy area for the purposes of public exhibition.***
- 4 ***That during the exhibition period independent consultants be engaged to undertake an economic feasibility study of the 3(a) Business Centre, 3(d) Tourist Business and 2(g) Residential Tourist zones within The Entrance Town Centre.***
- 5 ***That the results of the public exhibition, comments and consultation and end results of 3 above be reported to Council.***
- 6 ***That there be also a document that identifies the changes between this strategy and the existing LEP/DCP.***

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

AGAINST: COUNCILLORS BEST, FORSTER AND STEWART.

AT THE CONCLUSION OF DISCUSSION ON THIS ITEM THE MEETING WAS ADJOURNED AT 8.15 PM. MEETING RESUMED AT 8.30 PM WITH DISCUSSION ON ITEM 448.

**447 Proposed Modifications to Caravan Park at Lake Munmorah**

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DA/658/1989/H RSM:RSM

COUNCILLOR GRAHAM DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT ONE OF THE APPLICANT'S CONSULTANTS MADE A DONATION TO HIS ELECTION CAMPAIGN AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 THIS DONATION WAS CORRECTLY RECORDED IN THE ELECTORAL RETURNS WHICH ARE HELD FOR PUBLIC SCRUTINY BY THIS COUNCIL.”*

COUNCILLOR BEST LEFT THE CHAMBER AT 10.33 PM AND RETURNED TO THE CHAMBER AT 10.44 PM AND AS A RESULT TOOK NO PART IN VOTING.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 10.36 PM AND RETURNED TO THE CHAMBER AT 10.38 PM.

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

- 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 to the modification to conditions of consent of DA/658/1989/H as detailed in the schedule attached to the report.**
- 2 That condition 31 be amended to include:**
  - a Traffic calming devices be installed along the full length of the road.**
  - b Kerb and guttering be included in the construction of the road and delete the need for the installation of bollards.**
- 4 Those who made written submissions and the RTA be advised of Council's decision.**

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

AGAINST: COUNCILLORS ROSE AND WELHAM.



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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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**448 Proposed Telecommunications Facility at Warnervale**


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DA/1071/2007 RSM:RSM

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT 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 BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

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

***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.***

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

AGAINST: COUNCILLOR BEST.

**449 State of the Environment Report 2006/2007**


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F2004/06956 KD:KD

COUNCILLOR ROSE DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT 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 BECAUSE THERE IS NO DIRECT CONFLICT INVOLVED. I AM A BOARD MEMBER OF THE HUNTER AND CENTRAL RIVERS CATCHMENT MANAGEMENT AUTHORITY WHO IS MENTIONED IN THE REPORT."*

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

***That the 2006/2007 State of the Environment Report be adopted.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**450 Proposed Lease to Telstra Corporation Limited – Tunkuwallin Oval, Gwandalan**

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F2007/01432 JMT

*It was MOVED by Councillor PAVIER and SECONDED by Councillor GRAHAM:*

*THAT this matter be deferred subject to further reporting by Council staff.*

*An AMENDMENT was MOVED by Councillor BEST and SECONDED by Councillor STEWART:*

- 1 That Council lease part of Lot 1 DP 618314 Kanangra Drive, Gwandalan to Telstra Corporation Limited for the purpose of constructing and operating a mobile telephone base station.*
- 2 That the term of the lease to Telstra Corporation Limited be up to a maximum of 20 years at a commencing rent of \$25,538.87 per annum inclusive of GST, subject to annual 5% increases and a market review on the anniversary of the commencement of the lease each five years.*
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Telstra Corporation Limited.*
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Telstra Corporation Limited.*

***The AMENDMENT was put to the vote and declared CARRIED.***

FOR: COUNCILLORS BEST, EATON, FORSTER, ROSE AND STEWART.

AGAINST: COUNCILLORS GRAHAM, PAVIER, STEVENS AND WELHAM.

