
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON WEDNESDAY, 28 JANUARY 2009,
COMMENCING AT 5.05 PM

PRESENT

COUNCILLORS R L GRAHAM (CHAIRPERSON), G P BEST, D J EATON, E M McBRIDE, J J McNAMARA, L A MATTHEWS, W R SYMINGTON, D P VINCENT, L D WEBSTER AND S A WYNN.

IN ATTENDANCE

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

ACTING MANAGER CORPORATE AND ADMINISTRATION SERVICES, MANAGER WATER AND WASTE, MANAGER CONTRACTS AND SPECIAL PROJECTS, ACTING MANAGER PLANT AND FLEET, PROJECT DIRECTOR MARDI TO MANGROVE LINK PROJECT, PROPERTY DIRECTOR MARDI TO MANGROVE LINK PROJECT, MANAGER SUSTAINABILITY, MANAGER PLANNING, LEGAL AND POLICY AND SUPERVISOR COUNCILLOR SERVICES.

THE MAYOR REPORTED THAT:

- * HE WOULD LIKE TO WELCOME MARTINE BRIEGER, MANAGER COMMUNICATIONS TO HER FIRST COUNCIL MEETING AND COMPLEMENTED HER INPUT INTO THE NEW FORMAT OF THE BUSINESS PAPER IN PARTICULAR THE COVER PAGE.
- * ON FRIDAY HE MET WITH MS BELINDA NEAL MP, FEDERAL MEMBER FOR ROBERTSON, AND PRESENTED HER WITH PETITIONS WHICH HAD BEEN SIGNED BY RESIDENTS OF THE SHIRE IN SUPPORT OF THE CALL FOR PUBLIC RADIOTHERAPY SERVICES ON THE CENTRAL COAST.

THE MAYOR, COUNCILLOR GRAHAM, DECLARED THE MEETING OPEN AT 5.05 PM AND ADVISED IN ACCORDANCE WITH THE CODE OF MEETING PRACTICE THAT THE MEETING IS BEING RECORDED.

JOHN HARDWICK READ AN ACKNOWLEDGMENT OF COUNTRY STATEMENT.

JOHN HARDWICK DELIVERED THE OPENING PRAYER.

APOLOGIES

THERE WERE NO APOLOGIES.

AT THE COMMENCEMENT OF THE ORDINARY MEETING REPORT NOS 1.1, 1.2, 1.3, 1.4, 3.2, 3.3, 3.4, 6.1 AND 8.6, 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.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

1.1 Disclosure of Interest

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR EATON DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A PATRON OF WYONG MUSICAL THEATRE GROUP 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 BECAUSE I AM ONLY A PATRON NOT AN OFFICE BEARER."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF BERKELEY VALE PUBLIC SCHOOL COUNCIL, PATRON OF SHELLY BEACH SURF LIFE SAVING CLUB, PATRON OF WYONG SOCCER CLUB, PATRON OF BERKELEY VALE SOCCER CLUB AND HIS TWO GRANDCHILDREN ATTEND WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 BECAUSE MY POSITION WITH THOSE GROUPS HAS NO INFLUENCE ON HOW THE GRANTS WILL BE SPENT."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR McNAMARA DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PATRON OF WARNERVALE FAMILY AND COMMUNITY CENTRE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR McNAMARA STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR MATTHEWS DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER CHILDREN ATTEND WYONG CHRISTIAN COMMUNITY SCHOOL AND SHE WILL SHORTLY BECOME AN EMPLOYEE OF WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCE ME IN CARRYING OUT MY PUBLIC DUTY AS I DON'T BELIEVE THAT THIS WILL INFLUENCED ME IN MY DECISIONS."

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

7.1 MINUTES OF THE WYONG SHIRE GRANTS COMMITTEE MEETING – 21 JANUARY 2009

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH WARNERVALE FAIR AS AN ORGANISER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT 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."

