
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 13 October 2010 COMMENCING AT 5:00:00 PM

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning, Acting Director Infrastructure Management, Director Corporate Services, Manager Development Assessment, General Counsel and Project Director Mardi to Mangrove Project.

Manager Corporate Governance, Chief Financial Officer, Electrical Services Engineer and three administration staff.

Councillor Wynn spoke briefly about:

- * her attendance at the Rural Bush Fire Brigade Day held at Charmhaven recently and encouraged others to attend local brigades across the Shire. She spoke highly of the endeavours of the volunteers.
- * an invitation for her to participate as a panellist / presenter at the Institute of Local Government Internal Auditors Conference to be held in Sydney on 5 November 2010. As this conference is the premier local government event for auditors, she urged interested Councillors to attend.

The General Manager presented an Award recently received from the Minister for Sport and Recreation, the Hon Kevin Greene. The high commendation for Community Education Program of the Year was awarded for Council's involvement in the Beach Safety Education Program. He thanked the life guards and other Open Space and Recreation staff involved with this program.

The Mayor, Councillor Eaton, declared the meeting open at 5.07 pm and advised in accordance with the Code Of Meeting Practice that the meeting is being recorded.

John Hardwick delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

There were no apologies.

Report no 3.2 – DA/1505/2009 – Fit Out and Occupation of an Existing Premises as a Liquor Store at Toukley was dealt with at the conclusion of the meeting in open session following discussions in confidential session. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

2.1 Mayoral Minute – Attendance Tuggerah Lakes Mardi Gras Ball in the Mall

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of the organisers, The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster 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.”

4.3 Classification of Land – Warnervale Road

Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he lives in Warnervale Road nearby this land, and participated in consideration of this matter.

Councillor McNamara 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.”

10.1 Efficiencies and Power Pricing Options

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 9.20 pm took no part in discussion, did not vote and returned to the chamber at 9.30 pm

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

That Council receive the report on Disclosure of Interest and note advice of disclosures.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

At this point in the meeting the General Manager introduced Robert Fulcher, Acting Director Infrastructure Management and Brian Glendenning, General Counsel.

1.2 Address By Invited Speakers

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

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

That Council confirm the minutes of the Extraordinary Meeting held on 15 September 2010 and the previous Ordinary Meeting of Council held on 22 September 2010.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL

Business Arising

Councillor Eaton reminded Councillors that a breach of the Code of Conduct is also a breach of the Code of Meeting Practice and it is a breach of the Code of Conduct to accuse a Councillor in a Council meeting of a breach of the Code of Conduct. He apologised for not making that ruling at the last meeting and asked the involved Councillor to apologise.

1.4 Governance Committee Chairman's Report

Mr David Holmes, Chairperson of the Governance Committee, addressed the meeting at 05.14 pm, answered questions and retired at 05.50 pm.

Councillor Graham left the meeting at 05:30 pm and returned to the meeting at 05:31 pm during consideration of this item.

A MOTION was *MOVED* by Councillor WYNN and *SECONDED* by Councillor MATTHEWS:

- 1 ***That Council receive the Governance Committee Chairman's Report.***

- 2 That Council invite Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

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

- 1 That Council receive the Governance Committee Chairman's Report.
- 2 That Council note with concern the failure of the governance framework to deal with the serious legislative non-compliance issues of the Department of Local Government enquiry/body hire and Department Environment Climate Change prosecutions.
- 3 That Council invite the Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

The AMENDMENT was put to the VOTE and declared CARRIED.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

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

- 1 That Council receive the Governance Committee Chairman's Report.
- 2 That Council note with concern the failure of the governance framework to deal with the serious legislative non-compliance issues of the Department of Local Government enquiry/body hire and Department Environment Climate Change prosecutions.
- 3 That Council invite the Chairman of the Governance Committee to address the Ordinary meeting on an annual basis or as invited by the Mayor.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

AGAINST: COUNCILLORS SYMINGTON AND WYNN

2.1 Mayoral Minute - Attendance Tuggerah Lakes Mardi Gras, The Ball in the Mall

Councillor Webster declared a non-pecuniary insignificant conflict of interest in the matter for the reason that she is a Director of the organisers, The Entrance Town Centre Management and participated in consideration of this matter.

