
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 23 MAY 2012 COMMENCING AT 5:00 PM

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews, E M McBride (arrived at 5.24 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

General Manager, Acting Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Acting Director Community and Recreation Services, General Counsel, Manager Human Resources, Manager Integrated Planning, Manager Building Certification and Health and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 5.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor presented Miss Alexander Fitch with a Certificate of Recognition for her extraordinary achievements at the 2012 Youth Winter Olympic Games held in Austria, where she was awarded the Bronze Medal in Women's Snowboard Slope Style.

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

APOLOGIES

There were no apologies.

Report nos 1.1, 2.1, 2.2, 2.3, 4.9, 5.2, 5.3, 5.7, 6.2, 7.1, 7.2, 7.3, 7.4, 3.1, 8.0, 8.1, 8.2, 8.3, 8.4, 4.2, 4.3, 4.4 and 4.5 were dealt with individually and the remaining items were dealt with by the exception method.

1.1 Disclosures of Interest

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

2.1 Mayoral Minute – Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 5.17 pm, took no part in discussion and returned to the chamber at 5.32 pm.

7.4 Notice of Motion – Mardi Old Farm Rezoning

The General Counsel, Brian Glendenning declared a non-pecuniary insignificant interest in the matter for the reason that prior to commencement of his employment by Council, had previously given advice to a (now deceased and therefore former) Director of the owner of the site on the zoning of this site and did not participate in consideration of this matter and remained in the chamber.

8.0 Mayoral Minute – General Manager’s Performance Appraisal

The General Manager, Michael Whittaker declared a pecuniary interest in the matter for the reason that the item is about his employment contract, left the chamber at 7.45 pm, took no part in discussion and returned to the chamber at 7.47 pm.

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

SUSPENSION OF MEETING PRACTICE

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

1 That Council allow meeting practice to be varied.

2 That Council use the exception method to deal with the balance of the Agenda.

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

AGAINST: NIL

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

That with the exception of report numbers 2.1, 2.2, 2.3, 3.1, 4.2, 4.3, 4.4, 4.5, 4.9, 5.2, 5.3, 5.7, 6.2, 7.1, 7.2, 7.3, 7.4, 8.0, 8.1, 8.2, 8.3 and 8.4 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 9 May 2012.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Address by Invited Speakers

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

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, MCNAMARA, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: NIL

1.5 Notice of Intention to Deal with Matters in Confidential Session

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

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

8.1 – Contract CPA/158914 – Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and Lake Haven Recreational Centre

8.2 – Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah

8.3 – External Legal Advice on the Legality of the Proposed \$25 Stormwater Management Charge

8.4 – Neuman’s Contract matter

Q13/12 – 8 Bush Road Norah Head

2 That Council note the reason for considering items in confidential session:

- **8.1 and 8.2 – is that if disclosed it would confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct, business**
- **8.2 - is that commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council**

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

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

AGAINST: NIL

2.1 Mayoral Minute - Proposed Transfer of Delta Electricity Land to Council for continued operation of the Extreme Sports Park, Koala Park and Camp Breakaway at San Remo

Councillor Vincent declared a non-pecuniary significant interest in the matter for the reason that he is an employee of Delta Electricity, left the chamber at 5.17 pm, took no part in discussion and returned to the chamber at 5.32 pm.

Councillor McBride entered the meeting at 5.24 pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor GRAHAM:

That Council formally seek the support of the State Government for the transfer of lands owned by Delta Electricity, a State Government owned power generating company, to Council at no cost to allow the continuing operation of the Extreme Sports Park, Koala Park, the triangle of land bounded by Scenic Drive, Highview Street and the Outlet San Remo and the recreation lands and open park lands at Vales Point Power Station for the public use benefit.

