
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 10 JUNE 2009,
COMMENCING AT 5.04 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

IN ATTENDANCE

GENERAL MANAGER, DIRECTOR SHIRE SERVICES, DIRECTOR SHIRE PLANNING, DIRECTOR CORPORATE SERVICES, MANAGER DEVELOPMENT ASSESSMENT, ACTING MANAGER FUTURE PLANNING AND THREE ADMINISTRATION STAFF.

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, TREE ASSESSMENT OFFICER AND MANAGER CONTRACTS.

THE MAYOR INVITED COUNCILLOR WYNN TO REPORT ON EVENTS SHE HAD ATTENDED ON COUNCIL'S BEHALF AS FOLLOWS:

COUNCILLOR WYNN ADVISED THAT SHE WAS PART OF A DELEGATION OF 10 PEOPLE ORGANISED BY CRAIG THOMSON'S OFFICE WHICH INCLUDED REPRESENTATIVES FROM COAL ALLIANCE, THE COMMUNITY, BUSINESS PEOPLE AND COUNCILLORS FROM BOTH WYONG AND GOSFORD COUNCILS. THEY MET WITH FOUR MINISTERS AND THEIR REPRESENTATIVES AND FELT THAT THEY GOT A GOOD HEARING WHERE THEY ADVISED OF THE MAIN ISSUES OF CONCERN REGARDING THE KORES COALMINE WHICH ARE; ENDANGERED BIRDS, WATER AND SUBSIDENCE. ALTHOUGH THIS IS A STATE ISSUE THE MAIN PURPOSE OF THE VISIT WAS TO REQUEST THE MINISTERS TO LOBBY THEIR STATE COUNTERPARTS AGAINST THE PROPOSED COALMINE ON BEHALF OF WYONG AND GOSFORD.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.04 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK DELIVERED THE OPENING PRAYER AND READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 3.1, 4.2, AND 7.3 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.

1.1 Disclosure of Interest

6.5 Proposed Councillors' Community Improvement Grants

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST CHINESE ASSOCIATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM ONLY A MEMBER NOT AN OFFICE BEARER AND THE INTEREST IS NOT SIGNIFICANT."

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

That the report on Disclosure of Interest be received and advice of disclosure noted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.2 Inspections

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

That Council receive the report on Inspections.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.3 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor McNAMARA and seconded by Councillor MATTHEWS:

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 27 May 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES

1.4 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor McNAMARA and seconded by Councillor WEBSTER:

- 1 That Council receive the amended report on Invited Speakers.***
- 2 That Council agree standing orders be varied to allow reports from Director's and/or the General Manager to be dealt with following an Invited Speaker's address.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

2.1 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED unanimously on the motion of Councillor McNAMARA and seconded by Councillor MATTHEWS:

1 ***That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2)(d)(ii) of the Local Government Act 1993:***

12.1 ***CPA 160553 – Supply and Delivery of Drainage Gravel for the Bateau Bay Landfill Site***

2 ***That Council note its reason for considering Report No 11.1 as it may confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii)) should the discussions be held in a non-confidential environment.***

3 ***That Council request the General Manager to report on this matter in open session of Council.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

SUSPENSION OF STANDING ORDERS

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

That Council suspend standing orders to allow consideration of Item 11.3 – Toukley Gathering of the Clans.

THE MAYOR INVITED MR GLEN CANNARD, RESIDENT REPRESENTING BRACKETS AND JAM, TO ADDRESS THE MEETING TO SPEAK IN SUPPORT OF ITEM 11.3 NOTICE OF MOTION – TOUKLEY GATHERING OF THE CLANS.

FOR THE SAKE OF CLARITY THE MINUTES INCLUDE CONSIDERATION OF ITEM 11.3 NOTICE OF MOTION – TOUKLEY GATHERING OF THE CLANS IN THE CORRECT AGENDA SEQUENCE.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.1 Section 82A Review of Tree Application at 10 Moronga Street, Bateau Bay

MR RUSSELL KINGDOM FROM ADVANCED TREESCAPE REPRESENTING THE APPLICANT, ADDRESSED THE MEETING AT 5.07 PM, ANSWERED QUESTIONS AND RETIRED AT 5.13 PM.

