

---

---

## WYONG SHIRE COUNCIL

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 11 JUNE 2008, COMMENCING AT 5.04 PM

---

---

#### PRESENT

COUNCILLORS W J WELHAM (CHAIRPERSON), G P BEST, D J EATON, K M FORSTER, R L GRAHAM, B J PAVIER, N T ROSE (ARRIVED 6.04 PM), R E STEWART, R C STEVENS AND C W VEUGEN.

#### IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER LEGAL AND POLICY AND TWO SOCIAL PLANNERS.

THE MAYOR, COUNCILLOR W J WELHAM, DECLARED THE MEETING OPEN AT 5.04 PM, ADVISED THAT THE MEETING IS BEING RECORDED AND FATHER BILL STEVENS DELIVERED THE OPENING PRAYER.

#### APOLOGY

AN APOLOGY FOR HIS INABILITY TO ATTEND THE COMMENCEMENT OF THE MEETING WAS RECEIVED ON BEHALF OF COUNCILLOR ROSE.

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

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

**233 Disclosures of Interest**

---

**246 – ADOPTION OF 2008-09 MANAGEMENT PLAN**

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT DEBATE CENTRED ON AN ALLOCATION OF MONIES TO KIDS DAY OUT AND HIS FAMILY BUSINESS HAS A DIRECT RELATIONSHIP WITH THAT ORGANISATION, LEFT THE CHAMBER AT 5:53 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.37 PM.

**263 - WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE TO THE BOARD 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."*

**263 - WYONG COMMUNITY RECREATION ASSOCIATION**

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCILLOR APPOINTED TO THAT BOARD 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."*

**263 - WYONG COMMUNITY RECREATION ASSOCIATION**

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

*"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY"*.

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

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

---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**234 Proposed Inspections**

---

F2008/00003 ED:MR

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

***That the report on inspections to be conducted on Wednesday, 25 June 2008 be received and the information noted.***

**235 Proposed Briefings**

---

F2008/00003 ED:MR

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

***That the report be received and the information noted including an amendment of the commencement time to 9.45 am.***

**236 Address by Invited Speakers**

---

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That the report on Invited Speakers be received and the information noted.***
- 2 That, should speakers be present at the meeting, 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 11 June 2008 (contd)**

---

**237 Notice of Intention to Deal With Matters in Confidential Session**

---

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

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

***Wyong Community Recreation Association.***

- 2 That the reason for holding a briefing on Wyong Community Recreation Association confidentially is that it may include information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***
- 3 That, in accordance with the Council resolution, the General Manager will report on this matter to the meeting in Confidential Session.***

---

**238 Confirmation of Minutes of Previous Meeting**

---

F2008/00003 ED:MR

COUNCILLOR BEST LEFT THE CHAMBER AT 5.11 PM, RETURNED TO THE CHAMBER AT 5.14 PM, AND AS A RESULT TOOK NO PART IN VOTING.

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

***That the minutes of the previous Ordinary Meeting of Council held on 28 May 2008 be received and confirmed.***

**BUSINESS ARISING FROM THE MINUTES**

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**239 Draft DCP 2005: Chapter 111 Hoardings**

---

F2008/01224 BLF

COUNCILLOR BEST RETURNED TO THE CHAMBER AT 5.14 PM DURING DISCUSSION OF THIS ITEM.

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

***That this matter be deferred for further staff consideration.***

**240 Wyong Shire Community Plan 2008-13**

---

F2007/00323 BEM

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

- 1 That the draft Wyong Shire Community Plan 2008-13 be placed on public exhibition for a period of 35 days.***
- 2 That copies of the draft plan be distributed to stakeholder groups for review and comment.***
- 3 That the results of the exhibition be reported to Council.***
- 4. That Council extend its congratulations, through the General Manager, to the Director of Shire Planning, Ms Gina Vereker, and her team headed by Acting Manager Future Planning, Paul Bowditch and thank them for their outstanding efforts in partnership with the community to deliver the Wyong Shire Community Plan.***