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

AGAINST: NIL

2.2 Mayoral Minute - Council Resource Utilisation Leading Up to the Local Government Election - September 2012

RESOLVED on the motion of Councillor GRAHAM:

- 1 *That the report be received and noted and that all Councillors conform to the intent of this Mayoral Minute.***
- 2 *That the General Manager provide a briefing and report to the next Council meeting 13 June 2012 indicating options and the supporting arguments to ensure legitimacy and correctness on all future Notices of Motions.***

FOR: COUNCILLORS EATON, GRAHAM, SYMINGTON, VINCENT, WEBSTER AND WYNN

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE AND MCNAMARA

MOTION BE PUT

RESOLVED on the motion of Councillor EATON:

That the motion be put.

The MOTION was put to the vote and declared CARRIED.

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

AGAINST: COUNCILLORS BEST, MATTHEWS, MCBRIDE AND VINCENT

MOTION OF DISSENT

It was MOVED by Councillor BEST:

I move dissent from the Chairperson's ruling in respect of the decision to allow voting to put item 2.2, Mayoral Minute - Council Resource Utilisation Leading Up to the Local Government Election - September 2012, as I believe there were not two speakers for and against this item.

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, MATTHEWS, MCBRIDE AND VINCENT

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

2.3 Mayoral Minute - Visit to Canberra 2012

RESOLVED unanimously on the motion of Councillor GRAHAM:

That Council receive and note the Mayoral Minute – Visit to Canberra 2012.

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

AGAINST: NIL

PROCEDURAL MOTION

Councillor Vincent left the meeting at 5.15 pm and returned to the meeting at 5.17 pm and as a result took not part in voting on this item.

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council defer item 3.1, DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby, until in confidential session in order to receive legal advice.**

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

AGAINST: NIL

3.1 DA/159/1993/A - Section 96 Application Variation to Existing consent Rural Dwelling at Little Jilliby

Councillor Vincent left the meeting at 5.15 pm and returned to the meeting at 5.17 pm during consideration of this item.

Mrs Mary Mann, local resident, speaking against the recommendation, addressed the meeting at 5.14 pm, answered questions and retired at 5.15 pm.

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

- 1 That Council request the applicant to withdraw this application.**
- 2 That Council take no further action in respect to this matter for a period of two years.**

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

AGAINST: NIL

4.1 Contract Variations and Finalisation - March 2012

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

- 1 That Council receive the Contract Variations and Finalisation for March 2012.**
- 2 That Council approve additional expenditure above resolved estimates for the following contracts:**

Contract Title	Contract No	Adjusted Contract Value (excl GST)	Additional Budget Approval
Provision of Accounting Management Services	CPA/201865	\$209,516.00	\$59,516.00
Stormwater Treatment Works - Colongra Bay Road, Lake Munmorah	CPA/144547	\$333,355.56	\$35,316.06

- 3 That Council note the additional expenditures requested are within approved program budgets.**

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

PROCEDURAL MOTION

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

- 1 That Council allow meeting practice to be varied.**
- 2 That Council defer items 4.2 - Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration), 4.3 - Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan), 4.4 - Making and Fixing of Rates and Charges for 2012-13, and 4.5 - Determination of Water and Sewer Fees and Charges 2012 – 2013, to be considered in open session after item 8.1 – External Legal Advice Stormwater Management Charge, has been dealt with in confidential session.**

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

4.2 Submissions to The Wyong Shire Strategic Plan 2012 - 2016 (consideration)

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

- 1 That Council receive the submissions listed herein concerning the Draft WSC Strategic Plan 2012-16.**
- 2 That Council determine the outcome of each submission in terms of possible changes to the draft Plan before the final Plan is adopted.**
- 3 That Council amend the WSC Strategic Plan 2012-16 to reflect its consideration of submission number 9v.**

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

AGAINST: NIL

4.3 Adoption of the Wyong Shire Council Strategic Plan 2012-2016 (incorporating the Annual Plan and 4 Year Delivery Plan)