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

- 1 That Council support the application under Section 82A and approve the application to remove the tree.**
- 2 That Council staff negotiate with the owners to replace the tree with advanced native species.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: COUNCILLOR WYNN.

4.1 Lease Renewal of Council Property at 211B The Entrance Road The Entrance

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor WYNN:

- 1 That Council lease part of Lot 21 in DP 631996 being 211B The Entrance Road The Entrance to The Entrance Town Centre Management Corporation for 12 months from 19 June 2009 at a commencing rent of \$33,500 per annum.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and The Entrance Town Centre Management Corporation.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.2 Proposed Public Road Closure known as Glovers Lane at The Entrance

MR IAN ADAMS ADDRESSED THE MEETING, ON BEHALF OF DUNNET PROPERTIES PTY LTD AT 5.38 PM, ANSWERED QUESTIONS AND RETIRED AT 5.49 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 5.39 PM AND RETURNED TO THE CHAMBER AT 5.41 PM DURING CONSIDERATION OF THIS ITEM.

It was MOVED by Councillor BEST:

That consideration of this report be deferred to allow consideration of a rescission motion to deal with reclassification of Lot 2 DP 620550 and Lot 342 DP 703997 Glovers Lane, The Entrance outside draft WLEP 2011.

The MOTION lapsed for want of a SECONDER.

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

- 1 That Council enter into a Deed of Agreement with Dunnet Pty Limited and The Entrance Plaza Pty Limited in respect of the redevelopment of the Lakeside Plaza site and conditions for the transfer of Council closed road land and Lot 2 DP 620550 and Lot 342 DP 703997.**
- 2 That Council apply to the Minister for Lands to close public road being Glovers Lane at The Entrance.**
- 3 That Council not pre-empt any consultation process or outcome, in respect of the closure of the road. The Deed of Agreement will indemnify Council for any costs incurred, or other loss resulting from a decision by the Minister for Lands in respect of the Road Closure.**
- 4 That Council agree to the land transfer of the closed road to the owner of the adjoining property subject to:**
 - **the successful negotiation of the Deed of Agreement referred to in Item 1 and**
 - **the land to be transferred being consolidated with the adjoining land and**
 - **to alternative public access being provided to Lot 30 DP 10294.**
- 5 That Council proceed with the reclassification of Lot 2 DP 620550 and Lot 342 DP 703997 Glovers Lane, The Entrance from Community Land to Operational Land.**
- 6 That Council sell Lot 2 DP 620550 and Lot 342 DP703997 to the owner of the adjoining land for a consideration to be agreed subject to:**
 - **The sale price being part of and contained within the Deed of Agreement and**
 - **the land being sold being consolidated with the adjoining land and**
 - **alternative public access being provided to Lot 30 DP 10294.**

- 7 That Council require the applicant to bear all costs associated with:**
- **the closure of the road referred to in Item 2 and**
 - **the reclassification of the land referred to in Item 4 and**
 - **the transfer and consolidation of that land.**
- 8 That Council authorise the affixing of the Common Seal of Wyong Shire Council to any or all of the documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.**
- 9 That Council authorise the execution by Mayor and the General Manager, of all documents to give effect to items 1-6 including any private development application for the Council land or road involved and any legal agreements necessary.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.1 CPA 138816 - Development of a Commercial Strategy for Council's Waste Management Site at Buttonderry

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 6.32 PM AND RETURNED TO THE CHAMBER AT 6.33 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.36 PM AND AS A RESULT TOOK NO PART IN VOTING.

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor McNAMARA:

- 1 That Council proceed to Tender to secure the services of a multidiscipline consultant group with requisite skills in Property, Waste, Legal, Environmental and Finance to facilitate the delivery of a commercial strategy for the Buttonderry Waste Management Site including Council's evaluation criterion as a minimum.**
- 2 That Council ensure that any final strategy includes details about how the Environmentally Endangered Communities can be protected on this site.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, WEBSTER AND WYNN.