Councillor Webster 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."

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

That Council support this regional event by sponsoring attendance at The Ball in the Mall for interested Councillors and their partners.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

2.2 Mayoral Minute - Wyong Water Study

Councillor McBride left the meeting at 06:14 pm and returned to the meeting at 06:16 pm during consideration of this item.

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

- 1 *That Council raise serious concerns with the Premier regarding the Wyong Water Study commissioned by the then Minister for Planning, Kristina Keneally, which acknowledges a serious data deficiency in the baseline data used by Kores in the preparation of its environmental assessment and that the absence of such data raises serious questions regarding the validity of the groundwater model.***
- 2 *That Council call on the Minister for Planning and Director General of the Department of Planning to uphold the commitment given by the Director General that the author of the State Government commissioned Wyong Water Study, Mr Ray Evans, be required to appear before the Planning Assessment Commission (PAC) to highlight these deficiencies to the PAC.***
- 3 *That taking into account, the significance of this issue to the Central Coast community, Council express its disappointment to the Chair of the PAC and the Minister for Planning regarding the limited time being offered to both Council and the community to make presentations to the PAC, and endorse the staff's request for extra time.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL

3.1 DA/1112/2009 - Change of use from a Carpet Warehouse and Showroom to a Retail Premises (Liquor Shop) under Existing Use Provisions at Kanwal

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

That Council defer the application pending the applicant being invited to discuss with the General Manager and Mayor, alternate more appropriate uses of the site which may require a rezoning. Subject to a positive outcome from such discussions, the applicant be required to withdraw the application.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL

3.2 DA/1505/2009 - Fit Out and Occupation of an Existing Premises as a Liquor Store at Toukley

This report was dealt with at the conclusion of the meeting in open session following discussions in confidential session.

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

That Council consider this matter following receipt of legal advice from Council's General Counsel in Confidential Session at the end of the meeting.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: BEST

A MOTION was MOVED by Councillor BEST and SECONDED by Councillor VINCENT:

- 1 That Council refuse the application of DA/1505/2009 by Mr Paul Levenspiel.***
- 2 That Council confirm it has considered the matter detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues.***

- 3 That Council cite its reasons for refusal as:
- a Pursuant to Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development does not comply with the provisions of the Wyong Development Control Plan 2005 Chapter 61 – Parking, Clause 8.0 in that the car park design does not facilitate the entry and exit of vehicles from the parking area to Choys Lane or Ray Street in a forward direction.
 - b Pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 the proposal will exacerbate existing social, amenity and traffic issues in the immediate area.
 - c Pursuant to Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979 the site is not considered suitable for the development proposed as it is likely to have a detrimental impact upon the users of the adjoining public open space in Ray Street.
 - d Pursuant to Section 79C (1)(d) of the Environmental Planning and Assessment Act 1979 the concerns raised in submissions relating to clustering of liquor outlets in the Toukley area and associated increase in antisocial behaviour have not been adequately addressed by the proposal.
 - e Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given it will introduce more alcohol into an area already experiencing issues arising from the abuse of alcohol.
 - f Pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 the proposal is not considered to be in the public interest given the general area is frequented by children in large numbers

AN AMENDMENT was *MOVED* by Councillor GRAHAM and *SECONDED* by Councillor SYMINGTON:

- 1 That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in Attachment 2.
- 2 That Council advise those who made written submissions of its decision.

The AMENDMENT was put to the VOTE and declared CARRIED.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS BEST, VINCENT AND WYNN

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

- 1 ***That Council, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, grant consent subject to the conditions detailed in Attachment 2.***
- 2 ***That Council advise those who made written submissions of its decision.***

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON AND WEBSTER

AGAINST: COUNCILLORS BEST, VINCENT AND WYNN

3.3 TA 84/2010 - Section 82A Application For The Removal of Seven Trees at 92 Panorama Avenue, Charmhaven

A MOTION was MOVED by Councillor MCNAMARA and SECONDED by Councillor WEBSTER:

That Council approve the removal of all seven trees on the condition that replacement planting takes place on a nearby reserve of endemic species with a minimum of size of 25 litres at a 2:1 ratio at full cost to the applicant.