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

- 1 That Council adopt the WSC Strategic Plan (2012-2016) complete with the changes proposed in this report.**
- 2 That Council approve the estimates of income and expenditure as detailed in this report and the Plan.**
- 3 That Council authorises the General Manager to make final minor changes to the plan to ensure correctness and clarity.**
- 4 That Council set the rate and charge rebates to pensioners for the year 2011-2012 in accordance with the relevant legislation and Council's current policy.**
- 5 That Council is of the opinion that the following rateable land will derive benefit from the business related costs of The Entrance Town Centre Management that are funded in part or whole by The Entrance Town Centre Special Rate:**
 - a All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as The Entrance.**
 - b All land used as Major Facilities servicing tourists including Service Stations, Camp or Caravan Sites, Registered Clubs, Tourist Accommodation and Hotels/Motels as defined in Council's current Local Environmental Plan (LEP) and District Shopping Centres as defined in Council's current Retail Strategy in the suburbs known as The Entrance North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach, Bateau Bay and Magenta.**

- c** *All land used as rental accommodation and which is categorised as Residential under Section 516 of the Local Government Act, 1993 which is rented or leased for periods of three months or less in the suburbs known as The Entrance North, The Entrance, Blue Bay and Toowoan Bay.*
- 6** *That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Greater Toukley Vision that are funded in part or whole by the Non Residential Properties Toukley Area Special Rate :*
- a** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head.*
- 7** *That Council is of the opinion that the following rateable land will derive benefit from the business related costs of the Wyong-Tuggerah Chamber of Commerce that are funded in part or whole by the Non Residential Properties Wyong Area Special Rate :*
- a** *All land used for business purposes and categorised as such in accordance with Section 518 of the Local Government Act 1993 in the suburb known as Watanobbi.*
- b** *All land used for business purposes and categorised as such in accordance with section 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:*
- North of the Wyong River from Tacoma in the east to the F3 Freeway in the west;*
 - East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;*
 - South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the*
 - Intersection of Pollock Avenue, but to include Lot 400 DP 1114793 (being to the north of the Pacific Highway);*
 - The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.*

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

AGAINST: NIL

4.4 Making and Fixing of Rates and Charges for 2012-13

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

- 1** *That Council make the following ordinary rates for 2012-13 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492-494, 497-500, 535-537 of the Local Government Act 1993:*

Ordinary Rate Category Under Section 493	Ordinary Rate Sub Category Under Section 529	Base Amount	% revenue sourced from base amount for each category	Ad Valorem Amount (cents in the \$)
Farmland		\$168.00	7.82%	0.2312
Residential		\$168.00	19.32%	0.3789
Mining		\$168.00	0.10%	7.6548
Business		\$168.00	6.21%	0.7064
Business	Major Retail	\$168.00	0.32%	1.0596

- 2 That Council make the following special rates and amounts for 2012-13 consisting of a base amount to which an ad valorem amount is added, pursuant to Sections 492, 495, 497-500, 535-538 of the Local Government Act 1993:

Special Rate	Base Amount	% revenue sourced from base amount for each Special Rate	Ad Valorem Amount (cents in the \$)
The Entrance Town Centre	\$76.00	13.05%	0.2885
Non Residential Properties Toukley Area	\$76.00	10.06%	0.2372
Non Residential Properties Wyong Area	\$76.00	17.67%	0.1053

- 3 That Council adopt the following descriptions of rateable land to which each special rate will apply for 2012-13, pursuant to Section 538 of the Local Government Act 1993:

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

- i The suburb known as Watanobbi.*
- ii The suburb known as Wyong, bounded by the following:*
 - *North of the Wyong River from Boyce Avenue in the east to the F3 Freeway in the west.*
 - *East of the F3 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964.*
 - *South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include Lot 400 DP 1114793, (being to the north of the Pacific Highway).*
 - *The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.*

- 4 That Council make the following schedule of annual charges for stormwater management services for 2012-13, pursuant to Sections 496(A) and 510(A) of the Local Government Act 1993:

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

- 5 That Council apply the Stormwater Management Charge to all properties in the Shire eligible under Section 496(a) of the Local Government Act 1993 and located east of the F3 Freeway.

