
WYONG SHIRE COUNCIL

**MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 9 May 2012
COMMENCING AT 5:00 PM**

PRESENT

Councillors R L Graham (Chairperson), G P Best, D J Eaton, L A Matthews (arrived 5.47 pm), E M McBride (arrived 5.13 pm), J J McNamara, W R Symington, D P Vincent, L D Webster and S A Wynn.

IN ATTENDANCE

Acting General Manager, Acting Director Environment and Planning Services, Director Infrastructure Management, Director Corporate Services, Director Community and Recreation Services, General Counsel and Manager Development Assessment.

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.

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

APOLOGIES

There were no apologies. Councillor Matthews and McBride were delayed and would arrive late.

At the commencement of the ordinary meeting report nos 1.1, 2.1, 3.1, 3.2, 4.1, 5.2, 7.2, 7.4, 9.1, 9.2, 9.3 9.4 and 9.5 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

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

9.4 - Notice of Motion - Council Calls for Thomson's Resignation

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

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

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

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

AGAINST: NIL

PROCEDURAL MOTION

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

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, MCNAMARA, SYMINGTON, VINCENT,
WEBSTER AND WYNN

AGAINST: NIL

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That with the exception of report numbers 2.1, 3.1, 3.2, 4.1, 5.2, 7.2, 7.4, 9.1, 9.2, 9.3, 9.4 and 9.5 Council adopt the recommendations contained in the remaining reports.

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

AGAINST: NIL

1.2 Proposed Inspections and Briefings

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Proposed Inspections and Briefings.

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

AGAINST: NIL

1.3 Confirmation of Minutes of Previous Meeting

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 26 April 2012.

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

AGAINST: NIL

Business Arising

There was no business arising.

1.4 Address by Invited Speakers

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

- 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, MCNAMARA, SYMINGTON, VINCENT,
WEBSTER AND WYNN

AGAINST: NIL

2.1 Mayoral Minute - Visit to Canberra

Councillor McBride entered the meeting at 5.13 pm during consideration of this item.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

RESOLVED unanimously on the motion of Councillor GRAHAM:

That Council receive the Mayoral Minute, "Visit to Canberra" and note that the Honourable Mr Simon Crean MP, Minister for Regional Development and the Honourable Mr Anthony Albanese MP, Minister for Infrastructure and Transport and other Ministers will also be in attendance.

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

AGAINST: NIL

3.1 DA 459/2011/D - Modification of the consent for shopping centre at Lake Munmorah to delete Condition No 134 requiring the provision of a regular shuttle bus to surrounding areas

Councillor Vincent left the meeting at 5:23 pm and returned at 5:25 pm during consideration of this item.

Councillor Matthews entered the meeting at 5:47 pm during consideration of this item.

Mr Bob Brooks, representing Doyalson North Chain Valley Bay Progress Association, speaking against the item, addressed the meeting at 5.21pm, answered questions and retired at 5.26 pm.

Mr Warrick Blackman, local resident, speaking in favour of the item, addressed the meeting at 5.26 pm, answered questions and retired at 5.31 pm.

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

- 1 That Council modify the consent having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues, and in accordance with the amended conditions detailed in the schedule attached to the report.**
- 2 That Council vary Development Control Plan 2005, Chapter 114 to permit the modified development.**
- 3 That Council advise those who made written submissions of its decision.**

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

AGAINST: NIL

MOTION ARISING FROM ITEM 3.1

It was MOVED by Councillor WYNN and SECONDED by Councillor MCNAMARA:

That Council approach the Roads and Maritime Services for matching funds for the shared pathways in the voluntary planning agreement with Woolworths along the Pacific Highway, Lake Munmorah and if successful use the funds saved to construct a shared pathway from the Pacific Highway, 'Kingfisher Shores' along Tall Timbers Road.

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

That Council defer the motion arising to the next meeting of Council.

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST AND EATON

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

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

That Council approach the Roads and Maritime Services for matching funds for the shared pathways in the voluntary planning agreement with Woolworths along the Pacific Highway, Lake Munmorah and if successful use the funds saved to construct a shared pathway from the Pacific Highway, 'Kingfisher Shores' along Tall Timbers Road.

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

AGAINST: COUNCILLORS BEST AND EATON

3.2 DA 802/2011 - Alterations and Additions and a Detached Secondary Dwelling at Berkeley Vale

Councillor Best left the meeting at 6:04 pm and returned to the meeting at 6:11 pm during consideration of this item.

Councillor McBride left the meeting at 6:04 pm and returned to the meeting at 6:06 pm during consideration of this item.

Councillor Matthews left the meeting at 6:08 pm and returned to the meeting at 6:12 pm during consideration of this item.

Ms Debbie Fazzolari, resident of Berkley Vale, speaking against the item, addressed the meeting at 6.03 pm, answered questions and retired at 6.08 pm.