AGAINST: NIL.

5.2 CPA 139771 - Provision of Cleaning Services to Various Council Facilities Report

COUNCILLOR VINCENT LEFT THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.36 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council exercise its option to extend for one year the current contract with SKG Pty Ltd for Contract CPA 139771 for Provision of Cleaning Services to Various Council Facilities at an estimated annual cost of \$202,524 (excl GST and including the CPI adjustment). Actual expenditure may vary slightly if the number of facilities to be cleaned changes.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.1 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2009-10

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

- 1 That Council set the annual Mayoral Fee at \$52,410 for the period 1 July 2009 to 30 June 2010 in accordance with the provisions of Section 249 of the Local Government Act 1993.***
- 2 That Council set the annual Deputy Mayoral fee at \$7,485.58 for the period 1 July 2009 to 30 June 2010 in accordance with Clause 6.2 of Council's Facilities and Expenses Policy.***
- 3 That Council reduce the paid annual Mayoral Fee by \$7,485.58 to fund the annual Deputy Mayoral fee.***
- 4 That Council reduce the paid annual Mayoral Fee by \$1,798.13 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.***

- 5 That Council set the Annual Councillor Fee at \$19,730 for the period 1 July 2009 to 30 June 2010 in accordance with the provisions of Section 248 of the Local Government Act 1993.**

PROCEDURAL MINUTE

COUNCILLOR EATON SOUGHT CLARIFICATION OF THE TOTAL COST TO COUNCIL OF THE REMUNERATION TRIBUNAL INCREASE. THE DIRECTOR OF CORPORATE SERVICES ADVISED THAT THE WORDING UNDER THE HEADING "FINANCIAL CONSIDERATION" ON PAGE 52 OF THE BUSINESS PAPER SHOULD READ AS FOLLOWS:

"SHOULD COUNCIL CONTINUE WITH THE PREVIOUS PRACTICE OF SETTING THE MAXIMUM FEE THE COST TO COUNCIL, OF THE 2½% INCREASE DETERMINED BY THE REMUNERATION TRIBUNAL, IS \$6,080. COUNCIL'S MANAGEMENT PLAN INCLUDES PROVISION FOR THIS INCREASE. INCLUDING THIS INCREASE THE TOTAL COST OF COUNCILLOR FEES FOR 2009/10 IS \$249,710"

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.2 Finalisation of Water and Sewerage Authority Accounts for the year ended 30 June 2008

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

- 1 That Council note the finalisation of the 2007-08 Water Supply Authority financial reports.***
- 2 That Council authorise the Mayor, one Councillor, the General Manager, and the Director Corporate Services to sign a statement endorsing the 2007-08 Water Supply Authority financial reports contained in this document.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.3 Re-establishment of Alcohol Free Zones within Wyong Shire for Determination

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

That Council adopt the proposal to re-establish all of the Alcohol Free Zones (AFZ) within Wyong Shire until 30 June 2013 as shown in Attachment 3.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.4 Proposal to Assign a District Name

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor WYNN:

- 1 That subject to agreement by resolution of Gosford City Council, Council advertise the proposal to assign the District Name "Central Coast Plateau" to the suburbs of Somersby, Mangrove Mountain, Central Mangrove, Peats Ridge, Calga, Mount White and Kulnura.***
- 2 That subject to no significant objections being received, Council submit the proposal to the Geographical Names Board for formal approval.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.5 Proposed Councillors' Community Improvement Grants

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A MEMBER OF THE CENTRAL COAST CHINESE ASSOCIATION AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR EATON STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY BECAUSE I AM ONLY A MEMBER NOT AN OFFICE BEARER AND THE INTEREST IS NOT SIGNIFICANT."