- 6 That Council make the following annual Domestic Waste Management Charges for 2012-13, pursuant to Section 496 of the Local Government Act 1993:

Description	Charge each
Domestic Waste Management Availability Charge	\$58.00
Domestic Waste Management Charge	\$460.00
Domestic Waste Management Charge West of F3 Freeway	\$390.00
Domestic Waste Management Charge – 240 litre Waste Upgrade	\$144.00
Domestic Waste Management Charge – Additional 240 litre Waste Bin Service	\$435.00
Domestic Waste Management Charge – Additional 140 litre Waste Bin Service	\$299.00
Domestic Waste Management Charge – Additional 240 litre Recycling Bin Service	\$ 70.00

<i>Domestic Waste Management Charge – Additional 240 litre Vegetation Bin Service</i>	<i>\$ 70.00</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</i>	<i>\$ 15.50</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</i>	<i>\$ 16.50</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</i>	<i>\$ 15.50</i>
<i>Domestic Waste Management Charge – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</i>	<i>\$ 15.50</i>

- 7 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.
- 8 That Council make the following Waste Management Charges for 2012-13, pursuant to Section 501 of the Local Government Act 1993:

<i>Description</i>	<i>Charge each</i>
<i>Waste Management Charge – 140 litre Waste Bin Service</i>	<i>\$ 299.00</i>
<i>Waste Management Charge – 240 litre Recycling Bin Service</i>	<i>\$ 70.00</i>
<i>Waste Management Charge – 240 litre Vegetation Bin Service</i>	<i>\$ 70.00</i>
<i>Waste Management Charge - 240 litre Waste Bin Service</i>	<i>\$ 429.00</i>
<i>Waste Management Charge - 660 litre Waste Bin Service</i>	<i>\$1,732.00</i>
<i>Waste Management Charge - 1.1 cubic metre Waste Bin Service</i>	<i>\$2,445.00</i>
<i>Waste Management Charge - 1.5 cubic metre Waste Bin Service</i>	<i>\$3,294.00</i>

- 9 That Council apply a proportional charge adjustment, calculated on a weekly basis, where Domestic Waste Management or Waste Management services commence or cease during the year.
- 10 That Council charge the maximum interest rate as specified by the Minister for Local Government and published in the Government Gazette in respect of overdue rates and charges levied under the Local Government Act 1993 and this interest be calculated on a daily basis using the simple interest method in accordance with Section 566 of the Local Government Act 1993, for the period of 1 July 2012 to 30 June 2013.
- 11 **Incentive Scheme**
- a That Council offer an incentive scheme for those eligible ratepayers who elect to pay, their 2012-13 Rates and Charges in full by 31 August 2012 and for those ratepayers who elect to pay by direct debit.
- b That Council implement the incentive scheme in accordance with the rules detailed in Attachment 1.
- c That Council consider a report detailing the success or otherwise of the scheme following the scheme period.

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

AGAINST: NIL

4.5 Determination of Water and Sewer Fees and Charges 2012 - 2013

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

- 1 That Council approve the water, sewerage and drainage Service Charges set out in Attachment 1**
- 2 That Council note the amount of revenue to be raised by way of the Service Charges is estimated at \$73,371,000.**
- 3 That Council classify all land for the purpose of levying Services Charges according to the following factors:**
 - a whether the land is residential or non residential;**
 - b where the land is residential, by the intensity of the use of the land; and**
 - c the nature and extent of the water or sewerage services connected to each individual allotment.**
- 4 That Council determine the Service Charges shall be levied in accordance with the Water Management Act 2000.**

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

AGAINST: NIL

4.6 Council Representation at the Annual General Meeting of the Central Coast Water Corporation

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council resolve that its Voting Shareholder rights, obligations and functions be exercised at the Annual General Meeting of the Central Coast Water Corporation by the Mayor and General Manager acting jointly.