8.6 UPDATE ON WOOLWORTHS LAKE MUNMORAH REZONING REQUEST

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR INVOLVED IN LEGAL ISSUE WITH WOOLWORTHS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.55 PM.

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

That the report be received and advice of disclosures noted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.2 Proposed Briefings

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

That Council receive the report on Proposed Briefings with the exclusion of the Shire Strategic Vision briefing.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

1.3 Proposed Inspections

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

That Council receive the report on inspections to be conducted on Wednesday, 28 January 2009 with the exclusion of the Wyong Police Station inspection.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.4 Address By Invited Speakers

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

1 *That Council receive the amended report on Invited Speakers.*

2 *That Council agree standing orders be varied to allow reports from Director's and/or the General Manager to be dealt with following the Invited Speaker's addresses.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

1.5 Confirmation of Minutes of Previous Meeting

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.38 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council confirm the minutes of the previous Ordinary Meeting of Council held on 10 December 2008.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

BUSINESS ARISING FROM THE MINUTES

THERE WAS NO BUSINESS ARISING FROM THE MINUTES.

1.6 Notice of Intention to Deal With Matters in Confidential Session

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

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

W001 – Proposed Acquisition of Land at Bateau Bay

- 2 That the reason for dealing with Report No W001 confidentially is that it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**
- 3 That Council request the General Manager in accordance with Section 253 of the Local Government Regulations 2005 report on this matter to the meeting in Open Session.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

2.1 Proposed New Police Station at Wyong

COUNCILLOR BEST LEFT THE CHAMBER AT 7.35 PM AND RETURNED TO THE CHAMBER AT 7.38 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR VINCENT LEFT THE CHAMBER AT 7.40 PM AND RETURNED TO THE CHAMBER AT 7.42 PM DURING CONSIDERATION OF THIS ITEM.

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

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

That Council defer this item until the next Ordinary Meeting to be held on Wednesday 11 February 2009 to enable further discussions with the Minister for Police.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

2.2 Acquisition of Easements for Mardi - Mangrove Water Supply Pipeline Link Project

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

- 1 That Council acquire the easements for water supply pipeline over the properties within Wyong Shire Council area as detailed in Schedule 1 and shown in Attachment 1 to this report.**
- 2 That Council authorise the General Manager to pay compensation in accordance with the Land Acquisition (Just Terms Compensation Act), 1991 and the compensation elements approved by the General Manager as necessary for the acquisition of easements.**
- 3 That Council arrange licence agreements with affected land owners to access to properties for construction purposes, prior to and during the construction period, and to pay a licence fee for such licence agreements as assessed by the Project's Valuers in accordance with procedures approved by the General Manager.**
- 4 That Council proceed to compulsorily acquire the easements over the land in accordance with the provisions of the Water Management Act 2000, in the event that negotiations with affected landholders cannot be satisfactorily resolved within three months.**
- 5 That Council proceed at the completion of construction works to compulsory acquire with agreement the easements over the properties which are the subject of Agreements for Easements, in accordance with the provisions of the Water Management Act 2000 and the Land Acquisition (Just Terms Compensation) Act 2000.**
- 6 That Council authorise the exercise of its Powers of Entry in accordance with the Water Management Act 2000 to gain access to the land within Wyong Shire if negotiations with affected landholders cannot be satisfactorily resolved.**
- 7 That Council obtain the prior approval of the Minister to appoint Authorised Officers in accordance with the Water Management Act 2000, where required.**
- 8 That Council authorise the affixing of the Common Seal of the Wyong Shire Council to all documents relating to the acquisition of easements.**
- 9 That Council authorise the Mayor and the General Manager to execute all documents relevant to the acquisition of the easements.**

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

- 10 That Council when dealing with land owners take all reasonable steps to acquire easement and access rights through an inclusive process of consultation and negotiations.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.1 Notification of Dwellings Not Required to be Notified under Chapter 70

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

That Council defer consideration of this item pending a briefing of Councillors to explain the State Government changes of notification requirements.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

3.2 Proposed Communications Facility at Berkeley Vale

MR GERALD PERERA, REPRESENTING TOTAL COMMUNICATIONS INFRASTRUCTURE PTY LTD, WAS AVAILABLE FOR QUESTIONS.