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MATTHEWS:

That Council allocate an amount of \$6,206 from the 2008-09 Councillors' Community Improvement Grants as outlined in the report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.6 Wyong Shire Council's Asset and Risk Management Strategies to Manage the risk of Occurrence of Unexpected Asset Failures

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.45 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 6.43 PM AND RETURNED TO THE CHAMBER AT 6.48 PM DURING CONSIDERATION OF THIS ITEM.

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

That Council note this report on the systems and processes used by Wyong Shire Council to manage the risks of occurrence of unexpected asset failures and the proposals to improve those processes.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

7.1 Adoption of Management Plan 2009-10

COUNCILLOR McNAMARA LEFT THE CHAMBER AT 7.15 PM AND RETURNED TO THE CHAMBER AT 7.16 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR WYNN LEFT THE CHAMBER AT 7.26 PM AND RETURNED TO THE CHAMBER AT 7.28 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council adopt the Draft 2009-10 Management Plan and the estimates of income and expenditure inclusive of the changes outlined in this report for the year 2009-10.**
- 2 That Council set the rate and charge rebates to pensioners for the year 2009-10 in accordance with relevant legislation and Council policy.**
- 3 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management as detailed in Attachment 1:**
 - a All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - b All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**
 - c All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**
- 4 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Greater Toukley Vision as detailed in Attachment 2:**

All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.

- 5 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong-Tuggerah Chamber of Commerce as detailed in Attachment 3:**
- a All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.**
- b All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:**
- **North of the Wyong River from Tacoma in the east to the F3 Freeway in the west;**
 - **East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;**
 - **South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway; and**
 - **The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**
- 6 That Council set the fees and charges for 2009-10 as detailed in the Revenue Policy and incorporating the changes outlined in this report.**
- 7 That Council direct the General Manager to borrow up to a total of \$50,923,000 from financial institutions with an Australian banking licence and \$1,000,000 from the Department of Lands in accordance with the Management Plan.**
- 8 That Council decrease the fee for the 110 night option for storage vans in Council Holiday Parks by \$250 in the 2009/2010 Management Plan and proceed with abolishing the 70 night option for storage vans.**
- 9 That Council write to the Roads & Traffic Authority highlighting that Council has already committed to the Cycleways and seek matching funding.**
- 10 That Council report on alternatives to fund the planned Soldier's Point Foreshore Improvement Works in the 2009/2010 Management Plan.**

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: BEST.

7.2 Making and Fixing of Rates and Charges for 2009-10

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

- 1 **That Council make the following ordinary rates for 2009-10 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492-494, 497-500, 535-537 of the Local Government Act 1993:**

Ordinary Rate Category Under Section 493	Base Amount	% revenue sourced from base amount for each category	Ad Valorem Amount (cents in the \$)
<i>Farmland</i>	\$154.00	7.60%	0.1897
<i>Residential</i>	\$154.00	19.07%	0.3266
<i>Mining</i>	\$154.00	0.33%	3.6358
<i>Business</i>	\$154.00	5.64%	0.5952

- 2 **That Council make the following special rates and amounts for 2009-10 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492, 495, 497-500, 535-538 of the Local Government Act 1993:**

Special Rate	Base Amount	% revenue sourced from base amount for each category	Ad Valorem Amount (cents in the \$)
<i>The Entrance Town Centre</i>	\$69.00	13.41%	0.2195
<i>Non Residential Properties Toukley Area</i>	\$69.00	10.24%	0.2035
<i>Non Residential Properties Wyong Area</i>	\$69.00	18.09%	0.0836

- 3 **That Council adopt the following descriptions of rateable land to which each special rate will apply for 2009-10, pursuant to Section 495 of the Local Government Act 1993:**

- a **The Entrance Town Centre Special Rate will apply to the following rateable land:**
- i **All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - ii **All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoona Bay, Shelly Beach, Bateau Bay and Magenta.**

- iii All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.**
- b The Non Residential Properties Toukley Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in suburbs known as Toukley, Canton Beach, Noraville and Norah Head.**
- c The Non Residential Properties Wyong Area Special Rate will apply to all rateable land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:**
- i The suburb known as Watanobbi.**
- ii The suburb known as Wyong, bounded by the following:**
- North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.
 - East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, Lot 1 DP 411020, Lot 3 DP 607756 and Lot 1 DP 1090455 (these lots being to the north of the Pacific Highway).
 - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.