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

AGAINST: NIL

4.7 Confirmed Minutes of 30 November 2011 Governance Committee Meeting and Draft minutes of 21 March 2012 Governance Committee Meeting

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

- 1 That the Council adopt the confirmed minutes of Ordinary and Confidential Session of the Wyong Shire Governance Committee Meeting held 30 November 2011 which were confirmed by the Committee on 21 March 2012 as amended to update some departure and return times to read as "am".**
- 3 That Council receive the draft minutes of the Wyong Shire Governance Committee Meeting held on 21 March 2012.**
- 4 That Council request the General Manager to have the Senior Executive Team review the Outstanding Internal Audit Agreed Action List and provide comments back to the next meeting of the Governance Committee to be held on 21 June 2012.**
- 5 That Council request the General Manager to have the Report on Statement of Business Ethics updated by the Manager Contract and Project Management to reflect current practice and re-submitted to the Committee for consideration to the next Governance Committee meeting o be held on 21 June 2012.**

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

AGAINST: NIL

4.8 2011-15 Strategic Plan - March Quarter Review

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

- 1 That Council receive the third Quarterly Review Report on progress against the WSC 2011-15 Strategic Plan.**
- 2 That Council note that Council's Responsible Accounting Officer has declared the financial position of Wyong Shire Council to be satisfactory.**
- 3 That Council approve budget variations as contained in the detailed report enclosure.**

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

AGAINST: NIL

4.9 One Association - Wyong Shire Council Voting Delegates

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

That Council nominate Councillors Matthews, Vincent, Wynn, Webster, Best, Eaton and Graham as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.

An AMENDMENT was MOVED by Councillor WYNN and SECONDED by Councillor MATTHEWS:

- 1 That Council write to Fair Work Australia and submit that when ballot papers are distributed they should include a NO case as well as a YES case.*
- 2 That Council nominate Councillors Matthews, Vincent, Wynn, Webster, Best, Eaton and Graham as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters.*
- 3 That Council debate the Yes and No cases at a full Council meeting before those individual Councillors cast their votes.*

The AMENDMENT was put to the VOTE and declared LOST on the casting vote of the Mayor.

FOR: COUNCILLORS MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

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

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

That Council nominate Councillors Matthews, Vincent, Wynn, Webster, Best, Eaton and Graham as Council's voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that their names and personal postal addresses be forwarded to the Associations to form the Roll of Voters

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

AGAINST: COUNCILLOR MCBRIDE

4.10 Policy for Public Interest Disclosures

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council adopt the Public Interest Disclosures policy attached to this report based on the model policy and guidelines provided by the NSW Ombudsman.

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

AGAINST: NIL

5.1 Works in Progress - Water Supply and Sewerage

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

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

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

AGAINST: NIL

5.2 Proposed Major Transport Infrastructure Projects

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

1 That Council receive the report on the study carried out for the Proposed Major Transport Infrastructure Projects.

2 That Council now engage the local community with regard to the proposed major transport infrastructure projects on the Central Coast.

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

AGAINST: COUNCILLOR BEST

5.3 Operational Activities and Trends Associated with the Animal Care Facility

Councillor Vincent left the meeting at 6.22 pm and returned to the meeting at 6.24 pm during consideration of this item.

Councillor McNamara left the meeting at 6.23 pm and returned to the meeting at 6.25 pm during consideration of this item.

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

1 That Council receive the report on Operational Activities and Trends Associated with the Animal Care Facility for the financial year 2011/2012.

2 That Council congratulate the staff for their ongoing efforts and success at the animal care facility.

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

AGAINST: NIL

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

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council receive the report on Activities of the Development Assessment and Building Certification and Health Units

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

AGAINST: NIL

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

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

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

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

AGAINST: NIL

5.6 Investment Report for April 2012

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

That Council receive the Investment Report for April 2012.

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

AGAINST: NIL

5.7 2 Main Road, Toukley - compliance with order

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

- 1 That Council receive the report on 2 Main Road, Toukley - compliance with order.
- 2 That Council plant suitably mature native vegetation along the southern end of the eastern boundaries of the site in question with the concurrence of the RMS.
- 3 That Council write to the owners of the property requesting the right to remove graffiti on the site.