**241 Proposed Licence Agreement over "The Long Jetty" located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty**

---

F2008/00102 SB

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

- 1 That Council accept a Licence from the Crown for a jetty with a T end which is located on Crown Land below high water mark fronting Lot 537 DP 823164 and opposite Archbold Road, Long Jetty for a term of 20 years commencing on the date of the execution of the Licence for annual fee of \$382.00 plus GST.***

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

- 2** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Licence Agreement between Wyong Shire Council and Department of Lands.*
- 3** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Licence Agreement between Wyong Shire Council and Department of Lands.*

**242**                    **Proposed Acquisition of Private Land at Part Lot 381 DP 1082847  
– 300 Brush Road, Ourimbah and part of Lot 1 DP 252371 – 360  
Brush Road, Ourimbah for Road Widening**

---

F2008/00307 & F20008/00308 SB

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

- 1** *That Council acquire part of Lot 381 DP 1082847 and part of Lot 1 DP 252371 at Brush Road, Ourimbah as public road.*
- 2** *That Council authorise the payment of compensation if necessary for the acquisitions of the land in Item 1 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and based on assessment by a qualified valuer.*
- 3** *That Council proceed to compulsorily acquire the land in Item 1 in the event that negotiations with the property owners cannot be satisfactorily resolved.*
- 4** *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Transfer and/or Plan and to any necessary applications to the Department of Local Government for the approval of the Minister and the Governor in order to proceed with the compulsory acquisition.*
- 5** *That Council authorise the Mayor and the General Manager to execute all documents relating to the Transfer and/or Plan and all documents relating to the applications to the Department of Local Government.*

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**243 Grant of Easement for Electricity Supply over Council Land at Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale**

---

DA/563/1993/A PF

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

- 1 That Council agree to enter into a Deed of Agreement for easement with Energy Australia to grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive, Berkeley Vale.***
- 2 That Council grant an easement for electricity supply over Lot 62 DP 262025 and Lot 2 DP 618884 Enterprise Drive Berkeley Vale.***
- 3 That Council agree to waive its right for compensation associated with the dedication of the land in Item 1 as public road.***
- 4 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the instrument of transfer of the easement and associated plan of the easement to be transferred that will allow the easements in Item 2 to be granted.***
- 5 That Council authorise the Mayor and the General Manager to execute the instrument of transfer of the easement and associated plan of the easement to be transferred.***
- 6 That in the spirit of cooperative arrangements, as illustrated in this report, Council again request EnergyAustralia to review its policy on premature electrification of street lights in greenfield estates.***

**244 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2008-09**

---

F2004/06505 ED

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

- 1 That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.***
- 2 That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.***

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

- 3 *That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.*
- 4 *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.*
- 5 *That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.*
- 6 *That whenever the Local Government Remuneration Tribunal calls for submissions this Council should provide one as a matter of course.*

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

- 1 *That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.*
- 2 *That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.*
- 3 *That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.*
- 4 *That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.*
- 5 *That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.*

***Councillor WELHAM withdrew his MOTION.***

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



**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

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

- 1 That in accordance with the provisions of Section 249 of the Local Government Act 1993, the annual Mayoral Fee for the period 1 July 2008 to 30 June 2009 be fixed at \$51,130.**
- 2 That the annual Mayoral Fee of \$51,130 be reduced by \$1,739 for use of the Mayoral Motor Vehicle in accordance with Clause 5.3 of the Council's Facilities and Expenses Policy for Councillors.**
- 3 That the annual Mayoral fee be further reduced by \$7,303 and be payable to the Deputy Mayor in accordance with Clause 6.2 of Council's Facilities and Expenses Policy for Councillors.**
- 4 That in accordance with the provisions of Section 248 of the Local Government Act 1993, the Annual Councillor Fee be fixed at \$19,250 for the period 1 July 2008 to 30 June 2009.**
- 5 That all fees be paid in accordance with the provisions of Section 250 of the Local Government Act 1993.**

