
WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 24 July 2013
COMMENCING AT 5:00 PM**

PRESENT

Councillors D J Eaton (Chairperson), G P Best, R L Graham, K G Greenwald, L A Matthews, L R Y Nayna, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

Acting General Manager, Director Development and Building, Director Land Management, Director Community and Recreation Services, General Counsel, Communications Officer and three administration staff.

The Mayor, Councillor Eaton, declared the meeting open at 5.00 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.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3 and 3.1, 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 Disclosures of Interest

2.2 Mayoral Minute - Central Coast Business Excellence Awards 2013

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is General Manager of Central Coast Group Training (CCGT) which has been nominated for an award at this event and participated in consideration of this matter.

Councillor Best 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."

3.1 RZ/7/2009 - Proposed Rezoning - 19-23 Geoffrey Road, Chittaway Point

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that the applicant is a family friend and participated in consideration of this matter.

Councillor Taylor 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."

6.3 Notice of Approval for Open Burning

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Service and participated in consideration of this matter.

Councillor Troy 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."

6.6 2013 Wyong Regional Chamber of Commerce Annual Business Awards & Central Coast Business Review Cocktail Evening

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council Delegate on the Board of the Wyong Regional Chamber of Commerce 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 Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an Alternative Council Representative on the Committee and participated in consideration of this matter.

Councillor Greenwald 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 WEBSTER and seconded by Councillor TAYLOR:

922/13 That Council receive the report on Disclosure of Interest and note advice of disclosures.

1.2 Proposed Inspections and Briefings

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor NAYNA:

923/13 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

924/13 That Council receive the amended report on Invited Speakers.

925/13 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.

1.4 Confirmation of Minutes of Previous Meeting

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

926/13 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 10 July 2013.

Business Arising

Councillor Nayna – Page 19 - Item 5.1 – Councillor Outcomes Report. Councillor Nayna queried why this report was not in the Business Paper for the 24 July 2013 Ordinary Meeting as it was resolved at the 10 July 2013 meeting:

“That Council defer the report to be considered at the 24 July 2013 Ordinary Council meeting”

Acting General Manager, Greg McDonald advised that he was unsure why this report was not included, however, he will ensure it will be submitted to the Ordinary Meeting 14 August 2013.

Councillor Graham - Page 20 – Q27/13. Councillor Graham queried why his question was altered in the minutes. He also noted he was not consulted with respect to the changes.

Acting General Manager, Greg McDonald advised that Council were made aware by external parties that some of the comments in the minutes may be defamatory. Therefore, Council sought legal advice and in accordance with the GIPA legislation, some of the comments were redacted.

1.5 Notice of Intention to Deal with Matter in Confidential Session

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

927/13 That Council consider the following matter in Confidential Session, pursuant to Sections 10A(2)(d)(ii) and 10A(2)(b) of the Local Government Act 1993:

10.1 – Works on Private Land to Replace Collapsed Retaining Wall at 3 Regent Street, Buff Point.

10.2 - Q24/13 Central Coast Mariners

928/13 That Council note its reason for considering Report No 10.1 – Works on Private Land to Replace Collapsed Retaining Wall at 3 Regent Street, Buff Point as it contains information concerning information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

929/13 That Council note its reason for considering Report No 10.2 - Q24/13 Central Coast Mariners as it contains the personal hardship of any resident or ratepayer.

930/13 That Council request the General Manager to report on this matter in open session of Council.

2.1 Mayoral Minute - Referendum for Financial Recognition of Local Government in the Australian Constitution

RESOLVED on the motion of Councillor EATON:

931/13 That Council confirm its support for change to the Australian Constitution to financially recognise Local Government.

932/13 That Council note the importance of public awareness for the proposal to ensure voters are fully informed when making their vote.

933/13 That Council promote awareness of the campaign via its media and other communication channels.

934/13 That Council invite staff (on a leave in lieu basis at 1 time rate) to attend polling booths to distribute information supporting the case for financial recognition of local government in the Australian Constitution using appropriate resources as advised by the General Manager.

935/13 That Council direct the Mayor to seek additional polling booth volunteer staff from the community including from Council's precinct committees.

