
WYONG SHIRE COUNCIL
MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
WYONG CIVIC CENTRE, HELY STREET, WYONG
ON 08 JULY 2015
COMMENCING AT 5.00PM

PRESENT

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

IN ATTENDANCE

Acting General Manager, Acting Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Director Community and Recreation Services, General Counsel, Manager Integrated Planning, IT and Operations Manager, Communications Coordinator, Communications Officer and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.02 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Councillor Eaton OAM, delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillors Greenwald and Nayna due to work commitments.

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

692/15 That Council accept the apologies and grant Councillors Greenwald and Nayna leave of absence from the meeting.

The Mayor, Councillor Eaton OAM, advised Council won a Silver Medal in the Australasian Reporting Awards for its 2013/14 Annual Report and invited Kathleen Morris, Manager Integrated Planning, to present the award to Council.

At the commencement of the ordinary meeting report numbers 1.5, 2.2, 2.1, 4.5 and a motion of urgency, were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

2.2 DA 1034/2013 - Proposed Three Storey Boarding House comprising 100 Units (SEPP Affordable Housing) at Ourimbah

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she has a perceived previous relationship with one of the consultants. Councillor Matthews took no part in discussion and did not vote.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that the consultant or former consultant to the project is subject to discrimination action by my wife. Councillor Eaton took no part in discussion and did not vote.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has a perceived previous relationship with one of the consultants. Councillor Vincent took no part in discussion and did not vote.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he knows the consultant, Mr Craig Thompson. Councillor Best took no part in discussion and did not vote.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a representative on the JRPP (Joint Regional Planning Panel). Councillor Taylor took no part in discussion and did not vote.

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members live in the area and have lobbied me in this matter. Councillor Troy took no part in discussion and did not vote.

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that Mr Gregory Junior is the Vice President of the Liberal Dobell FEC (Federal Electoral Council) and worked on my election campaign. Councillor Webster took no part in discussion and did not vote.

4.2 Road Capital Works Program

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he would like to note the works at the western section of Vincent Close Buff Point have been completed. I became aware of these works after it had been to the chamber and disclosed to the General Manager after obtaining an informed interest. The works are in the general locality to where I live and do not provide any benefit or connect directly to my property.

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."

4.5 Temporary Economic Stimulus Plan

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family business may have supplied materials to one or more of the parties' names in the report. Councillor Eaton left the chamber at 5.29 pm, took no part in discussion, did not vote and returned to the chamber at 5.43 pm.

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

693/15 That Council receive the report on Disclosure of Interest and note advice of disclosures.

PROCEDURAL MOTION

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

694/15 That Council allow meeting practice to be varied.

695/15 That Council use the exception method to deal with the balance of the Agenda.

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

696/15 That with the exception of report numbers 1.5, 2.1, 2.2, 4.5 and a possible Motion of Urgency Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

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

697/15 That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

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

698/15 That Council receive the amended report on Invited Speakers.

1.4 Confirmation of Minutes of Previous Meeting

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

699/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 24 June 2015.

Business Arising

There was no business arising.

1.5 Mayoral Minute - Ourimbah Rugby Fire

RESOLVED unanimously on the motion of Councillor EATON:

700/15 That Council endorse the Mayors commitment of rendering all possible assistance to the Ourimbah Rugby Club following its devastating fire.

701/15 That this assistance include:

- **Council removal of debris**
- **Council assistance in maintaining the club grounds and line marking**
- **Delegation of authority to the acting General Manager to approve any urgent CCIG application by the club.**

2.1 DA/857/2014 Residential Flat Building at Howarth St, Wyong

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

702/15 That Council approve DA/857/2014 at 51-53 Howarth Street, Wyong as a deferred commencement consent subject to the conditions provided as Attachment 1 and an additional deferred commencement condition be added which requires the lodgement by the applicant of plans which demonstrate an improved façade treatments by way of additional colours and variation of external finishes to result in a more contemporary building appearance, to the satisfaction of Council's Director Building and Development.

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

AGAINST: NIL

2.2 DA 1034/2013 - Proposed Three Storey Boarding House comprising 100 Units (SEPP Affordable Housing) at Ourimbah

Councillor Matthews declared a non-pecuniary significant conflict of interest in the matter for the reason that she has a perceived previous relationship with one of the consultants. Councillor Matthews took no part in discussion and did not vote.

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that the consultant or former consultant to the project is subject to discrimination action by my wife. Councillor Eaton took no part in discussion and did not vote.

Councillor Vincent declared a non-pecuniary significant conflict of interest in the matter for the reason that he has a perceived previous relationship with one of the consultants. Councillor Vincent took no part in discussion and did not vote.

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that he knows the consultant, Mr Craig Thompson. Councillor Best took no part in discussion and did not vote.

Councillor Taylor declared a non-pecuniary significant conflict of interest in the matter for the reason that he is a representative on the JRPP (Joint Regional Planning Panel). Councillor Taylor took no part in discussion and did not vote.

Councillor Troy declared a non-pecuniary significant conflict of interest in the matter for the reason that his family members live in the area and have lobbied me in this matter. Councillor Troy took no part in discussion and did not vote.

Councillor Webster declared a non-pecuniary significant conflict of interest in the matter for the reason that Mr Gregory Junior is the Vice President of the Liberal Dobell FEC (Federal Electoral Council) and worked on my election campaign. Councillor Webster took no part in discussion and did not vote.

PROCEDURAL MOTION IN RELATION TO ITEM 2.2

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

703/15 That Council refer this matter to the General Manager for consideration.

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

AGAINST: NIL

3.1 Local Government NSW Annual Conference 2015

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

704/15 That Council authorise those interested Councillors and the General Manager to attend the Local Government NSW Annual Conference 2015.