**245 Surfing NSW – Funding Request**

---

F2004/06631 LS

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

**That Council financially support the Central Coast Pro to the value of \$25,000 per annum for 2009, 2010 and 2011 subject to confirmation of major sponsorship (ARRIVE ALIVE or similar) of the event over the same period.**

**246 Adoption of 2008-09 Management Plan**

---

F2004/07006 BR

COUNCILLOR PAVIER DECLARED A PECUNIARY CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT DEBATE CENTRED ON AN ALLOCATION OF MONIES TO KIDS DAY OUT AND HIS FAMILY BUSINESS HAS A DIRECT RELATIONSHIP WITH THAT ORGANISATION, LEFT THE CHAMBER AT 5:53 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 6.37 PM.

COUNCILLOR ROSE ARRIVED AT THE CHAMBER AT 6.04 PM AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

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

- 1 That Council adopt the Draft 2008-09 Management Plan incorporating the changes outlined in the report of 11 June 2008, together with the following changes:**
  - a \$700,000 for the Wyong Performing Arts Centre, to be funded out of land sales**
  - b An additional \$500 for Wyong Shire Garden Competition**
  - c \$5,000 for Central Coast Kids Day Out**
  - d \$20,000 for the Central Coast Country Music Festival.**
- 2 That the Estimates of Income and Expenditure contained in the Draft 2008-09 Management Plan incorporating the changes outlined in (1) above applicable for the General Fund and including funds relating to Council's function as a Water Supply Authority under the Water Management Act 2000 No.92 for the year 2008-09 be adopted.**
- 3 That in accordance with the provisions of Clause 211 of the Local Government (General) Regulation 2005 the sum of money allocated against each item of income and expenditure as contained in the Draft 2008-09 Management Plan incorporating the changes outlined in (1) above for the General Fund and for the Water Supply Authority be hereby voted and approved subject, where necessary, to assessment of environmental considerations in regard to the works programmed pursuant to the provisions of the Environmental Planning and Assessment Act.**
- 4 That the rate and charge rebates to pensioners for the year 2008-09 be granted in accordance with Section 575 of the Local Government Act 1993 on Ordinary Rates and Domestic Waste Management Charges and Part 5 of Water Management Regulation 2004 on charges levied for 2008-09 under the Water Management Act 2000 No.92, as well as the existing Council policy in respect of those persons so eligible.**
- 5 That in accordance with the provisions of the Local Government Act, 1993 and Determination No. 06/3 of the Independent Pricing and Regulatory Tribunal of NSW, the fees and charges as detailed in the Revenue Policy and incorporating the changes outlined in this report, be set for the year 2008-09.**
- 6 That Council delegate to the General Manager the authority to accept loan offers in accordance with the proposed borrowings in the Draft Management Plan and borrow a total of \$50,923,000 from financial institutions with an Australian banking licence and \$1,000,000 from the Department of Lands.**
- 7 That the authors of submissions concerning the Draft 2008-09 Management Plan be advised of Council's decision.**

**247 Making and Fixing of Rates and Charges for 2008-09**

F2004/07006 DT

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

- 1 That Council, pursuant to Sections 492, 493, 494, 497, 498, 499, 500, 535, 536, 537 of the Local Government Act 1993 make the following ordinary rates for 2008-09 consisting of a base amount to which an ad valorem amount is added:**

<b>Ordinary Rate Category</b>	<b>Base Amount</b>	<b>% revenue sourced from base amount for each category</b>	<b>Ad Valorem Amount (cents in the \$)</b>
<b>Under Section 493</b>			
<b>Farmland</b>	<b>\$149.00</b>	<b>8.13%</b>	<b>0.1860</b>
<b>Residential</b>	<b>\$149.00</b>	<b>19.14%</b>	<b>0.2754</b>
<b>Mining</b>	<b>\$149.00</b>	<b>0.41%</b>	<b>1.9400</b>
<b>Business</b>	<b>\$149.00</b>	<b>5.64%</b>	<b>0.6520</b>