***The AMENDMENT then became the MOTION.***

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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

- 1 That Council lease part of Lot 1 DP 618314 Kanangra Drive, Gwandalan to Telstra Corporation Limited for the purpose of constructing and operating a mobile telephone base station.**
- 2 That the term of the lease to Telstra Corporation Limited be up to a maximum of 20 years at a commencing rent of \$25,538.87 per annum inclusive of GST, subject to annual 5% increases and a market review on the anniversary of the commencement of the lease each five years.**
- 3 That Council authorise the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Telstra Corporation Limited.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease between the Wyong Shire Council and Telstra Corporation Limited.**

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**451 Central Coast Regional Organisation of Councils**

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F2007/00900 JPB

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

- 1 That Council, pursuant to Section 355 of the Local Government Act, 1993 formalise a joint committee with Gosford City Council being known as the Central Coast Regional Organisation of Councils.**
- 2 That Council delegate the following functions to the Committee:**
  - a calling for applications for grant money;**
  - b assessing applications and determining the identity of successful recipients;**
  - c authorising the payment of money to successful applicants.**
- 3 That Council delegate to the General Manager the authority to carry out the resolutions of the Committee in so far as they relate to the distribution of grant funds from State and Federal Governments.**
- 4 That Council nominate two Councillors and the General Manager (or nominee) as Wyong's members of CCROC.**

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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- 5** *That Council endorse the Charter for CCROC formalised under Section 355 of the Local Government Act, 1993 as attached to this report.*

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

*That Council nominate Councillors Stewart and Eaton as members of CCROC.*

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**452 Representation on External Committees and Associations**


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F2004/06395 ED

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

*That Council nominate Councillor STEWART as alternate delegate to the Gosford Wyong Councils' Water Authority.*

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**453 Proposed Councillors' Community Improvement Grants**


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F2007/00729 SG

COUNCILLOR FORSTER DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER SON IS PARTICIPATING IN THE BUSINESS WEEK PROGRAM BEING RUN BY ONE OF THE RECIPIENTS, THE TUGGERAH LAKES SECONDARY COLLEGE, LEFT THE CHAMBER AT 10.52 PM, TOOK NO PART IN DISCUSSION AND DID NOT RETURN.

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

*That an amount of \$6,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1 of the amended report.*

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

- 1 That an amended amount of \$5,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.*
- 2 That allocation of \$1,000 being put into Friends of Toukley be deferred pending substantial advice as to what activities the allocation will be put towards.*

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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***The AMENDMENT was put to the vote and declared CARRIED.***

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

AGAINST: COUNCILLORS BEST, EATON AND STEWART.

***The AMENDMENT then became the MOTION.***

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

- 1 That an amended amount of \$5,900 be allocated from the 2007/2008 Councillors' Community Improvement Grants as outlined in Attachment 1.***
- 2 That allocation of \$1,000 being put into Friends of Toukley be deferred pending substantial advice as to what activities the allocation will be put towards.***

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

AGAINST: COUNCILLORS BEST, EATON AND STEWART.

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**454 2006/2007 Annual Financial Reports**

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F2007/00501 SJG

MR DENNIS BANICEVIC, EXTERNAL AUDITOR, ADDRESSED THE MEETING AT 5.20 PM, ANSWERED QUESTIONS AND RETIRED AT 6.05 PM.

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

- 1 That the Annual Financial Reports for 2006/2007 be adopted.***
- 2 That Council grant authority to the Mayor, Deputy Mayor, General Manager and Director, Corporate Services to sign the necessary Financial Statements, in the approved form, as to the Council's opinion on the General Purpose Financial Reports, Special Purpose Financial Reports and the Wyong Shire Council Water Supply Authority financial reports as required under Section 413(2) (c) of the Local Government Act 1993 and Section 41C of the Public Finance and Audit Act 1983.***

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**


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- 3 *That upon receipt of the Audit Report, a copy of the Financial Statements be forwarded to the Department of Local Government and the Australian Bureau of Statistics in accordance with Section 417(5) of the Local Government Act 1993.*
- 4 *That 14 November 2007 be fixed as the date for the presentation of the audited 2006/2007 Financial Reports and Audit Report in accordance with Section 419(1) of the Local Government Act 1993.*