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

3.3 Proposed 29 Lot Residential Subdivision at Wadalba

COUNCILLOR BEST LEFT THE CHAMBER AT 6.08 PM AND RETURNED TO THE CHAMBER AT 6.09 PM DURING CONSIDERATION OF THIS ITEM.

MRS RUTH DICKSON, REPRESENTING WADALBA/KANWAL ASSOCIATION INC ADDRESSED THE MEETING AT 5.15 PM. MRS DICKSON ADVISED THAT BASED ON LEGAL ADVICE SHE WAS NOT ABLE TO RESPOND TO COUNCILLORS' QUESTIONS AND RETIRED AT 5.21 PM.

MR PAUL LEVICK, REPRESENTING THRESHOLD DEVELOPMENTS PTY LTD, ADDRESSED THE MEETING AT 5.21 PM, ANSWERED QUESTIONS AND RETIRED AT 5.29 PM.

It was MOVED by Councillor EATON:

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based in the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

The MOTION lapsed for want of a SECONDER.

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

- 1 *That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate consent conditions, including conditions addressing:*
 - a *No approval is given for clearing of the site other than:*
 - *areas identified for cut or fill;*
 - *within the approved road reserves; or*
 - *in the approved service locations.*
 - b *The requirement for the developer to identify the preferred driveway locations for the proposed lots and the alignment of concrete footways prior to the release of the Construction Certificate. This is to allow for the designation of locations for street plantings to be undertaken as part of the subdivision development, prior to the release of lots for sale. The tree plantings will be required to be endemic seed sourced from the locality.*
- 2 *That Council advise those who made written submissions of the decision.*

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

COUNCILLOR BEST GAVE NOTICE OF A FORESHADOWED AMENDMENT.

The AMENDMENT was put to the VOTE and declared CARRIED on the CASTING VOTE of the MAYOR.

FOR: COUNCILLORS EATON, GRAHAM, McNAMARA, SYMINGTON AND WEBSTER.

AGAINST: COUNCILLORS BEST, McBRIDE, MATTHEWS, VINCENT AND WYNN.

The AMENDMENT became the MOTION.

The FORESHADOWED AMENDMENT that was moved by Councillor BEST, was SECONDED by Councillor WYNN and became the AMENDMENT.

That the matter be deferred to allow staff to review the submission made by the community and make a recommendation to Council covering the following issues:

- 1 *Impact on Forest Woodlands*
 - 1.1 *Aboriginal Archaeological and Cultural Heritage Study not completed*
 - 1.2 *Threatened species under threat*

- 2 *Wadalba Hill as an Ecological Community*
 - 2.1 *Impact on Wadalba Corridor and its wildlife*
 - 2.2 *Number of trees and trees with hollows to be removed*
 - 2.3 *Failure of the Department of Environment and Climate Change (DECC) Deemed Concurrence (2004) to Council in respect to the Wadalba Wildlife Corridor and designated forest lands (such as this site)*

- 3 *Impact on Existing Residential Community*
 - 3.1 *Treed ridgeline to be taken out*
 - 3.2 *Land zoned 10a urban investigation being approved for development*
 - 3.3 *Impact on the living amenity of all Wadalba Central Villages homes*

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

The AMENDMENT was put to the VOTE and declared LOST.

FOR: COUNCILLORS BEST, SYMINGTON, VINCENT AND WYNN.

AGAINST: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS AND WEBSTER.

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

That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act 1979 and other relevant issues with an indication that based on the information available to it, Council favours approval of the application subject to appropriate conditions of consent.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT AND WEBSTER.

AGAINST: COUNCILLORS BEST AND WYNN.

3.4 Proposed Two Lot Subdivision of 7(f) Zoned Land at Glenning Valley

MR CHRIS OLIVER, REPRESENTING OPTIMA, ADDRESSED THE MEETING AT 6.37 PM, ANSWERED QUESTIONS AND RETIRED AT 6.41 PM.