2.2 Mayoral Minute - Central Coast Business Excellence Awards 2013

Councillor Best declared a non-pecuniary insignificant interest in the matter for the reason that he is General Manager of Central Coast Group Training (CCGT) which has been nominated for an award at this event and participated in consideration of this matter.

Councillor Best 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:

- 936/13** That all Councillors note that a total of 10 tickets have been allocated for attendance at the Central Coast Business Excellence Awards 2013 to be held on Saturday 17 August, 2013.
- 937/13** That Councillors, interested in attending this event, advise the Mayor's office, prior to 31 July 2013, in order to facilitate a booking for Wyong Shire Council attendees.
- 938/13** That Councillors note that if less than ten Councillors are proposing to attend the remaining tickets may be used by partners or given to appropriate staff.

3.1 RZ/7/2009 - Proposed Rezoning - 19-23 Geoffrey Road, Chittaway Point

Councillor Taylor declared a non-pecuniary insignificant interest in the matter for the reason that the applicant is a family friend and participated in consideration of this matter.

Councillor Taylor 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."

Mr Ian Adams, representing Paradigm Planning and Development Consultants Pty Ltd , addressed the meeting at 5.05 pm, answered questions and retired at 5.09 pm.

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

- 939/13** That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan, 1991, (or pending timing, Wyong Standard Instrument Local Environmental Plan) pursuant to Section 55 of the Environmental Planning and Assessment (EP & A) Act, 1979, to enable residential development and environmental conservation/management.
- 940/13** That Council forward the Planning Proposal to the Department of Planning and Infrastructure (DoPI) accompanied by a request for a "Gateway Determination", pursuant to Section 56 of the EP & A Act, 1979.
- 941/13** That Council request the General Manager to apply to accept plan making delegations for the rezoning.
- 942/13** That Council require, subject to the "Gateway Determination," the proponent enter into a Funding Agreement with Council in accordance with Council's Planning Proposal Procedure to recover the costs involved in

further progressing the proposal.

943/13 *That Council authorise the General Manager (or delegate) to sign the Funding Agreement.*

944/13 *That Council note that additional information will need to be submitted prior to proceeding to public exhibition/consultation.*

945/13 *That Council undertake community and government agency consultation, in accordance with the requirements attached to the "Gateway Determination".*

946/13 *That Council consider a further report on results of community consultation.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

PROCEDURAL MOTION

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

947/13 *That Council allow meeting practice to be varied.*

948/13 *That Council use the exception method to deal with the balance of the Agenda.*

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

949/13 *That with the exception of report numbers 1.4, 2.1, 2.2, 3.2, 4.1, 5.1, 6.2, 6.3, 6.4, 6.5, 6.9, 6.10, 7.3, 9.1 and 10.1 Council adopt the recommendations contained in the remaining reports.*

3.2 **Policy Review - Policy L4 - Local Approvals Policy and Policy L2 - Local Orders Policy**

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

950/13 *That Council revoke Council Policy L2- Local Orders Policy and Council Policy L4- Local Approvals Policy and that appropriate public notice be given in accordance with the requirements of the Local Government Act 1993*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

3.3 DA/127/2013 Proposed shed at Wyong

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

951/13 That Council grant consent, having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, subject to the conditions detailed in the schedule attached to the report.

952/13 That Council vary the Lower Wyong River Flood Plain Management Plan and Chapter 99 Building Lines to permit the development.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

4.1 Lease of Tennis Courts at Levitt St Wyong to Wyong Tennis Association

Councillor Troy left the meeting at 5.44 pm and returned to the meeting at 5.45 pm during consideration of this item.

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

953/13 That Council lease Lots 1012 1013 DP 831978 and part of Lot 2 DP 614523 to the Wyong District Tennis Association for twelve months at commencing rent of \$100 per annum.

5.1 Construction of Stormwater Culvert, Warnervale Road, Hamlyn Terrace

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

954/13 That Council accepts the tender from Bolte Civil Pty Ltd in the attached Tender Evaluation Report, for the estimated total amount of \$729,773 (excl GST) for Contract CPA/225065 – Construction of Stormwater Culvert, Warnervale Road, Hamlyn Terrace.