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

1 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, and subject to the conditions detailed in the schedule attached to the report with the Section 94 contributions deleted from the consent.

2 That Council advise those who made written submissions of its decision.

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

AGAINST: NIL

4.1 Rebuild Alison Homestead at 1 Cape Road Wyong for Wyong District Museum and Historical Society

Councillor Best left the meeting at 6:14 pm during consideration of this item and as a result took no part in voting.

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

- 1 That Council direct the General Manager to prepare a comprehensive report regarding the options included in this report on the means of replacing the Alison Homestead.***
- 2 That Council require the report to include advice from a suitably qualified Heritage Consultant.***
- 3 That Council note that any redevelopment option will require the submission of a development application accompanied by a Heritage Impact Statement as required by the relevant legislation.***
- 4 That Council approve the replacement of Alison Homestead subject to the issue of development consent.***
- 5 That Council approve the work to be undertaken by a Contractor, subject to the insurance claim on the fire damaged property being accepted by Council's Insurer.***
- 6 That Council receive tenders for the relevant contract in accordance with Section 55 of the Local Government Act, 1993.***
- 7 That Council approach the Local Member, Darren Webber MP in regard to his previous commitment to provide financial assistance for the replacement of Alison Homestead.***

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

AGAINST: NIL

5.1 Evaluation and selection of tenders for Contract CPA/209087 - Construction of a New Power Supply for Water Pumping Station 17 and Associated Works

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

- 1 That Council accept the tender from the company nominated as Tenderer '2' in the attached Tender Evaluation Report, for the lump sum amount of \$263,280 (excl GST) for Contract CPA/209087 – Construction of New Power Supply for Ourimbah Pump Station 17 and Associated Works.**
- 2 That Council determine the Tender Evaluation Report Attachment A to the subject report, is to remain 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.**
- 3 That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.**

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

AGAINST: NIL

5.2 Evaluation and Selection of Tenderers for Contract No. CPA/200746 - Asphaltic Concrete Works Category Two - Supply and Lay

Councillor McNamara left the meeting at 6:26 pm and returned to the meeting at 6:28 pm during consideration of this item.

Councillor Best returned to the meeting at 6:28 during consideration of this item.

Councillor Vincent left the meeting at 6:30 pm and as a result did not vote.

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

- 1 That Council accept the tender from the company nominated as Tenderer 1 in the attached Tender Evaluation Report, as the 1st ranked supplier on a panel contract for an initial period of 2 years in the estimated total amount of \$3,717,743.00 (excl GST) for Contract number CPA/200746 – Asphaltic Concrete Works Category 2 Supply and Lay.**

- 2 ***That Council accept the tender from the company nominated as Tenderer 5 in the attached Tender Evaluation Report, as the 2nd ranked supplier on a panel contract for an initial period of 2 years in the estimated total amount of \$5,945,025.00 (excl GST) for Contract number CPA/200746 – Asphaltic Concrete Works Category 2 Supply and Lay.***
- 3 ***That Council determine the Tender Evaluation Report 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.***
- 4 ***That Council approve the contingency amount in Attachment A.***

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

AGAINST: NIL

5.3 Evaluation and selection of tenders for Contract CPA/185863 - Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

- 1 ***That Council accept the tender from the company nominated as Tenderer '2' in the attached Tender Evaluation Report, for the lump sum amount of \$800,000 (excl GST) for Contract CPA/185863 – Design, Documentation and Construction of the Bateau Bay Sewage Treatment Plant Inlet Works Augmentation.***
- 2 ***That Council determine the Tender Evaluation Report Attachment A to the subject report, is to remain 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.***
- 3 ***That Council approve the contingency sum as detailed in the Tender Evaluation Report in Attachment A.***

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

AGAINST: NIL

6.1 Proposed Councillors' Community Improvement Grants

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council allocate an amount of \$3,960 from the 2011-12 Councillors' Community Improvement Grants as follows:

Aftercare PHaMs (\$2000)	To assist client living in severe squalor due to mental health issues	100.00
Camp Breakaway (\$5225) (\$1300 already allocated)	To purchase a bed-bath trolley for people with disabilities.	500.00
Homeless No More (\$2000)	Fundraising walkathon for needy	800.00
Northern Women's Health Centre Wyong (\$500)	Upgrade library with personal development texts	50.00
Positive Support Network (\$1800)	Printing of magazine for Gay & Lesbian Community & people with HIV & Aids	100.00
Razorbacks Junior Rugby Club (Ourimbah) (\$1690.00) (\$100 already allocated)	Repairs due to flooding of Ourimbah Creek	1,590.00
San Remo Tidy Towns (\$1000)	To purchase equipment to maintain San Remo area	100.00
The Lakes Singers (\$300)	Copyright printing & APRA licence - entertain the aged	50.00
Wyong Neighbourhood Centre and Iris Foundation (\$10000)	Slither and Slumber Sleep Out - early intervention projects for prevention of suicide	100.00
Wyong Shire Garden Competition Committee Inc (\$1930)	Function Room hire, expenses for 4 cars & printing of competition schedules	569.60