COUNCILLOR BEST LEFT THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.48 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council support the use of State Environmental Planning Policy No 1 to vary the subdivision standards of Wyong Local Environmental Plan 1991 to allow this proposal.***
- 2 That Council refer this application to the Department of Planning for their concurrence.***
- 3 That the rezoning of this property be reviewed as part of the Shire Wide LEP review.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA, MATTHEWS, VINCENT AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, SYMINGTON AND WYNN.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

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

That the property report numbers 4.1, 4.3 and 4.4 be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.1 Proposed Dedication of Council Land part Lot 10 DP 1128045 The Entrance Community Centre, 15 Battley Avenue, The Entrance for Public Road

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

- 1 *That Council, dedicate part of Lot 10 DP 1128045 Battley Avenue, The Entrance as public road.***
- 2 *That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Plan of Subdivision that will dedicate the required land as public road upon registration.***
- 3 *That Council authorise the Mayor and the General Manager to execute the plan of subdivision that will dedicate the required land as public road upon registration.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.2 Proposed Licence to Gwandalan Bowling Club Limited for Pipeline over Lot 2 DP 28962 Gamban Road Gwandalan

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

- 1 *That Council enter into a licence agreement with Gwandalan Bowling Club Limited for a pipeline over Lot 2 DP 28962 Gamban Road Gwandalan for a licence fee of \$1,000 per annum.***

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents relevant to the licence.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

4.4 Proposed Easement for Electricity Purposes over Lot 1 DP 786567 and Lot 1 DP 874424 Fowler Road, Tuggerah

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

- 1 That Council grant an easement for electricity purposes 15.24 metres wide over Lot 1 DP 874424 and Lot 1 DP 786567 Fowler Road, Tuggerah to Energy Australia for an amount of compensation payable as assessed by a qualified valuer.**
- 2 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the formal documents.**
- 3 That Council authorise the Mayor and the General Manager to execute all documents.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

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

That the reports on Contract 2328, CPA 145088, CPA 145089, CPA 145091, CPA 149751 and the report on Contract Variations – November and December 2008 be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

5.1 Contract 2328 - Wyong Coastline Management Plan - Variation

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

That Council approve the contract variation in the amount of \$337,858 (excluding GST) to allow completion of the hazard study and preparation of the management study and management plan.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.3 Contract CPA 145088 - Hire of Plant and Machinery

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

- 1 That Council accept all conforming tenders received for Contract CPA 145088 Hire of Plant and Machinery for the period 1 February 2009 to 31 January 2010.**
- 2 That Council authorise the Director Shire Services to arrange engagement of Plant and Machinery as required from time to time in accordance with Contract CPA 145088 using the most economical and suitable supplier as each situation demands.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.4 Contract CPA 145089 - Hire of Tipping Trucks

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

- 1 That Council accept all conforming tenders received for Contract CPA/145089 – Hire of Tipping Trucks on a priority ranking list for the period 1 February 2009 to 31 January 2010.**

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

- 2** *That Council authorise the Director Shire Services to arrange engagement of Tipping Trucks as required from time to time in accordance with the priority ranking list.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.5 Contract CPA 145091 - Hire of Minor Plant and Equipment

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

- 1** *That Council accept all conforming tenders received for Contract CPA 145091 Hire of Minor Plant and Machinery for the period 1 February 2009 to 31 January 2010.*
- 2** *That Council authorise the Director Shire Services to arrange engagement of Minor Plant and Equipment as required from time to time in accordance with Contract CPA 145091 using the most economical and suitable supplier as each situation demands.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

5.5 Contract CPA 149751 - Contract for Supply and Delivery of Tools, Fasteners and Hardware

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

That Council accept the tenders (Schedules of Rates) of Express Industrial Supplies Pty Ltd trading as Brisbane Water Industrial Products and J Blackwood and Son Limited for supply of tools, hardware and fasteners for a period of three years.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