- 2 That Council, pursuant to Sections 492, 495, 497, 498, 499, 500, 535, 536, 537, 538 of the Local Government Act 1993, make the following special rates and amounts for 2008-09 consisting of a base amount to which an ad valorem amount is added:**

<b>Special Rate</b>	<b>Base Amount</b>	<b>% revenue sourced from base amount for each category</b>	<b>Ad Valorem Amount (cents in the \$)</b>
<b>The Entrance Town Centre</b>	<b>\$67.00</b>	<b>13.86%</b>	<b>0.1992</b>
<b>Non Residential Properties Toukley Area</b>	<b>\$67.00</b>	<b>10.08%</b>	<b>0.1970</b>
<b>Non Residential Properties Wyong Area</b>	<b>\$67.00</b>	<b>18.40%</b>	<b>0.0844</b>

- 3 That Council, pursuant to Section 495 of the Local Government Act 1993, adopt the following descriptions of rateable land to which each special rate will apply for 2008-09:**

- a The Entrance Town Centre Special Rate will apply to the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Entrance Town Centre upgrade and operation:**

- 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 know 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 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.*
- 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 the following rateable land which, in Council's opinion, will derive benefit from the business related costs of The Toukley Area Centre Management / Greater Toukley Vision / in the Toukley/Canton Beach/Noraville/Norah Head retail and commercial areas:**
  - i All 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 the following rateable land which, in Council's opinion, will derive benefit from the business related costs of the Wyong/Tuggerah Chamber of Commerce in the Wyong/Watanobbi retail and commercial areas:**
  - i All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government 1993 in the following areas:*
    - The suburb of Watanobbi.*
    - The suburb of 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).*

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

- 4 ***That Council, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993, make the following schedule of annual charges for stormwater management services for 2008-09:***

<b><i>Stormwater Levy</i></b>	<b><i>Charge</i></b>
<b><i>Residential</i></b>	<b><i>\$25.00</i></b>
<b><i>Residential Strata</i></b>	<b><i>\$12.50</i></b>
<b><i>Residential Company Title</i></b>	<b><i>\$25.00</i></b>
<b><i>Business</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000</i></b>
<b><i>Business Strata</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned equally to each lot within the strata complex</i></b>
<b><i>Business Company Title</i></b>	<b><i>\$25.00 per 850 square metres or part thereof to a maximum of \$5000 apportioned according to the number of shares in the company owned by each shareholder.</i></b>

- 5 ***That Council, pursuant to Section 496 of the Local Government Act 1993, make the following Domestic Waste Management Charges for 2008-09:***

<b><i>Description</i></b>	<b><i>Charge</i></b>
<b><i>Domestic Waste Management Charge</i></b>	<b><i>\$295.00</i></b>
<b><i>Domestic Waste Management Availability Charge</i></b>	<b><i>\$47.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i></b>	<b><i>\$71.00</i></b>
<b><i>Domestic Waste Management Charge – 240 litre Waste Upgrade</i></b>	<b><i>\$40.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Waste Bin Service</i></b>	<b><i>\$236.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 140 litre Waste Bin Service</i></b>	<b><i>\$141.00</i></b>
<b><i>Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service</i></b>	<b><i>\$54.00</i></b>
<b><i>Domestic Waste Management Charge – West of F3 Freeway</i></b>	<b><i>\$239.00</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin</i></b>	<b><i>\$12.40 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin</i></b>	<b><i>\$12.95 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin</i></b>	<b><i>\$11.60 per service</i></b>
<b><i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin</i></b>	<b><i>\$12.20 per service</i></b>

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**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, pursuant to Section 501 of the Local Government Act 1993, make the following Waste Management Charges for 2008-09:**

<i>Description</i>	<i>Charge</i>
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	<i>\$167.00</i>
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	<i>\$54.00</i>
<i>Waste Management Charge –240 litre Vegetation Bin Service</i>	<i>\$72.00</i>
<i>Waste Management Charge – Litter Bin Service</i>	<i>\$182.00</i>
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	<i>\$265.00</i>
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	<i>\$858.00</i>
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	<i>\$1,330.00</i>
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	<i>\$1,802.00</i>
<i>Waste Management Charge - 3.0 cubic metre Waste Bin Service</i>	<i>\$3,573.00</i>