AN AMENDMENT was MOVED by Councillor WYNN and SECONDED by Councillor SYMINGTON:

- 1 *That Council approve the removal of trees 1, 3, 4, 5 and 6.*
- 2 *That Council require the replacement of the removed trees with indigenous plantings of various sizes of 25 litres to 100 litres and this takes place at appropriate sites in the locale to create a contiguous canopy for fauna at the full cost to the applicant.*

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS SYMINGTON AND WYNN

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, VINCENT AND WEBSTER

RESOLVED on the motion of Councillor MCNAMARA and seconded by Councillor WEBSTER:

That Council approve the removal of all seven trees on the condition that replacement planting takes place on a nearby reserve of endemic species with a minimum of size of 25 litres at a 2:1 ratio at full cost to the applicant.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
VINCENT AND WEBSTER
AGAINST: COUNCILLORS BEST, SYMINGTON AND WYNN

4.1 Proposed Lease to Uniting Care Burnside of Part of Lake Munmorah Hall, Lot 8031 DP 755266 at Colongra Bay Drive, Lake Munmorah

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

- 1 That Council approve a lease of Part of Lot 8031 DP 755266 at Colongra Bay Drive, Lake Munmorah to Uniting Care Burnside for a period of five years at nominal rent.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Uniting Care Burnside.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**
- 4 That Council officers prepare a plan of management on the use by Uniting Care Burnside to ensure that the users of the residual part of the building are respected.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA,
SYMINGTON, VINCENT, WEBSTER AND WYNN
AGAINST: NIL

4.2 Lease of Adelaide Street Tennis Courts Site

Councillor Wynn left the meeting at 07:29 pm and returned to the meeting at 07:31 pm during consideration of this item.

Councillor Vincent left the meeting at 07:31 pm and returned to the meeting at 07:32 pm during consideration of this item.

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

- 1 That Council lease part of Crown Reserve 63621 for Public Recreation, being the site of the tennis court complex in Adelaide Street, Killarney Vale to Mr Brett Wales.**
- 2 That Council approve a lease term of five years at a commencing rent of \$5,000 per annum for the purpose of all weather small sided soccer.**
- 3 That Council authorise for the Common Seal of the Wyong Shire Council to be affixed to the Lease between the Wyong Shire Council and Mr Brett Wales.**

- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the lease between the Wyong Shire Council and Mr Brett Wales.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

4.3 Classification of Land - Lot 239 DP 1152170 at Warnervale Road, Hamlyn Terrace

Councillor McNamara declared a non-pecuniary insignificant conflict of interest in the matter for the reason that he lives in Warnervale Road nearby this land, and participated in consideration of this matter.

Councillor McNamara 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."

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

- 1 That Council classify Council land Lot 239 DP 1152170 as Operational Land.**
- 2 That Council advertise the proposal in accordance with Section 34 of the Local Government Act 1993.**
- 3 That Council adopt the classification if no adverse submissions are received.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor GRAHAM that Council adopt the recommendations contained in report numbers 5.1, 5.3, 5.4, 5.5 and 5.6.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.1 Contract CPA/182962 - Supply and Delivery of Road Bottom Ash

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

- 1 That Council accept Tender No. 1 from Boral Resources (NSW) Pty Ltd as the preferred supplier of Road Bottom Ash for a period of 36 months commencing on 1 December 2010.
- 2 That Council note the estimated annual expenditure for this contract is \$186,028 (ex GST). Actual expenditure may vary with fluctuations in demand.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.2 Contract CPA/184901 - Estuary Management Plan - Stormwater Treatment Works Project - Gascoigne Road, Gorokan

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

- 1 That Council accept the tender from Murphy McCarthy & Associates Pty Ltd for \$308,565.00 (excl GST) to provide the Stormwater Treatment Works Project, Gascoigne Road, Gorokan (Contract CPA/184901).
- 2 That Council note the contract amount is an estimate derived from the offer for a Lump Sum amount and a Schedule of Rates for estimated work.
- 3 That Council approve a contract budget of \$339,421.50 (excl GST) for Contract CPA/184901.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.3 Contract CPA/184904 - Estuary Management Plan - Stormwater Treatment Works Project - Catalina Road, San Remo.