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

AGAINST: NIL

6.2 Works on Private Land as part of the Tuggerah Lakes Estuary Management Plan

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council approve the works detailed in Table A to be carried out on the following properties under the Tuggerah Lakes Estuary Management Plan. All works are to be at no cost to the property owner, being funded by the Federal Government's "Caring for our Country" grant:

- ***Lot 1 DP 530125, 458-468 Main Road Norville***
- ***Lot 1 DP 24532, 28 Budgewoi Road Norville***

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

AGAINST: NIL

7.1 Information Reports

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Information Reports.

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

AGAINST: NIL

7.2 Quarterly Update on Section 94 Contributions

Councillor Vincent returned to the meeting at 6:42 pm during consideration of this item.

Councillor McBride left the meeting at 6:53 pm and was not present during the vote.

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

That Council receive the report on Quarterly Update on Section 94 Contributions.

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

AGAINST: NIL

7.3 Disclosure of Interest Returns - 1 January to 30 April 2012

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

That Council receive the report on Disclosure of Interest Returns - 1 January to 30 April 2012.

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

AGAINST: NIL

7.4 Mardi to Mangrove Link Project Status

Councillor McBride left the meeting at 6:53 pm and as a result did not vote.

Councillor Vincent left the meeting at 6:55 pm and as a result did not vote.

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

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

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

AGAINST: NIL

7.5 Outstanding Questions on Notice and Notices of Motion

Councillor McBride was not present at the meeting during consideration of this item and as a result did not vote.

Councillor Matthews was not present at the meeting during consideration of this item and as a result did not vote.

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

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

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

AGAINST: NIL

9.1 Notice of Motion - Private Construction of Footpath on Southern Side of Alison Road, Wyong

Councillor McBride returned to the meeting at 7.03 pm during consideration of this item.

Councillor Vincent was not present during consideration of this item and as a result did not vote.

Mr Matthews Lusted, addressed the meeting at 6.59 pm, answered questions and retired at 6.08 pm.

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

1 That Council request the General Manager to report on the circumstances surrounding the private construction of the footpath situated on the southern side of Alison Road, Wyong.

2 That Council request the General Manger to include in the report, but not be limited to, the following:

- ***the Council approvals required and the approvals obtained***
- ***any potential liability and ongoing maintenance issues/costs to Council.***

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

AGAINST: NIL

9.2 Notice of Motion - Ausgrid

Councillor Vincent returned to the meeting at 7:07 pm during consideration of this item.

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

- 1 **That Council request the General Manager to invite Ausgrid to attend a briefing with Councillors and Senior staff to discuss the following topics:**
 - a **Masterplanning of future urban precincts to achieve improved coordination of the location of Ausgrid infrastructure with Council landscaping and street tree planting programs.**
 - b **Enhanced engagement and communication with the community regarding Ausgrid tree maintenance programs and schedules.**
 - c **Request Ausgrid to formally commit to the undergrounding of power lines whenever upgrading and/or relocating existing power lines within urban areas.**
 - d **Invite Ausgrid to be involved in the review of Council's Landscaping Chapter of Development Control Plan 2012 with respect to the selection of appropriate species for street planting.**
 - e **Request Ausgrid to agree that in circumstances where it carries out significant vegetation maintenance on a major road/visually prominent location (such as Wyong Road), Ausgrid will replace the existing vegetation with more appropriate species that will not require significant future maintenance.**

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

AGAINST: NIL

9.3 Notice of Motion - Assisting Housing Affordability

Councillor Best left the meeting at 7.46 pm and returned to the meeting at 7.48 pm during discussion of this item.

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

- 1 *That Council agree in principle to vary its policy on collection of s94 contributions to allow for the contributions to be deferred until later in the development process.*
- 2 *That Council request the General Manager to report back to Council on possible implementation procedures, benefits and disbenefits for approval prior to adoption.*

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

That Council grant Councillor Eaton an extension of time for two minutes to continue with the debate.

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

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

That Council defer the motion until more detail and further information with regard to the implementation in other Council areas and all other matters pertaining to the impact this policy would have on Council to provide the infrastructure and facilities planned in the areas of development is provided.

The AMENDMENT was 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:

- 1 That Council agree in principle to vary its policy to allow collection of s94 contributions for the contributions to be deferred until later in the development process.***
- 2 That Council request the General Manager to report on possible implementation procedures and benefits and disbenefits back to Council for approval prior to adoption.***

The MOTION was carried on the casting vote of the Mayor.