**8 That for those properties that become chargeable or non-chargeable during the year a proportional charge calculated on a weekly basis will apply for either Domestic Waste Management Charges or Waste Management Charges.**

**9 That in accordance with Section 566 of the Local Government Act 1993 and Section 356 of the Water Management Act 2000, Council charge an interest rate of 10.0% in respect of overdue rates, service charges and water consumption charges for the period of 1 July 2008 to 30 June 2009 and this interest be calculated on a daily basis using the simple interest method.**

**10 Incentive Scheme**

**a That for the year 2008-09 Council offer an incentive scheme, of similar nature to that offered in 2007-08, for those eligible ratepayers who elect to pay in full, including arrears, their 2008-09 Rates and Charges by 31 August 2008 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.**

---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

- c** *That a report be presented to Council detailing the success or otherwise of the scheme following the scheme period.*

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

AGAINST: COUNCILLORS BEST AND EATON.

---

**Information Reports**

---

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

***That with the exception of report numbers 248 the information reports be received and the recommendations adopted.***

---

**248 Wyong Shire Senior Citizens Council**

---

F2008/00407 AE

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

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

---

**249 Finalisation of Contracts**

---

F2005/03113 GJP

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

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

---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**250 Schedules of Bank Balances and Investments – April 2008**

---

F2004/06604 SJG

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

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

**251 Wyong Water Supply Authority – Statutory Audit Report**

---

F2004/06645 ED

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

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

**252 Premature Electrification of New Estates**

---

F2004/06351 MR

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

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

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

---

F2008/00003 MR

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

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



---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**254 Notice of Motion – Recent and Extraordinary Price Increases and Effect on Council’s Budget and Works Program**

---

F2004/06579 DJE

COUNCILLOR BEST LEFT THE CHAMBER AT 6.56 PM AND RETURNED TO THE CHAMBER AT 6.57 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR GRAHAM LEFT THE CHAMBER AT 6.56 PM AND RETURNED TO THE CHAMBER AT 6.57 PM DURING CONSIDERATION OF THIS ITEM.

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

***That Council report on recent significant and projected extraordinary price increases in steel, concrete, oil and other raw materials and the effect of these increases on Council’s budget and works program.***

**255 Notice of Motion – Water Pipeline Strategy Briefing**

---

F2007/01120 DJE

COUNCILLOR WELHAM LEFT THE CHAMBER AT 6.58 PM AND RETURNED TO THE CHAMBER AT 7.02 PM AND DURING THAT TIME COUNCILLOR STEVENS ASSUMED THE CHAIR FOR CONSIDERATION OF THIS ITEM.

COUNCILLOR FORSTER LEFT THE CHAMBER AT 7.08 PM AND RETURNED TO THE CHAMBER AT 7.10 PM DURING CONSIDERATION OF THIS ITEM.

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

*That Council urgently brief Councillors on the opportunities to use a road route pipeline corridor to provide infrastructure services to valley residents and to use Section 94 Contributions and/or Development Application consent conditions arising from 1-2 hectare hobby farm rezonings to contribute towards the cost of the corridor.*

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

FOR: COUNCILLORS EATON AND VEUGEN.