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

- 1 That Council accept the tender from Murphy McCarthy & Associates in the estimated combined lump sum and schedule of rates total amount of \$413,964.00 (excl GST) for Contract CPA/184904 – 184904 – Estuary Management Plan – Stormwater Treatment Works Project – Catalina Road, San Remo.

- 2 That for Contract CPA/184904, Council approve a contract budget of \$455,360.40 (excl GST) that provides for a contingency amount of \$41,396.40 (excl GST), representing approximately 10% of the contract value, to provide for any unforeseen additional works that may become necessary during the course of the project.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.4 Contract CPA/184718 Hire of Compactor and Traxcavator for the Operation of Buttonderry Waste Management Facility

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

- 1 That Council accept tender No 4 from Homac Pty Ltd for a period of five years commencing on 24 January 2011 subject to the execution of a Deed of Guarantee and Indemnity by JA and CJ Hooper (Directors of Homac Pty Ltd).
- 2 That Council approve an estimated contract budget as outlined in the confidential attachment.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.5 Contract CPA/182828 - Supply and Delivery of Road Sealing Aggregates

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

- 1 That Council accept Tender No. 1 from Hanson Construction Materials Pty Ltd as the preferred supplier of Road Sealing Aggregates for a period of 36 months commencing on 1 December 2010.
- 2 The Council note the estimated annual expenditure for this contract is \$163,798 (ex GST). Actual expenditure may vary with fluctuations in demand.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

5.6 Contract - CPA/184771 Supply and Delivery of Steel Reinforced and Fibre Reinforced Stormwater Pipe

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

- 1 That, Council agree to the contract between Hunter Councils Inc. and Holcim (Australia) Pty Ltd T/as Humes for the supply and delivery of Steel Reinforced Concrete Pipe, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 2 That Council note the estimated annual expenditure against this contract is \$111,904 (ex GST). Actual expenditure may vary with fluctuations in demand.**
- 3 That, Council agree to the contract between Hunter Councils Inc. and James Hardie Australia Pty Ltd for the supply and delivery of Fibre Reinforced Concrete Pipe, subject to all member Councils of Hunter Councils Inc. agreeing to participate.**
- 4 That Council note the estimated annual expenditure against this contract is \$100,373 (ex GST). Actual expenditure may vary with fluctuations in demand.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.1 2009 - 2010 Annual Financial Reports

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

- 1 That Council adopt the draft Wyong Shire Council financial statements for 2009/10 as presented.**
- 2 That Council refer the draft Wyong Shire Council financial statements for 2009/10 (as presented) to external audit.**
- 4 That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to execute all documents related to the draft 2009/10 financial reports as required by legislation.**
- 5 That Council fix 27 October 2010 as the date for the presentation of the audited 2009/10 financial statements and external audit report in accordance with section 419(1) of the Local Government Act 1993.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.2 Installation of Solar Panels Progress Report

Councillor Best left the meeting at 07:56 pm and returned to the meeting at 07:58 pm during consideration of this item.

Councillor Symington left the meeting at 07:56 pm and returned to the meeting at 07:58 pm during consideration of this item.