- 4 That Council make the following schedule of annual charges for stormwater management services for 2009-10, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993:**

Waterways Environmental Levy	Unit of Charge	Charge
<i>Residential</i>	<i>Per property</i>	<i>\$25.00</i>
<i>Residential Strata</i>	<i>Per lot</i>	<i>\$12.50</i>
<i>Residential Company Title</i>	<i>Per Company Title complex apportioned according to the number of shares in the company owned by each shareholder</i>	<i>\$25.00</i>
<i>Business</i>	<i>Per 850 square metres or part thereof to a maximum of \$5,000 per property</i>	<i>\$25.00</i>
<i>Business Strata</i>	<i>Per 850 square metres or part thereof of the land area of the strata complex to a maximum of \$5,000 per strata complex, apportioned equally to each lot within the strata complex</i>	<i>\$25.00</i>
<i>Business Company Title</i>	<i>Per 850 square metres or part thereof to a maximum of \$5,000 per Company Title complex, apportioned according to the number of shares in the company owned by each shareholder</i>	<i>\$25.00</i>

- 5 That Council make the following Domestic Waste Management Charges for 2009-10, pursuant to Section 496 of the Local Government Act 1993:**

Description	Charge each
<i>Domestic Waste Management Charge</i>	\$321.15
<i>Domestic Waste Management Availability Charge</i>	\$ 50.00
<i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i>	\$ 73.50
<i>Domestic Waste Management Charge – 240 litre Waste Upgrade</i>	\$ 63.10
<i>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</i>	\$268.40
<i>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</i>	\$167.80
<i>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</i>	\$ 61.50
<i>Domestic Waste Management Charge – West of F3 Freeway</i>	\$258.45
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</i>	\$ 12.90
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</i>	\$ 13.55
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</i>	\$ 12.00
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</i>	\$ 12.60

- 6 That Council continue the current policy of not providing a Domestic Waste Management service to parcels of land which have no Council approval for a residential building.**

- 7 That Council make the following Waste Management Charges for 2009-10, pursuant to Section 501 of the Local Government Act 1993:**

Description	Charge each
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	\$ 190.75
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	\$ 61.50
<i>Waste Management Charge – 240 litre Vegetation Bin Service</i>	\$ 73.50
<i>Waste Management Charge – Litter Bin Service</i>	\$ 214.00
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	\$ 290.50
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	\$1,067.30
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	\$1,586.85
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	\$2,146.45
<i>Waste Management Charge - 3.0 cubic metre Waste Bin Service</i>	\$3,761.00

- 8 That Council apply a proportional charge adjustment, calculated on a weekly basis, where Domestic Waste Management or Waste Management services commence or cease during the year.**

9 That Council charge the maximum interest rate as specified by the Minister for Local Government and published in the Government Gazette in respect of overdue rates and charges levied under the Local Government Act 1993 and this interest be calculated on a daily basis using the simple interest method in accordance with Section 566 of the Local Government Act 1993, for the period of 1 July 2009 to 30 June 2010.

10 Incentive Scheme

- a That Council offer an incentive scheme for those eligible ratepayers who elect to pay, their 2009-10 Rates and Charges in full by 31 August 2009 and for those ratepayers who elect to pay by direct debit.**
- b That the incentive scheme be in accordance with the rules detailed in Attachment 1.**
- c That a report be presented to Council detailing the success or otherwise of the scheme following the scheme period.**

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: BEST.

7.3 New South Wales Body Board Championships Sponsorship of Round 2

MS SHARI YOUNG REPRESENTING GREATER TOUKLEY VISION, ADDRESSED THE MEETING AT 5.50 PM, ANSWERED QUESTIONS AND RETIRED AT 5.59 PM.