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

**256 Notice of Motion – Proposed Changes to Council’s Community Benefits Grants Procedures**

---

F2004/06287 WW

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

- 1 That the Community Benefits Grants Procedures be modified to include policy and procedures for the identification and funding of major events.**
- 2 That these policies and procedure be based on the following criteria:**
  - a Event is able to demonstrate injecting more than \$500,000 into the local economy.**
  - b Event is a able to demonstrate that it is has a benefit for the Central Coast and not just one section of Wyong.**
  - c Event is able to demonstrate numerous other sponsors besides Council.**
- 3 That the following events be determined as “major events” and Council allocate a line item in the Management Plan for these events:**
  - a Arrive Alive Central Coast Pro Surfing Titles**
  - b F1 Superboats.**
  - c Central Coast Country Music Festival.**

**257 Notice of Motion – Proposal to reconstitute the NSW Coastal Council**

---

F2004/06935 BP

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

**That Council call on the State Government to reconstitute the NSW Coastal Council to assist:**

- 1 NSW coastal councils to deal with climate change and sea level rise(s) effects.**
- 2 Coastal councils in updating coastal planning regulations.**

---

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**


---

**258 Notice of Motion – Policies Needed to Achieve Greater Competition in Retail**


---

F2004/00526 BP

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

*That Council be advised on what planning instruments / policies need to be amended to achieve greater competition in the retail (specifically groceries) sector.*

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

FOR: COUNCILLORS GRAHAM AND PAVIER.

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

**259 Notice of Motion - Unlawful and Unenforceable Council Code of Meeting Practice**


---

F2004/06502 GPB

COUNCILLOR PAVIER LEFT THE CHAMBER AT 7.55 PM AND RETURNED TO THE CHAMBER AT 7.57 PM DURING DISCUSSION OF THIS ITEM.

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

- 1 *That as a result of formal advice received 8 May 2008 Ref A127740 from the Director-General of the Department of Local Government, Mr Garry Payne AM, confirming that “the Department’s position is that Council’s Code of Meeting Practice is unlawful and unenforceable” and Mr Payne’s comment that “I am disappointed that Council decided not to amend its Code of Meeting Practice in such a way as to reflect the Department’s view that the number of motions put forward by a Councillor cannot and should not be limited”, Council now urgently move to remedy its non compliance with the Local Government Act.*
- 2 *That in reviewing Council’s Code of Meeting Practice, Council reinstate Notices of Motion to the commencement of an Ordinary Meeting agenda thereby providing our residents and ratepayers speaking on a motion a more timely resolution to their issues.*
- 3 *That Questions Without Notice now allow for minor actions / requests of staff and /or reports and that final determination of acceptability be at the discretion of the Mayor.*

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

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

*That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.*

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

*That the MOTION be put.*

***RESOLVED that the MOTION be put.***

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

AGAINST: COUNCILLORS PAVIER, STEVENS AND WELHAM.

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

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

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

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

***That Council contact the Director General of the Department of Local Government, Mr Garry Payne, to confirm Councillor Best's letter and query the paragraph quoted regarding the dismissal of the Council.***

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

AGAINST: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**260 Notice of Motion – Toukley “Taj Mahal”**

---

DA/627/2004/D GPB

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

***That staff urgently report to Council on the site known locally as the “Toukley Taj Mahal” and located at the gateway to Toukley at the bridge. The report should advise what options Council may have to force completion of these building works and/or their demolition.***

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

AGAINST: COUNCILLORS GRAHAM.

**261 Notice of Motion – Impact on Retail Parking - Wyong**

---

F2004/06676 GPB

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

- 1 That further to the likely impacts of the Roads and Traffic Authority’s Pacific Highway upgrade through Wyong and the current critical shortage of carparking in and around the town centre, staff provide a full report on Council’s 5 December 2007 confidential briefing that scoped carparking options and initiatives for the precinct.***
- 2 That such a report be shared with the community in open Council.***

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**262 Notice of Rescission – Minutes of the Gosford/Wyong Councils' Water Authority Board Meeting – 21 May 2008**

---

F2004/06390 DJE, GPB, CV

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 8.23 PM AND RETURNED TO THE CHAMBER AT 8.25 PM DURING CONSIDERATION OF THIS ITEM.

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

*That part of the resolution carried at the Ordinary Meeting of Council held on 28 May 2008 be rescinded:*

*That part of the minutes of the Gosford/Wyong Councils' Water Authority Board meeting held on 21 May 2008, that refers to Item WA003.*

*It was MOVED by Councillor PAVIER and seconded by Councillor STEWART:*

*That the MOTION be put.*

***RESOLVED that the MOTION be put.***

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

AGAINST: COUNCILLOR EATON.