5.6 Contract Variations - November and December 2008

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

- 1 That Council note the variations to contracts in the attached enclosure.**
- 2 That Council approve additional contingency amounts for the following contracts to provide for further potential variations.**

| Contract Name | Contract No | Contingency (ex GST) |
|---|--------------------|-----------------------------|
| Concept Design and Detail Tender Documentation For Sewerage Trunk Mains Warnervale Town Centre | CPA 130590 | \$100,000 |
| Minnesota Road Intersection Upgrade | CPA 137955 | \$5,000 |

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.1 Impacts of Potential Underground Coal Mining in the Wyong Local Government Area - Strategic Review

MR RON SOKOLOWSKI REPRESENTING AUSTRALIAN COAL ALLIANCE ADVISED COUNCIL THAT HE DID NOT SEEK TO ADDRESS COUNCIL, HOWEVER HE WAS AVAILABLE FOR QUESTIONS. THE MAYOR ADVISED MR SOKOLOWSKI THAT COUNCILLORS COULD ONLY RAISE QUESTIONS BASED ON ANY ADDRESS TO COUNCIL.

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

- 1 That Council reject the conclusions of the Impacts of Potential Underground Coal Mining in the Wyong Local Government Area - Strategic Review (Chikarovski Report) and reiterate Council's opposition to any new coal mines in Wyong Shire.**
- 2 That Council make a submission on the report from the Strategic Inquiry into Potential Coal Mining Impacts in the Wyong LGA (the Chikarovski Report).**
- 3 That a draft copy of the submission be provided to all Councillors for comment prior to submission.**
- 4 That Council request the Wyong Council Liaison Group to make a submission by 27 February 2009 to the Department of Planning in respect of the Chikarovski Report.**

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

- 5** *That Council through the various media outlets encourage the Shire's various community groups, organisations and residents to also make submissions.*
- 6** *That Council recognise the stand taken by Mr David Harris MP, Member for Wyong supporting Councils' position on this proposal.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.2 Nomination of Delegate to the Mannering Colliery Community Consultative Committee

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

- 1** *That Council nominate Councillor Symington as a delegate to represent Wyong Shire Council on the Mannering Colliery Community Consultative Committee.*
- 2** *That Council advise the Mannering Colliery Community Consultative Committee of the nominee.*

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

6.3 Proposed Councillors' Community Improvement Grants

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

That Council allocate an amount of \$4,625 from the 2008-09 Councillors' Community Improvement Grants as outlined in Attachment 1.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

7.1 Minutes of the Wyong Shire Grants Committee Meeting - 21 January 2009

COUNCILLOR EATON DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE MAY BE A PATRON OF WYONG MUSICAL THEATRE GROUP 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 BECAUSE I AM ONLY A PATRON NOT AN OFFICE BEARER."

COUNCILLOR GRAHAM DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PRESIDENT OF BERKELEY VALE PUBLIC SCHOOL COUNCIL, PATRON OF SHELLY BEACH SURF LIFE SAVING CLUB, PATRON OF WYONG SOCCER CLUB, PATRON OF BERKELEY VALE SOCCER CLUB AND HIS TWO GRANDCHILDREN ATTEND WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR GRAHAM 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 BECAUSE MY POSITION WITH THOSE GROUPS HAS NO INFLUENCE ON HOW THE GRANTS WILL BE SPENT."

COUNCILLOR McNAMARA DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS PATRON OF WARNERVALE FAMILY AND COMMUNITY CENTRE AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR McNAMARA STATED:

"I CHOOSE TO REMAIN IN THE CHAMBER AND PARTICIPATE IN DISCUSSION AND VOTING AS THE CONFLICT HAS NOT INFLUENCED ME IN CARRYING OUT MY PUBLIC DUTY."