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

AGAINST: NIL

5.8 Outstanding Questions on Notice and Notices of Motion

Councillor McBride arrived at 5.24 pm and as a result took no part in voting on this item.

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

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

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

AGAINST: NIL

7.1 Notice of Motion - Reduce Single Use Plastic Bag Use in Wyong Shire

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

- 1 That Council acknowledge the efforts taken by some local businesses, residents and environmental groups to reduce the number of single-use plastic shopping bags used throughout the Shire.
- 2 That Council acknowledge that single-use plastic bags in the waste stream cause pollution, lasting many hundreds of years as they photo degrade rather than biodegrade into ever smaller pieces. The bags are a major litter problem in our parks, bush land and waterways and can result in the injury and death of many animal species both inside and outside of Wyong Shire such as turtles, cetaceans and birds.
- 3 That Council write to State and Federal Government Ministers urging them to introduce legislation that would ban or impose a levy on free single use plastic shopping bags as a timely measure that:

- *shows solidarity with the stated position of the LGSA in supporting extender producer responsibility by retailers and waste reduction at the source,*
 - *notes the lack of legislation to impose a levy on free single-use plastic bags*
 - *reinforces a levy or ban as an important NSW state and national measure to decrease packaging litter, already successfully modeled by national retailers, Target, Aldi and Bunnings; by legislation passed in the states of South Australia, Northern Territory and ACT; by towns such as Coles Bay (Tasmania) and Mogo (southern NSW) in 2003, and planned by the City of Freemantle Council in 2012.*
- 4 *That Council contact major retailers to encourage them to collaborate with Council voluntarily in a staged approach to reduce and ultimately eliminate non-biodegradable plastic shopping bags from Wyong Shire.*
- 5 *That Council engage with the Wyong Shire community in a process of creating awareness and education with regard to the degradation caused by plastic pollution including behavioural change away from our throwaway, disposable, single use attitude and awareness around the excessive plastic packaging of many products.*

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

AGAINST: COUNCILLORS BEST, EATON AND MCNAMARA

7.2 Notice of Motion - Lakes Bogged in Green Tape

The item was withdrawn by Councillor Best.

7.3 Notice of Motion - Enhancing Planning Flexibility and Business Viability

Councillor Wynn left the meeting at 6.57 pm and returned to the meeting at 6.59 pm during consideration of this item.

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

- 1 *That Council proceed, as soon as practicable, to place on public exhibition its draft Settlement Strategy, subject to Department of Planning and Infrastructure concurrence.*
- 2 *That Council proceed, as soon as practicable to place on public exhibition those parts of the draft DCP, that can be adopted prior to the DLEP, which would increase planning flexibility and/or development viability, including but not limited to the car parking and engineering chapters.*
- 3 *That Council authorise the General Manager to determine which parts of the DCP to proceed to exhibition.*
- 4 *That Council nominate an exhibition period of two months.*
- 5 *That Council receive a further report on the results of the exhibition including consideration of adoption of these policies.*

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

7.4 Notice of Motion - Mardi Old Farm Rezoning

The General Counsel, Brian Glendenning declared a non-pecuniary insignificant interest in the matter for the reason that prior to commencement of his employment by Council, had previously given advice to a (now deceased and therefore former) Director of the owner of the site on the zoning of this site and did not participate in consideration of this matter and remained in the chamber.

Councillor Matthews left the meeting at 7.04 pm and returned to the meeting at 7.06 pm during consideration of this item.

Mr Laurie Denton, local resident, speaking in favour of the recommendation, addressed the meeting at 7.02 pm, answered questions and retired at 7.10 pm.