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

- 1 That Council receive the report on the New South Wales Body Board Championships Sponsorship of Round 2.**
- 2 That Council support in principle the allocation of \$10,000 to sponsor Round 2 of the New South Wales Body Board Championships to be held at Soldiers Beach in July 2009 and refer this item to an extraordinary meeting of the Grants Committee on 17 June 2009 for consideration.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.1 Minutes of the Wyong Shire Grants Committee Meeting - 20 May 2009

COUNCILLOR McBRIDE LEFT THE CHAMBER AT 7.36 PM AND RETURNED TO THE CHAMBER AT 7.39 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 20 May 2009 and adopt the recommendations contained therein.***
- 2 That Council hold over the balance of the funds for 2008/09 for allocation at the extraordinary meeting to be held on 17 June 2009 at 3pm.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.1 Information Reports

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

That with the exception of report number 9.2, 9.3, 9.4 and 9.6 the information reports be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.2 Investments for April 2009

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.40 PM AND RETURNED TO THE CHAMBER AT 7.42 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.46 PM AND RETURNED TO THE CHAMBER AT 7.49 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on Investments for April 2009.***
- 2 That Council note the conservative investment strategy taken by staff to date which has mitigated the impact of the global financial crisis.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.3 Waterfront Properties with Unfenced Pools

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.40 PM AND RETURNED TO THE CHAMBER AT 7.42 PM AND AS A RESULT TOOK NO PART IN VOTING.

RESOLVED unanimously on the motion of Councillor SYMINGTON and seconded by Councillor WEBSTER:

That Council receive the report on the safety of waterfront properties with unfenced pools.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.4 Investigation into Potential Benefits of The Entrance Channel Web-Cam

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.40 PM AND RETURNED TO THE CHAMBER AT 7.41 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on the investigation into potential benefits of the Entrance Channel Web-Cam.***
- 2 That Council proceed with the introduction of the new coastal and channel monitoring technology generally in accordance with the recommendations contained within this report.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.5 Minutes of the Wyong Shire Senior Citizens Council Meeting of 2 April 2009

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

That Council receive the report on Minutes of the Wyong Shire Senior Citizens Council Meeting of 2 April 2009.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.6 Woodfired Heaters

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

That Council receive the report on Woodfired Heaters and note the Communication Plan proposed to be implemented by Staff.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

9.7 Outstanding Questions Without Notice and Notices of Motion

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

11.1 Notice of Motion - Review of the Code of Meeting Practice

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

- 1 *That a comprehensive review of the Code of Meeting Practice be undertaken, including a briefing and a subsequent report provided to Council.***
- 2 *That Council offer an orientation to the Council Chamber and familiarisation with the Code of Meeting Practice/Meeting Procedure including mock debate to new Councillors.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

11.2 Notice of Motion - Credit Insurance Crisis

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

- 1 *That Council note with concern the reducing availability of credit insurance due to the global financial crisis and the impact of this on the construction and other industries generally and consequentially on employment and the economy.***
- 2 *That Council via its delegate Mayor Graham seek to move an Urgency Motion at the Australian Council of Local Government in Canberra on 25 June 2009 and also the National Assembly of Local Government to bring the issue of the credit insurance crisis to the attention of the Council and the Federal Government and seek urgent action on this matter.***
- 3 *That Council staff prepare a briefing paper for the Mayor and delegate on this issue.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

11.3 Notice of Motion - Toukley Gathering of the Clans

MR GLENN CANNARD, RESIDENT, ADDRESSED THE MEETING AT 6.00 PM, ANSWERED QUESTIONS AND RETIRED AT 6.14 PM.