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**455 2007 New Zealand Sister City Conference Report**


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F2004/07107 WJW

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

*That the report be received and the information noted.*

*An AMENDMENT was MOVED by Councillor GRAHAM and SECONDED by Councillor EATON:*

- 1 *That the report be received and information noted.*
- 2 *That the Sister City Committee provide a report on the costs and benefits to the Wyong Shire Ratepayers of attendance at Sister City Conferences.*
- 3 *That the Sister City Committee provide a report on the costs and benefits to the Wyong Shire Ratepayers on the current Ambassador Program.*

***The AMENDMENT was put to the vote and declared LOST.***

FOR: COUNCILLOR GRAHAM.

AGAINST: COUNCILLORS BEST, EATON, PAVIER, ROSE, STEVENS, STEWART AND WELHAM.

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

***That the report be received and the information noted.***

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

AGAINST: COUNCILLOR GRAHAM.

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**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**456 International Cities, Town Centre and Community Society**

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F2004/06466 WJW

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

***That the report be received and the information noted.***

**457 Activities of the Development Assessment Unit**

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F2004/07830 NL:NL

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

***That the report be received and the information noted.***

**458 Results of Water Quality Testing for Bathing Beaches**

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F2004/06822 DR:DR

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

***That the report be received and the information noted.***

**459 Wyong Shire Library Statistics**

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F2004/11651 JM

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

***That the report be received and the information noted.***

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**460 Works in Progress Report – Water and Sewerage**

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F2004/07830 KRG:DP

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

***That the report be received and the information noted.***

**461 Works in Progress Report - General**

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F2004/07830 JEM

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

***That the report be received and the information noted.***

**462 Premature Electrification of New Estates**

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F2004/00189 SW

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

***That the report be received and the information noted.***

**463 Outstanding Questions Without Notice and Notices of Motion**

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F2006/02282 ED:MR

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

***That the report be received and the information noted.***



**QUESTIONS WITHOUT NOTICE ASKED****Q106 - Dog Frisbee Club at Watanobbi****Councillor Eaton**

F2004/11446

*“Can Council advise why the Dog Frisbee Club at Watanobbi cannot be accommodated on Council’s sportsfields and what can be done to help them?”*

**Q107 – Strathavon, Wyong****Councillor Eaton**

F2004/00577

*“What is the current status of Strathavon and what can be done to stop its decay?”*

**Q108 - Headland Carpark at Soldiers Beach, Norah Head****Councillor Best**

F2005/02402

*“Mr General Manager, my question is on behalf of residents and ratepayers who frequent our most popular northern beach, Soldiers, and the community of Norah Head.*

*On repeated occasions, Council staff have been requested to address a range of issues on the grounds of safety and aesthetics in and around the headland carpark, such as:*

- \* illegal unsecured cliff top parking*
- \* no handrails on the new 2 metre high timber stair case*
- \* rusting and unsightly wire fence and dangerous uncapped star poles*
- \* half completed stainless steel cliff top safety fencing*
- \* completely rusted out handrails on the old steep concrete steps*
- \* asbestos material in dunes*
- \* non existent carpark vegetation*
- \* frequency of rest room cleaning.*

*Could staff address these issues on behalf of the local residents and provide an information report to Council?”*

**Minutes of the Ordinary Meeting of Council held on 31 October 2007 (contd)**

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**Q109 - Colour of the Life Guards' Uniform**

**Councillor Best**

F2004/06257

*"My question Mr General Manager is – I understand Gosford City Council is again changing the colour of its professional life guards' uniform. As colour uniformity played a significant role in Wyong's decision to adopt the current colour scheme, could staff provide an information report on the details of Gosford City Council's decision and whether Wyong Shire should reconsider its position?"*

**Q110 - Purchase of a 3D Fly Through Planning System**

**Councillor Stewart**

F2004/07434

*"Would Council please look at the cost of a 3D fly through planning system with a view to purchasing?"*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11.25 PM.

.....  
CHAIRPERSON