955/13 That Council determines the Tender Evaluation Report in Attachment A remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.

956/13 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

6.1 Amendments to Development Contribution Plans

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

957/13 That Council adopt the exhibited amendments to all Council's Contribution Plans in accordance with the provisions of Clause 31(1) of the Environmental Planning and Assessment Regulation 2000, subject to the amendment of the Complying Development Certificate Clause that confirms that the payment of Section 94 contributions are to be made to Council.

958/13 That Council repeal the previously adopted versions of the clauses that are to be replaced / reorganised.

959/13 That Council give public notice of its decision to adopt the plans in accordance with the provisions of Clause 31(2) of the Environmental Planning and Assessment Regulation 2000.

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.2 Results of Trial Reduction of S94 Contributions for Secondary Dwellings

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

960/13 That Council adopt the trial development unit ratio for secondary dwellings of 0.35 development unit and amend all of Council's contributions plans to reflect this change (excluding the Warnervale Town Centre Contributions Plan) (Option 1b).

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA,
TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

6.3 Notice of Approval for Open Burning

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Rural Fire Service and participated in consideration of this matter.

Councillor Troy 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 TAYLOR and seconded by Councillor TROY:

961/13 That Council adopt the amendment of Schedule 8 to the Protection of the Environment Operations (Clean Air) Regulation 2010 so as to permit Council to issue approval for the burning of dead and dying vegetation

under cl. 13(2) of that Regulation, Council grants approval pursuant to cl. 13(2) of the Protection of the Environment Operations (Clean Air) Regulation 2010 on the terms set out in Attachment 1 to this report for a period of five (5) years, and directs the General Manager to publish a Notice in relevant newspapers in accordance with Attachment 1 as amended.

962/13 *That Council direct staff to implement a community engagement program in the areas to which the Notice applies, following the advertisement of the Notice of Approval, being the non-urban areas of the Shire, for the purpose of raising awareness of the specific conditions associated with pile burns.*

963/13 *That Council note that point 3 in attachment 1 should read "... other building or unmanaged vegetation".*

6.4 **RZ/3/2013 Planning Proposal - Tuggerah Lakes Memorial Club - Diggers @The Entrance**

Councillor Troy left the meeting at 6.41 pm and returned to the meeting at 6.43 pm and as a result took no part in voting.

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

964/13 *That Council initiate the Planning Proposal to amend Wyong Local Environmental Plan (WLEP) 1991 in accordance with Section 55 of the Environmental Planning & Assessment Act 1979, by endorsing the planning proposal prepared by the applicant.*

965/13 *That Council forward the Planning Proposal to the Director General Department of Planning and Infrastructure requesting a 'Gateway' determination, pursuant to Section 54 (1) of the Environmental Planning and Assessment Act 1979.*

966/13 *That Council request the Director General, Department of Planning and Infrastructure to issue an Authorisation to exercise delegation under Part 3 of the Environmental Planning and Assessment Act 1979 and advise the Department that the plan is to be made by sub-delegation to the relevant Council Officer.*

967/13 *Subject to the Director Generals approval, that Council undertake community consultation on the Planning Proposal, in accordance with the Gateway Process and Director General's direction.*

968/13 *Subject to the Director Generals approval, Council prepare the draft Local Environmental Plan Instrument in consultation with the Office of the Parliamentary Counsel (PCO) where Written Authorisation to exercise delegation has been issued to Council, and that Council make the plan subject to there being no objections received that cannot be resolved by minor amendments to the Planning Proposal.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, VINCENT AND WEBSTER

AGAINST: NIL

6.5 Draft Wadalba, Woongarra and Hamlyn Terrace Contributions Plan (WWAHT)

Councillor Troy left the meeting at 6.41 pm and returned to the meeting at 6.43 pm during consideration of this item.

Councillor Webster left the meeting at 6.43 pm and returned to the meeting at 6.45 pm during consideration of this item.