COUNCILLOR MATTHEWS DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HER CHILDREN ATTEND WYONG CHRISTIAN COMMUNITY SCHOOL AND SHE WILL SHORTLY BECOME AN EMPLOYEE OF WYONG PUBLIC SCHOOL AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR MATTHEWS 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 AS I DON'T BELIEVE THAT THIS WILL INFLUENCE ME IN MY DECISIONS."

COUNCILLOR VINCENT DECLARED A NON PECUNIARY INSIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS INVOLVED WITH WARNERVALE FAIR AS AN ORGANISER AND PARTICIPATED IN CONSIDERATION OF THIS MATTER.

COUNCILLOR VINCENT 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."

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

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

That Council receive the minutes of the Wyong Shire Grants Committee meeting held on 21 January 2009 and the recommendations contained therein be adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.15 Information Reports

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

That with the exception of report numbers 8.2, 8.3, 8.5 and 8.13 the information reports be received and the recommendations adopted.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.2 Continuing Erosion of Cabbage Tree Bay

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

- 1 *That Council receive the report on Continuing Erosion of Cabbage Tree Bay.***
- 2 *That Council seek funding through the Natural Disaster Mitigation Fund program similar to that secured by Sydney Coastal Councils.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

8.3 The Entrance Beach Renourishment

COUNCILLOR VINCENT LEFT THE CHAMBER AT 9.11 PM AND RETURNED TO THE CHAMBER AT 9.12 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That Council receive the report on The Entrance Beach Renourishment.**
- 2 That Council trial a geotextile retaining wall system to retain sand on The Entrance beach and its position to be determined by Council staff with a consideration of a budget allocation of up to \$250,000 in the 2009-10 budget.**
- 3 That Council dredge operations place sand to renourish The Entrance beach prior to the next summer season.**
- 4 That staff report back on the processes and costs involved in adopting such a project.**

The MOTION was put to the VOTE and declared CARRIED on the CASTING VOTE of the MAYOR.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McNAMARA AND WEBSTER.

AGAINST: COUNCILLORS McBRIDE, MATTHEWS, SYMINGTON, VINCENT AND WYNN.

8.4 Results of Water Quality Testing for Bathing Beaches

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

That Council receive the report on Results of Water Quality Testing for Bathing Beaches.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

8.5 Activities of the Development Assessment Unit

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Activities of the Development Assessment Unit.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.6 Update on the Woolworths Lake Munmorah Rezoning Request

COUNCILLOR EATON DECLARED A NON-PECUNIARY SIGNIFICANT CONFLICT OF INTEREST IN THE MATTER FOR THE REASON THAT HE IS A SOLICITOR INVOLVED IN A LEGAL ISSUE WITH WOOLWORTHS, LEFT THE CHAMBER AT 7.17 PM, TOOK NO PART IN DISCUSSION, DID NOT VOTE AND RETURNED TO THE CHAMBER AT 7.35 PM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 7.19 PM AND RETURNED TO THE CHAMBER AT 7.20 PM DURING CONSIDERATION OF THIS ITEM.

MR STEVE GARMSTROM, REPRESENTING WOOLWORTHS, ADDRESSED THE MEETING AT 7.17 PM, ANSWERED QUESTIONS AND RETIRED AT 7.24 PM.

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

- 1 That Council reiterate the significance of this proposal on the basis of its value in providing necessary social and economic infrastructure for the northern part of the Shire.***
- 2 That Council prepare a draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act to rezone Lot 2 DP 520220 Pacific Highway, Lake Munmorah to facilitate the development of a shopping centre on the site.***
- 3 That Council prepare or amend appropriate Chapters of Development Control Plan 2005 and Contribution Plans to guide future development within the area.***
- 4 That Council advise the Department of Planning of the decision.***