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

- 1 That Council write to the General Manager of Energy Australia and urgently seek clarification of Energy Australia's interpretation of Council's participation in the Solar Bonus Scheme.**
- 2 That should Energy Australia confirm that Council cannot participate in the NSW Solar Bonus Scheme where it is the electricity account holder, Council lobby the State Government via the Minister for Energy the Hon. Paul Lynch and the Director-General, Dept of Industry & Investment, Dr Richard Sheldrake for a change in policy.**
- 3 That, based on the economic, social and environmental benefits, Council continue with installation of solar panels (as per the list previously approved by Council) and receive the Federal Government subsidy.**
- 4 That subject to resolutions 1 and 2 above, net metering be installed at sites where the solar bonus scheme does not apply and gross metering be installed to allow participation in the Solar Bonus Scheme at sites where Council is the asset owner and a community group is the electricity account holder.**
- 5 That subject to resolution 4, amendments be made to S355 Committee and leasing arrangements where solar panels have been installed by Council with a view to sharing the Solar Bonus payments.**
- 6 That Council urgently contact the Member for Wyong Mr David Harris MP and implore him to intercede on Council's behalf immediately to make sure that all Councils are treated equally and we in Wyong receive the same treatment as Fairfield City Council.**
- 7 That Council authorise the General Manager to obtain legal advice in respect to this matter and take whatever actions deemed necessary.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.3 Councillors Attendance at Company Directors Course - Newcastle

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

- 1 That Council authorise interested Councillors to attend the Australian Institute of Company Directors - Company Directors Course noting that attendance will consist of a maximum of three Councillors attending per financial year.**
- 2 That Council authorise Councillors McBride, Symington and Wynn to attend the five day Company Directors Course proposed to be held at Newcastle from 9 November 2010 to 24 November 2010 subject to their availability.**
- 3 That Council reimburse reasonable expenses incurred by Councillors attending this Course in accordance with the Councillors Facilities and Expenses Policy.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.4 Establishment of Alcohol Free Zone - The Entrance North

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

- 1 That Council prepare a proposal for the establishment of an Alcohol Free Zone at the following location for a period up to 30 June 2013:**

The Entrance North: Including Hutton Road The Entrance North and all roads leading to it from Wilfred Barrett Drive (The Central Coast Highway), as well as Hargraves and Simpson, Florida and Stewart Streets.

- 2 That Council complete the required public consultation process and advise the NSW Anti-Discrimination Board of the proposal.**
- 3 That Council determine the extension of the Alcohol Free Zone upon receipt of a report at a later date, following the public consultation process.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor MCNAMARA that with the exception of report nos 6.5, 7.1, 8.3, 8.4, 8.5 and 10.1, Council adopt the recommendations contained in the remaining reports.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.5 Proposed Councillors' Community Improvement Grants

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

- 1 That Council allocate an amount of \$3,750.00 from the 2010-11 Councillors' Community Improvement Grants with the exclusion of \$1,200.00 allocation to The Entrance Community Precinct Committee as contained in the report.**
- 2 That Council rescind its previous allocation of \$900.00 to The Entrance Community Precinct Committee for the data projector.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

6.6 Rate Payment Incentive Scheme 2010-11

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

That the Mayor draw and announce the winner of Council's Rate Payment Incentive Scheme for 2010-11.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

The winner of Council's ratepayer incentive scheme for 2010-11 is Mr and Mrs Small from The Entrance North (subject to verification).

7.1 Minutes - Wyong Shire Grants Committee Meeting - 29 September 2010

Councillor McNamara left the chamber at 8.45 pm and returned to the chamber at 8.48 pm during consideration of this item.

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 29 September 2010 and adopt the recommendations contained on pages 192 to 194 of the business paper.***
- 2 That the issue of self funding in accordance with Clause 1.5 be reconsidered by the Grants Committee.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.2 Minutes - Wyong Shire Governance Committee Extraordinary Meeting of 6 October 2010

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

That Council receive the minutes of the Wyong Shire Governance Committee Extraordinary Meeting held on 6 October 2010 and adopt the recommendations contained therein.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

7.3 Minutes of Wyong Shire Senior Citizens Council

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

That Council receive the report on Minutes – Wyong Shire Senior Citizens' Council Meeting – 26 August 2010 and adopt the recommendations contained therein.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.1 Information Reports

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

That Council deal with the following Information Reports by the Exception Method.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.2 Annual Disclosure of Interest Returns 2009-10

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

That Council receive the report on Annual Disclosure of Interest Returns 2009-10.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.3 Warnervale Town Centre Progress Report

Councillor Wynn left the chamber at 8.55 pm and returned to the chamber at 8.56 pm during consideration of this item.