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

9.4 Notice of Motion - Council Calls for Thomson's Resignation

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 7.53 pm took no part in discussion and did not vote and returned to the chamber at 8.15 pm.

Councillor Vincent left the meeting at 7:54 pm and returned to the meeting at 7:55 pm during consideration of this item.

Councillor Graham left the meeting at 7:54 pm Councillor Graham returned to the meeting at 7:55 pm during consideration of this item.

Mr Tony Rothwell, community resident, speaking against the item, addressed the meeting at 7.53 pm, answered questions and retired at 7.58 pm.

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

- 1 *That Council considers that the community has lost confidence in the now "independent" Federal Member for Dobell, Mr Craig Thomson, as he now has no legitimacy and no mandate to represent this community due to being originally elected as a Labor Party candidate.*
- 2 *That Council, on behalf of the local community, formally call on Mr Thomson to immediately resign.*

POINT OF ORDER

Councillor Wynn raised a point of order and queried whether the motion under discussion was lawful for consideration by Council.

The Mayor ruled that the motion was not the lawful business of Council and was to be withdrawn.

Councillor Eaton requested a Motion of Dissent be heard but did not articulate a motion.

ABSENCE OF QUORUM – SUSPENSION OF MEETING

Councillors Matthews, McBride and Vincent notified the Mayor of their intention to leave the chamber if Councillor Eaton continued his debate and left the Chamber at 8.08 pm.

The Mayor declared that due to the absence of a quorum the meeting would be suspended for 15 minutes.

RESUMPTION OF THE MEETING

The Mayor reconvened the meeting at 8.15pm with all Councillors in attendance.

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that she was a senior campaign official opposing Mr Thomson at the last two Federal Elections left the chamber at 8.16 pm took no part in discussion and did not vote and returned to the chamber at 8.20 pm.

Councillor McNamara declared a pecuniary interest in the matter for the reason that his wife is the Liberal candidate for Dobell who is opposing the person named in this motion left the chamber at 8.16 pm took no part in discussion and did not vote and returned to the chamber at 8.20 pm.

The Councillors believed a Motion of Dissent was before them which was voted on as follows:

FOR: COUNCILLORS BEST AND EATON.

AGAINST: COUNCILLORS GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON AND WYNN

Councillor Vincent did not vote which, as a matter of law must be taken to be a negative against the Dissent.

9.5 Notice of Motion - Cane Toad Early Detection

Councillor Webster returned to the meeting at 8:20 pm during consideration of this item.

Councillor McNamara returned to the meeting at 8:20 pm during consideration of this item.

Councillor Symington left the meeting at 8:20 pm and returned to the meeting at 8:24 pm during consideration of this item.

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

- 1 *That Council note the imminent infestation of cane toads in Wyong Shire.*
- 2 *That Council take a pro-active approach to the cane toad issue.*
- 3 *That Council develop a strategic, shire wide education and reporting program in relation to cane toads.*
- 4 *That Council note that the cane toad is highly toxic and has the potential to devastate natural wildlife and domestic pets.*
- 5 *That Council investigate all effective measures for response including the use of cane toad detector dogs, as used in Sutherland Shire.*
- 3 *That Council request the General Manager to report findings and defensive initiatives.*

An AMENDMENT was MOVED by Councillor WYNN and seconded by Councillor VINCENT:

That Council embark on an education program, conducted through schools, to identify cane toads throughout the Shire and any suspicious toads be captured and brought into Council for identification.

The AMENDMENT was put to the vote and declared LOST.

FOR: COUNCILLORS MATTHEWS, VINCENT AND WYNN

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

The MOTION was put to the vote and declared LOST.

FOR: COUNCILLORS BEST, MCNAMARA AND WEBSTER

AGAINST: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, SYMINGTON, VINCENT AND WYNN

QUESTIONS ON NOTICE

Q17/12 Carbon Tax Local Tipping Fee Increases

Councillor Greg Best

F2004/06579

"The carbon tax will result in a huge tipping fee increase I understand it is in the order of some \$30 per household. Could staff please confirm the exact figure per household and per tonne and as to what proactive and preventative measures will be taken in anticipation of an escalation of illegal tipping in local bushland?"

Q18/12 Sea Level Rise Outrage

Councillor Greg Best

F2009/00067

"Madam Acting General Manager, as reported in the local media the coast community is outraged at the prospect and impact of proposed sea level rise policy particularly as it will affect in Wyong Shire alone some 20 local suburbs and up to 10,000 individual homes. As this draft policy is having a profound affect on insurance and property value issues, planning, building and site usages, I respectfully request this matter now be reported urgently to Council. Could staff please advise when this would be?"

THE MEETING closed at 8.30 pm.