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

- 1 That Council note the offer by "Brackets and Jam" to host and facilitate the 2009 Toukley Gathering of the Clans and that Council support their initiative.***
- 2 That Council's Grants Committee consider an allocation of funds for the 2009 Toukley Gathering of the Clans at an extraordinary meeting to be held on 17 June 2009.***
- 3 That Council consider a report on the cost benefits of appointing a Shire wide events co-ordinator.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

LEAVE TO INTRODUCE A MOTION OF URGENCY

COUNCILLOR BEST SOUGHT LEAVE TO INTRODUCE A MOTION OF URGENCY CONCERNING THE SUBMISSION OF AN EXPRESSION OF INTEREST TO BID FOR THE 2011, 2012 & 2013 NSW SURF LIFESAVING CHAMPIONSHIPS DUE TO THE DEADLINE FOR SUBMISSIONS FALLING PRIOR TO THE NEXT COUNCIL MEETING.

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

That Council consider a Motion of Urgency regarding the submission of an expression of interest to host the NSW Surf Lifesaving Championships.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

THE MAYOR RULED THAT THE MATTER WAS OF GREAT URGENCY AND COULD BE INTRODUCED AS A MOTION OF URGENCY.

11.4 Motion of Urgency – Bid to Host the NSW Surf Lifesaving Championships

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

- 1 That Council support Surf Lifesaving Central Coast's bid to host the 2011, 2012 and 2013 NSW Surf Lifesaving Championships.**
- 2 That Council seek the support and partnership of Gosford City Council to afford the event regional status.**
- 3 That Council provide a comprehensive report to Council's meeting on 22 July 2009 with a view to submitting a joint expression of interest from the two Councils in conjunction with Surf Lifesaving Central Coast in accordance with the bid's August deadline.**
- 4 That subject to a Joint Meeting of Gosford/Wyong Councils being convened prior to the bid deadline this matter be included as an agenda item.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

QUESTIONS WITHOUT NOTICE ASKED

Q037 – Purchase of Crown Land

Councillor Eaton

F2008/02109

“Could Council advise on the feasibility of purchasing Crown Land on which its caravan parks are located given the advice ostensibly given to Tuggerah Lakes Golf Course that it could buy Crown Land golf course for its clubhouse?”

Q038 – Aged Housing Units

Councillor Eaton

F2004/12148

“Could Council report on the number of aged housing units built in the last five years, approved or under assessment in the Warnervale, Kanwal area compared to standard housing units?”

Q039 – Norah Head Carpark Security Gate

Councillor Best

F2004/05301

“Could staff please advise what actions are being taken to replace the now rusted out and unusable security gate particularly as this area is of high concern due to vandalism?”

Q040 – Parking Fines**Councillor Best**

F2004/00468

“Mr General Manager, I have been advised that Council Infringement Officers have levied parking fines on bus company service vehicles parked in and around bus stops carrying out maintenance work by bus company staff that were wearing clearly identifiable bus company uniforms. Further, I understand that this has occurred on more than one occasion. Would you please advise as to how this embarrassing situation has happened and what steps have now been taken to avoid a repeat of this situation?”

Q041 – Wyong Memorial Hall**Councillor McBride**

F2006/02262

“Could staff please advise on the potential impact the development of Stage 1 of the Wyong Cultural Centre will have on the current functioning of the Wyong Memorial Hall and its user groups including the Wyong Drama Society?”

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 8.31 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 8.58 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

12.1 CPA 160553 - Supply and Delivery of Drainage Gravel for the Bateau Bay Landfill Site

- 1** *That Council accept the negotiated offer of Leckkeys Pty Ltd for the supply of drainage gravel for the Bateau Bay Landfill Project at the rate of \$82.80 per tonne (excl GST).*
- 2** *That Council approve a contract budget of \$1,342,345 (excl GST) being the amount necessary to purchase a total quantity of 16,000 tonnes of gravel and carry out all the specified quality control testing required under the contract and including a contingency of \$130,000 (excl GST) representing 10% of the total contract supply cost to allow for any variation to the contract quantities and for unforeseen variations to the contract.*
- 3** *That Council approve an increase in project funding of \$600,000.00 (excl GST) to the current approved budget of \$15,766,511.00 (excl GST).*

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.59 PM.

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CHAIRPERSON