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

FOR: COUNCILLORS BEST, EATON, PAVIER AND VEUGEN.

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

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

*That Council move into Confidential Session for Briefing on WYCRA by legal advisors prior to discussion of Item 263.*

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

FOR: COUNCILLORS BEST, EATON, STEWART AND VEUGEN.

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

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

**263 Notice of Rescission - Wyong Community Recreation Association**

---

F2008/00352 KMF, RLG, BJP

COUNCILLOR EATON DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE TO THE BOARD 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."*

COUNCILLOR STEWART DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT SHE IS A COUNCILLOR APPOINTED TO THAT BOARD 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."*

THE GENERAL MANAGER, MR KERRY YATES DECLARED A NON-PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A COUNCIL APPOINTEE ON THE BOARD OF WYCRA AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

*"I CHOOSE TO CONTINUE TO PARTICIPATE IN THIS ISSUE AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY"*.

COUNCILLOR ROSE LEFT THE CHAMBER AT 9.12 PM AND RETURNED TO THE CHAMBER AT 9.13 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VEUGEN LEFT THE CHAMBER AT 9.18 PM AND RETURNED TO THE CHAMBER AT 9.34 PM DURING CONSIDERATION OF THIS ITEM.

MR JOHN COLE, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 9.10 PM, ANSWERED QUESTIONS AND RETIRED AT 10.32 PM.

MR DAMIEN WARD, REPRESENTING HWL, COUNCIL'S SOLICITORS, ADDRESSED THE MEETING AT 10.29 PM, ANSWERED QUESTIONS AND RETIRED AT 10.32 PM.

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

***That Council adjourn for five minutes to allow the administration staff to download the digital recorder.***

THE MEETING WAS ADJOURNED AT 9.19 PM AND RESUMED AT 9.34 PM.

**Minutes of the Ordinary Meeting of Council held on 11 June 2008 (contd)**

---

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

***That Council adjourn for five minutes.***

THE MEETING WAS ADJOURNED AT 9.37 PM AND RESUMED AT 10.29 PM.

**CONFIDENTIAL SESSION**

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

***That based on Legal Advice Council move into Confidential Session to allow for discussion of this Item.***

AT THIS STAGE OF THE MEETING BEING 10.33 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

COUNCILLOR PAVIER LEFT THE CHAMBER AT 10.34 PM AND RETURNED TO THE CHAMBER AT 10.35 PM DURING DISCUSSION OF THIS ITEM.

**OPEN SESSION**

COUNCIL RESUMED IN OPEN SESSION AT 11.06 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

---

**263 Notice of Rescission - Wyong Community Recreation Association**

F2008/00352 KMF, RLG, BJP

***That consideration of the Rescission Motion be deferred until the next meeting of Council on 25 June 2008.***



**QUESTIONS WITHOUT NOTICE ASKED****Q036 – Lack of Lighting in the Bill Sohier Oval Carpark****Councillor Eaton**

F2004/00189

*Could Council staff advise what action they intend to take in relation to the lack of lighting in the Bill Sohier Oval Carpark?*

**Q037 – Lack of Timer Lighting in the Sohier Oval Grandstand****Councillor Eaton**

F2004/00189

*Could Council staff advise what action they intend to take in relation to the lack of timer lighting in the Sohier Oval Grandstand?*

**Q038 – Street Lighting on Toukley Bridge****Councillor Welham**

F2004/00189

*Could staff advise why the street lighting on Toukley Bridge has not been operating for some months?*

**Q039 – Shared Pathways in the Blue Haven/San Remo Areas****Councillor Welham**

F2008/00296, F2007/00257

*Could staff advise on the timetable for construction of the additional shared pathways in the Blue Haven/San Remo areas and the left turn lane at the intersection of Goorama Avenue and Pacific Highway, San Remo?*