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

969/13 That Council endorse the exhibition of the Draft Wadalba Woongarra and Hamlyn Terrace Development Contributions Plan for public comment.

970/13 That a report on the submissions received during the exhibition period be submitted to Council for consideration.

6.6 2013 Wyong Regional Chamber of Commerce Annual Business Awards & Central Coast Business Review Cocktail Evening

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is a Council Delegate on the Board of the Wyong Regional Chamber of Commerce 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 Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that he is an Alternative Council Representative on the Committee and participated in consideration of this matter.

Councillor Greenwald 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 GRAHAM and seconded by Councillor TROY:

971/13 That Council authorise any interested Councillors to attend the 2013 Wyong Regional Chamber of Commerce Annual Business Awards function.

972/13 That Council note the approval granted by the Mayor and General Manager for any interested Councillor/s and partners to attend the 2013 Central Coast Business Review Cocktail Evening.

973/13 That Council meet reasonable expenses incurred by Councillors and their partners attending the above functions in accordance with Council's Facilities and Expenses Policy For Councillors.

6.7 ICTC Society Conference attendance

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

- 974/13 That Council authorise interested Councillors to attend the 11th International Cities, Town Centres and Communities Society Conference.
- 975/13 That Council meet reasonable expenses incurred in Councillors attending the conference in accordance with Council's Facilities and Expenses Policy for Councillors.
- 976/13 That Council authorise interested Councillors to attend an inspection of the Dawesville Cut, Dawesville.
- 977/13 That Council meet reasonable expenses incurred in Councillors attending the inspection of Dawesville Cut comparative with Council's Facilities

6.8 Determination by the Local Government Remuneration Tribunal on Councillor Fees for 2013/14

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

- 978/13 That Council implement the determination made by the Local Government Remuneration Tribunal in respect of Councillor and Mayoral fees.
- 979/13 That Council set the annual Mayoral Fee at \$59,100 for the period 1 July 2013 to 30 June 2014.
- 980/13 That Council set the annual Deputy Mayoral fee at \$8,274.00 for the period 1 July 2013 to 30 June 2014.
- 981/13 That Council reduce the paid annual Mayoral Fee by 14% (\$8,274.00) to fund the annual Deputy Mayoral fee.
- 982/13 That Council reduce the paid annual Mayoral Fee by \$1,954.31 for use of the Mayoral Motor Vehicle.
- 983/13 That Council set the Annual Councillor Fee at \$22,240 for the period 1 July 2013 to 30 June 2014.

6.9 Amendment to Councillors Community Improvement Grant Policy

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

984/13 That Council adopt the amended Councillor Community Improvement Grant Policy.

985/13 That Council repeal its Councillor Local Project Fund Policy.

986/13 That Council reallocate the 2013/14 Councillor Local Project Fund allocation to;

- **Councillor Community Improvement Grants \$20,000**
- **Community Benefit Grants \$80,000 (noting that a proposal for a new grant to support individuals and teams undertaking sports and cultural representation will be coming to Council on 14 August 2013 it where will be recommended that \$20,000 come from CBG).**

6.10 Consideration of Freeboard and Sea Level Rise Planning Levels

Councillor Troy left the meeting at 7.03 pm and returned to the meeting at 7.04 pm during consideration of this item.

RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor TROY:

987/13 That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.

988/13 That Council review the current draft LEP and DCP in line with this policy.

989/13 That Council note that in accordance with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to Council's adopted sea level rise policy.

FOR: COUNCILLORS BEST, EATON, GRAHAM, MATTHEWS, NAYNA, TAYLOR, TROY AND WEBSTER

AGAINST: COUNCILLORS GREENWALD AND VINCENT

7.1 General Works in Progress

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

990/13 That Council receive the report on General Works in Progress.

7.2 Activities of the Development Assessment and Building Certification and Health Units

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

991/13 That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units for June 2013.

7.3 Audit of Best Practice Management Guidelines for Water Supply and Sewerage

Councillor Nayna left the meeting at 7.15 pm and returned to the meeting at 7.17 pm during consideration of this item.

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

992/13 That Council receive the report on "Audit of Best Practice Management Guidelines for Water Supply and Sewerage".