Councillor Matthews left the chamber at 8.59 pm and returned to the chamber at 9.00 pm during consideration of this item.

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

That Council receive the report on Warnervale Town Centre Progress Report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.4 Mardi to Mangrove Link Project Status

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

That Council receive the report on Mardi to Mangrove Link Project Status.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.5 Broadcasting Ordinary Council Meetings on Local Community Radio

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

That Council receive the report on Broadcasting Ordinary Council Meetings on Local Community Radio.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.6 Information Concerning any Rates and Charges Written Off 2009-10

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

That Council receive the report on Information Concerning any Rates and Charges Written Off 2009-10.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

8.7 Outstanding Questions without Notice and Notice of Motions

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

That Council receive the report on Outstanding Questions without Notice and Notice of Motions.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

10.1 Notice of Motion - Efficiencies and Power Pricing Options

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 9.20 pm took no part in discussion, did not vote and returned to the chamber at 9:30 pm.

A MOTION was MOVED by Councillor BEST and SECONDED by Councillor WYNN:

- 1 That Council note with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.*
- 2 Further that Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.*
- 3 That Council, as an advocate on behalf of our residents and rate payers, seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.*
- 4 That staff report to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.*
- 5 That staff report to Council on the affect on energy bills of installation of smart meters.*

AN AMENDMENT was MOVED by Councillor SYMINGTON and SECONDED by Councillor MATTHEWS:

That Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding price hikes.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS MATTHEWS, MCBRIDE AND SYMINGTON

AGAINST: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

RESOLVED on the motion of Councillor BEST and SECONDED by Councillor WYNN:

- 1 That Council note with great concerns the alarming escalation of electricity pricing and the financial impact it is placing on our residents and ratepayers.**
- 2 Further that Council, as a matter of urgency, seek a formal briefing from the local peak energy provider Energy Australia regarding the recent alarming price hikes and as to what effective energy efficiency options are available to reduce usage and price.**
- 3 That Council, as an advocate on behalf of our residents and rate payers, seek to establish an independent investigation into the conduct of the energy industry and agencies that has resulted in the recent massive price hikes.**
- 4 That staff report to Council on options, initiatives and recommendations arising from the above to assist our residents and rate payers in dealing with this challenging situation.**
- 5 That staff report to Council on the affect on energy bills of installation of smart meters.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, MCNAMARA, WEBSTER AND WYNN

AGAINST: COUNCILLORS MATTHEWS, MCBRIDE AND SYMINGTON

QUESTIONS WITHOUT NOTICE

Q107/10 Water Leakage on Ratepayers property

Councillor Webster

F2004/05476

“Could staff please advise whether the policy applicable to accidental water leakage on a ratepayers property is a local policy or a state policy and how can Council assist with excessive bills?”

Q108/10 Swimming areas at Gwandalan and Mannering Park

Councillor Symington

C2010/05513

“In relation to the swimming areas at Gwandalan and Mannering Park, could staff report on the current condition and future requirement and/or replacement of the nets?”

Q109/10 Regional Hospital Cutbacks

Councillor Greg Best

F2004/11290

“It has been reported in the media that the Federal Government has redirected hospital funding into the regions, reportedly resulting in substantial cutbacks to our regional hospital at Gosford. As the Central Coast is a region and that the Federal Government funding adjustment was indicated to favour the regions how is it that this region appears to have suffered a health funding cutback?”

Q110/10 Bus Services in our Shire's North

Councillor Greg Best

F2004/06706

“A recent significant transport announcement was made by the State Government with regard to improving bus services and scheduling. This timely announcement is welcomed by the broader community, however could you please have staff confirm as to exactly what increased services residents and ratepayers will now enjoy north of the Wyong Township?”

CONFIDENTIAL SESSION

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

That Council move into Confidential Session to consider legal advice which might otherwise prejudice the Council if held in open session.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

OPEN SESSION

RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN that Council resume in open session.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

THE MEETING closed at 9.57 pm.