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

- 5 ***That Council write to all relevant government agencies advising of Council's resolution to proceed with the rezoning.***
- 6 ***That Council undertake Section 62 consultations with relevant public authorities and stakeholders.***
- 7 ***That Council request the Department of planning to issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act to permit exhibition of the draft Local Environmental Plan; or that Council, subject to direction from the Department of Planning, use its delegation to issue a certificate pursuant to Section 65 of the Environmental Planning and Assessment Act.***
- 8 ***That Council upon receipt or issue of the Section 65 certificate, advertise the draft Local Environmental Plan, draft DCP 2005 and any Contributions Plans affecting the land for a minimum of 28 days in accordance with the Environmental Planning and Assessment Act Regulations.***
- 9 ***That Council authorise the Mayor and General Manager to execute all documents and agreements relating to undertaking the rezoning, including any required Deeds of Agreement between Council and the land owner to recover (staff and consultant) costs associated with processing the rezoning and to cover infrastructure and service provision costs arising from the proposal.***
- 10 ***That Council note Section 149 Certificates for those affected properties.***
- 11 ***That the rezoning application be progressed as a priority matter.***

FOR: COUNCILLORS BEST, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.7 Finalisation of Contracts

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

That Council receive the report on Finalisation of Contracts.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

8.8 Attendance at Department of Local Government Councillor Information Seminar

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

That Council receive the report on Attendance at Department of Local Government Councillor Information Seminar.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.9 Electoral Funding Disclosures by Councillors

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

- 1 That Council receive the report on Electoral Funding Disclosures by Councillors.***
- 2 That Council receive the advice from the Electoral Funding Authority regarding the obligations of Councillors under the provisions of the Electoral Funding and Disclosure Act 1981.***
- 3 That Council note that it is the responsibility of each Councillor to comply with the reporting provisions of the Electoral Funding and Disclosure Act 1981 and to submit disclosures direct to the Electoral Funding Authority on or before the closing date of 25 February 2009.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

8.10 Disclosure of Interest Returns

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

That Council receive the report on Disclosure of Interest Returns.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.12 Water and Sewerage - Works in Progress

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

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

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

8.14 General Works in Progress Report

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

That Council receive the report on General Works in Progress Report.

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

8.13 Outstanding Questions Without Notice and Notices of Motion

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

That Council receive the report on Outstanding Questions Without Notice and Notices of Motion.

FOR: COUNCILLORS EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.1 Notice of Motion – Fleet Cars

COUNCILLOR BEST LEFT THE CHAMBER AT 9.16 PM AND RETURNED TO THE CHAMBER AT 9.20 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 9.30 PM AND RETURNED TO THE CHAMBER AT 9.34 PM AND AS A RESULT TOOK NO PART IN VOTING.

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

- 1 That Council provide the incentive to staff to select more environmentally sustainable vehicles and;***
- 2 That Council seek to introduce as alternative technologies approach commercial viability more environmentally sustainable vehicles and introduce these to the fleet.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

10.2 Notice of Motion – Encouraging Responsible Disposal of Asbestos

COUNCILLOR SYMINGTON LEFT THE CHAMBER AT 9.30 PM AND RETURNED TO THE CHAMBER AT 9.34 PM DURING CONSIDERATION OF THIS ITEM.

COUNCILLOR MATTHEWS LEFT THE CHAMBER AT 9.36 PM AND RETURNED TO THE CHAMBER AT 9.37 PM DURING CONSIDERATION OF THIS ITEM.

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

- 1 That as a consequence of escalating public health concerns over the frequent illegal dumping of asbestos material, Council review its asbestos waste disposal policy to further encourage responsible disposal.**
- 2 That as Council has significantly reduced its asbestos tipping charges which are now equivalent to the general waste charges, Council highlight this cost saving initiative while reinvigorating our “dob in a dumper” (DIAD) campaign.**
- 3 That to further strengthen the DIAD campaign Council extend its \$10,000 vandalism reward incentive to also include the DIAD campaign.**
- 4 That staff report to Council on the operational issues associated with the initiative above, with further recommendations by staff being encouraged in the report.**
- 5 That Council carry out an advertising and education campaign highlighting the health risks associated with illegal dumping and explaining the cost effectiveness of asbestos disposal at Buttonderry tip.**