7.4 Works in Progress - Water Supply and Sewerage

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

993/13 That Council receive the report on Works in Progress - Water Supply and Sewerage.

7.5 Results of Water Quality Testing for Beaches and Lake Swimming Locations

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

994/13 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

7.6 Investment Report for June 2013

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

995/13 That Council receive the Investment Report for June 2013.

7.7 Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 4 July 2013

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

996/13 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee held on 4 July 2013.

7.8 Outstanding Questions on Notice and Notices of Motion

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

997/13 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

9.1 Notice of Motion - Councils Reduction in Red Tape

Councillor Vincent left the meeting at 7.33 pm and returned to the meeting at 7.34 pm during consideration of this item.

Councillor Greenwald left the meeting at 7.41 pm and returned to the meeting at 7.42 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor TAYLOR and seconded by Councillor TROY:

998/13 That Council indicate its intention to rescind all controls over residential side and rear boundary fencing.

999/13 That Council acknowledge that in Wyong Shire all dividing fence matters are controlled by the Dividing Fences Act 1991.

1000/13 That Council insert "Front Boundary Fences" within Schedule 2, Exempt Development, as part of major Amendment No.1 to the Wyong Local Environmental Plan 2012, subject to the following standards:

- a be not higher than 1.8 metres above ground level (existing); and**
- b be located within, not over, the front boundary; and**
- c be designed to preserve traffic sight line requirements at intersections; and**
- d be not constructed of barbed or razor wire.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, GREENWALD, MATTHEWS, NAYNA, TAYLOR, TROY, VINCENT AND WEBSTER

AGAINST: NIL

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor NAYNA:

1001/13 That Council move into Confidential Session.

At this stage of the meeting being 7.47 pm Council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

Council resumed in open session at 7.52 pm and the Acting General Manager reported on proceedings of the confidential session of the Ordinary Meeting of Council as follows:

10.1 Works on Private Land to Replace Collapsed Retaining Wall at 3 and 4 Regent Street, Buff Point

1002/13 That Council seeks the full costs of the wall replacement from the original developer.

1003/13 That Council seeks a contribution for the cost of the wall repair from each of the property owners based on the proportion of the wall on each property that is in excess of the height required by Council to protect its drainage asset (typically 1m high) less any contribution already obtained from the original developer

1004/13 That Council approve the works detailed in Table A to be carried out on 3 and 4 Regent Street Buff Point.

QUESTIONS ON NOTICE

Q29/13 VPA Voluntary Planning Agreement Backlog
Councillor Greg Best

"Mr Mayor,

As these planning agreements are central to Councils efforts to better manage developer contributions while providing economic and employment stimulus, could you please advise Council as at 24 July 2013 how many voluntary planning agreements are currently undetermined?

Also could you outline what further resources Council may consider to assist staff in dealing with what appears to be a significant backlog?"

Q30/13 Carbon Tax Rename

Councillor Greg Best

“Mr Mayor,

Further to the federal Government recent rebadging of the carbon tax, could you please update Council as to whether this tax rebadging will actually make a difference to Council’s tax liability?

Further it has been reported that the Carbon tax will affect the rate payer purse to the tune of some Eleven (11) Million Dollars.

Now that this tax has been established for more than 12 (twelve) Months, could you please provide Council and the community with a more accurate estimate of the impact arising from the carbon tax?”

Q31/13 Pioneer Dairy

Councillor Ken Greenwald

“Can the General Manager make enquiries to inform Council when the public land at Pioneer Dairy, Tuggerah will be regularly open to the public?”

Q32/13 Rateable Land

Councillor Lloyd Taylor

“Could the General Manager please advise what percentage of the Shire is rateable land?”

Q33/13 Financial Impact on Government Changes to Fringe Benefit Tax on Motor Vehicles.

Councillor Adam Troy

Could the General Manager please report back to Council, the potential financial impact on Council of the Rudd Labour Government’s plan to change the Fringe Benefit Tax on motor vehicles? And the potential liability that Council and Staff may incur?

THE MEETING closed at 7.53 pm