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

- 1 That Council reiterate its support for the Mardi Old Farm rezoning project.***
- 2 That Council note that the Mardi Old Farm Rezoning has been supported by Council for at least 15 years, is located close to Westfield Tuggerah, is not in the water catchment and can be sewerred.***
- 3 That Council direct the General Manager to provide priority treatment to the project and allocate staff accordingly.***

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

CONFIDENTIAL SESSION

At this stage of the meeting being 7.32 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 8.11 pm and the Director of Corporate Services and the General Manager reported on proceedings of the Confidential Session of the Ordinary Meeting of Council as follows:

8.0 Mayoral Minute - General Manager's Performance Appraisal

- 1 *That Council approve the General Manager's performance appraisal content for 2011/12 as attached.*
- 2 *That Council approve the agreed 1.0% remuneration increase as per Clause 8.3 resulting in an overall increase of 3.5% when incorporating the SOORT increase and variation to schedule A of the General Managers contract as attached.*
- 3 *That Council determine the General Manager's objectives for 2012/13 at the next available Councillor briefing.*

8.1 External Legal Advice Stormwater Management Charge

That Council note the legal advice provided to Council by Mr Patrick Larkin SC.

8.2 Contract CPA/158914 - Management of Toukley Aquatic Centre, Wyong Olympic Pool, The Entrance Ocean Baths and Lake Haven Recreational Centre

- 1 *That Council exercise its option to extend Contract CPA 158914 with YMCA of Sydney for a further two year period in the extended schedule of rates in the amount of \$451,109.44 per year (excludes GST and CPI increases).*
- 2 *That Council approve an annual contract budget of \$500,000.00 (excludes GST and CPI increases) that provides for an annual contingency amount of \$48,890.56 (excludes 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.*

8.3 Proposed Acquisition of Crown Land Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Rd Tuggerah

- 1 *That Council acquire by agreement from the Crown and for a nominal consideration, purchase or compulsorily acquire Lots 7316 and 7317 DP 1155188, Lot 1 DP 206598 and Part of Lot 31 DP 1096069 South Tacoma Road Tuggerah.*
- 2 *That Council authorise the application to proceed with compulsory acquisition by agreement for the approval of the Minister and the Governor NSW, pursuant to Section 30 of the Land Acquisition Just Terms Compensation Act 2012.*
- 3 *That Council authorise the General Manager to sign and seal all documentation associated with the acquisition and or transfer of the land referred to in Item 1 to Council.*
- 4 *That Council classify Council land Lot 430 DP 1145240 as Operational Land*
- 5 *That Council advertise the proposal to classify in accordance with Section 34 of the Local Government Act 1993 subject to the exchange being approved by the Minister and Governor.*

- 6 *That Council adopt the classification if no material adverse submissions being received.*
- 7 *That Council request a briefing on this matter be undertaken in July.*

8.4 Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill - Status of Court Proceedings and Negotiations

- 1 *That Council note the Further Report on Contract CPA/115479 - Rehabilitation and Redevelopment of the Closed Bateau Bay Landfill and negotiations that have been undertaking following Council's resolution in the Confidential Session of the Ordinary Meeting of Council on 13 July 2011.*
- 2 *That Council authorise the use of the Council Seal on the proposed Deed of Settlement and Release that is attachment A to that Further Report and authorise the Mayor and the General Manager to do all acts necessary to cause the seal to be affixed to that Deed.*

QUESTIONS ON NOTICE

Q19/12 Buy Local Festival
Councillor Emma McBride
DA/1137/2011

"Could staff please provide a report on Council's support and presence at the recently held Buy Local Festival?"

Q20/12 Theiss Rubbish Removal
Councillor Greg Best
F2004/07718

"Mr General Manager, I have received complaints from ratepayers over the exorbitant amount of time they have to waste on the phone to get a kerbside collection, also the automated phone ordering system is not working well. Could staff report on how we can get Theiss to comply with our requirements and deliver timely service to our ratepayers?"

Q21/12 Warnervale Hall White Ant Infestation
Councillor Greg Best
F2004/07718

"Mr General Manager, I note on the front page of this Business Paper 23 May 2012 we are highlighting the good work done by staff in the major renovations to the Warnervale Hall. Could staff please advise how this hall became white ant infested as I believe we have a rigorous infrastructure maintenance and management plan in place for all assets?"

THE MEETING closed at 8.26 pm.