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

10.3 Notice of Motion – Improved Community Communications

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

- 1 That to improve Councils communication channels with its residents and ratepayers, staff report on initiatives that build and strengthen our various precinct associations.*
- 2 That the report should cover but not be limited to;*
 - Funding support*
 - Clerical support*
 - Membership initiatives*
 - Group networking functions*
 - To identify the adequacy of current geographic coverage*

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

POINT OF ORDER

COUNCILLOR SYMINGTON RAISED A POINT OF ORDER AGAINST COUNCILLOR BEST AS THE RECOMMENDATION BEARS NO RESEMBLANCE TO THE ORIGINAL MOTION PUT BEFORE COUNCIL.

THE MAYOR RULED THAT COUNCILLOR BEST WAS OUT OF ORDER.

COUNCILLOR BEST ADVISED THAT, WITH THE APPROVAL OF HIS SECONDER, HE WOULD WITHDRAW THE NOTICE OF MOTION AND RESUBMIT IT TO THE NEXT MEETING.

10.4 Notice of Motion – Recognise Staff on OH&S Initiatives

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

- 1 That further to Council's commitment to workplace safety, Council recognise the outstanding work done by Council's Occupational Health and Safety Committees in particular the recent safety awareness initiative which developed and distributed an OH&S Council calendar depicting important safety tips monthly.***
- 2 That Council through the General Manager provide to both the Indoor and Outdoor OH&S Committees a certificate of recognition as a token of Council's appreciation of their contribution to workplace safety.***
- 3 That Council also recognise staff of Council's OH&S Support Section who contributed and assisted the Committees.***

FOR: COUNCILLORS BEST, EATON, GRAHAM, McBRIDE, McNAMARA, MATTHEWS, SYMINGTON, VINCENT, WEBSTER AND WYNN.

AGAINST: NIL.

CONFIDENTIAL SESSION

AT THIS STAGE OF THE MEETING BEING 10.07 PM COUNCIL MOVED INTO CONFIDENTIAL SESSION WITH THE PRESS AND THE PUBLIC EXCLUDED.

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

OPEN SESSION

COUNCIL RESUMED IN OPEN SESSION AT 10.13 PM AND THE GENERAL MANAGER REPORTED ON PROCEEDINGS OF THE CONFIDENTIAL SESSION OF THE ORDINARY MEETING OF COUNCIL AS FOLLOWS:

W001 Proposed Acquisition of Land at Bateau Bay

- 1 That Council endorse the general terms of the draft agreement outlined in the report.**
- 2 That the General Manager be granted authority to settle the matter, including the execution of any legal documents.**

QUESTIONS WITHOUT NOTICE ASKED

Q001 - Amount of Stormwater Levy funds Allocated Towards Areas on Lake Macquarie located in Wyong Shire

Councillor Symington

F2004/07007

“Can staff report on the distribution of the Stormwater Levy which is collected from all ratepayers in Wyong Shire. In particular, how much money has been allocated to those areas of Lake Macquarie which are in Wyong Shire?”

Q002 - Norah Head Ocean Access

Councillor Best

F2005/02300

“Mr General Manager, I have received numerous requests over the Christmas break from boat owners seeking advice as to when Council will be commencing work in partnership with the State Government to reconstruct the aging and exposed current boat ramps?”

Q003 - Investigate the Use of “Green Concrete” For Footpath Construction

Councillor Wynn

M2009/00723

“Would Shire Services investigate “Green Concrete” to construct future footpaths and shared pathways across the Shire to see if it is available and economically viable?”

Note: The “concrete” is a new synthetic polymer that was aired on the “New Inventors” program on the ABC

Minutes of the Ordinary Meeting of Council held on 28 January 2009 (contd)

Q004 - Investigate Alternative Environmentally Friendly Materials for Footpath Construction

Councillor Wynn

F2005/03057

“Would Shire Services investigate alternative materials to construct paths that are more environmentally friendly and/or more aesthetically pleasing while also comparing costs?”

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.15 PM.

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CHAIRPERSON