705/15 That Council pay reasonable expenses incurred in Councillors attending the conference in accordance with the Policy for Facilities and Expenses for Councillors.

706/15 That Council note the change in voting arrangements for the 2015 Conference.

707/15 That Council note the deadline for any motions to be submitted for inclusion on the business paper is Monday 14 September 2015.

3.2 Proposed Councillors' Community Improvement Grants

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

708/15 That Council allocate an amount of \$7,100 from the 2014-15 Councillors' Community Improvement Grants as follows:

Take 3 Ltd (\$4,000) (\$900 already allocated	Associated running costs of the Whale Dreamers Festival - 2015	3,100
The Trustee for Southern Cross Austereo Community Ancillary Fund (\$4,000)	Raising money for 'Give Me 5 for Kids' which will go towards purchasing equipment for Wyong Hospital and will benefit the Wyong Shire.	4,000

4.1 Disclosure of Interest Returns - 1 April to 30 June 2015

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

709/15 That Council receive the report on Disclosure of Interest Returns 1 April to 30 June 2015.

4.2 Road Capital Works Program

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he would like to note the works at the western section of Vincent Close Buff Point have been completed. I became aware of these works after it had been to the chamber and disclosed to the General Manager after obtaining an informed interest. The works are in the general locality to where I live and do not provide any benefit or connect directly to my property.

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."

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

710/15 That Council receive the report on the status of the Council's Road Capital Rolling Works Program.

4.3 Annual Water Supply and Sewerage Performance Reporting

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

711/15 That Council receive the report on Annual Water Supply and Sewerage Performance Reporting.

4.4 Quarterly Risk Management Report - June 2015

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

712/15 That Council receive the report on Quarterly Risk Management Report - June 2015.

4.5 Temporary Economic Stimulus Plan

Councillor Eaton declared a non-pecuniary significant conflict of interest in the matter for the reason that his family business may have supplied materials to one or more of the parties' names in the report. Councillor Eaton left the chamber at 5.29 pm, took no part in discussion, did not vote and returned to the chamber at 5.43 pm.

Councillor Vincent left the meeting at 6:06 pm and returned to the meeting at 6:08 pm during consideration of this item.

Councillor Eaton vacated the chair and Councillor Webster assumed the Chair for consideration of this item.

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

713/15 That Council extend the deadline for the Temporary Economic Stimulus Plan until 30 September 2015.

Councillor Eaton resumed the chair.

4.6 Outstanding Questions on Notice and Notices of Motion

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

714/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

U3/15 Motion of Urgency - RMS's Speedbump Band-Aid, Toukley
Councillor Greg Best
F2015/00040

LEAVE TO INTRODUCE A MOTION OF URGENCY

Councillor Best sought leave to introduce a Motion of Urgency concerning failing speedbumps recently installed on Main Road, Toukley.

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

715/15 *That Council consider a motion of Urgency regarding failing speedbumps recently installed on Main Road, Toukley.*

The Mayor ruled the matter was of great urgency and could be introduced as a Motion of Urgency.

U3/15 **Motion of Urgency - RMS's Speedbump Band-Aid, Toukley**

716/15 *That, with some 56 accidents over the past 5 years resulting in 34 injuries to motorists and pedestrians, Council clearly recognises the need for improved traffic management on main road Toukley, particularly through the commercial village precinct.*

717/15 *That Council notes that main road Toukley is managed by the RMS (Roads and Maritime Services) and that all activities, alterations and repairs can only be carried out with the express approval of the State Government's RMS.*

718/15 *That Council note that no other main arterial corridor on the central coast such as main road Toukley, with some 20,000 cars a day, has had installed speed bumps.*

719/15 *That Council recognises the significant community concern around the installation of these traffic calming devices.*

720/15 *That, due to the community outrage, the lack of thorough consultation and the resultant increased vehicle noise, Council call on the RMS to immediately remove these speed bumps.*

721/15 *That Council supports the RMS's proposed 40km zone through Toukley town centre and appropriate chicane and pedestrian refuge traffic calming devices as utilised in 40km/h school zones.*

722/15 *That staff liaise with the contractor and RMS to negotiate a contractually valid solution that addresses the design, location, method of construction and alternative methods of achieving the desired speed outcomes.*

Councillor note:

As the local area Councillor and resident of Main Road Toukley for the past 30 years, I for one fully appreciate the need to better manage the main road and pedestrian corridor.

With the imminent growth of Warnervale, much pressure will fall upon Main Road Toukley, particularly for residents seeking to access our beaches.

Main Road Toukley is a major arterial corridor; it is an economically vital corridor that requires to be managed in consultation with the key stakeholders and indeed the broader community. In my view the installation of the speed bumps is an extremely short sighted and clearly a cost cutting option, with no regard to the disruption of motorists, the increased noise generated in the shopping district and provides little comfort to pedestrians.

Already I have been advised that there have been rear end accidents where small and low vehicles are required to stop at the bumps, with vehicles running into the rear of them. Also, as we have learnt with speed bumps in Norah Head Soldiers Beach carpark, these speed bumps have been used by hoons as a launch pad for their car park burnouts.

I also note this morning that the speed bumps that have been installed only a week ago are crumbling and failing, which may result in rim damage to tyres of vehicles.

As outlined previously, nowhere, not anywhere on the Central Coast does a main arterial corridor “enjoy” speed bumps. Main road Toukley has two 40km school zones that operate extremely well without speed bumps. This ridiculous initiative must be called to account and makes as much sense as putting speed bumps on the M1.

PROCEDURAL MOTION

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

723/15 That Council allow meeting practice to be varied.

724/15 That Council grant Councillor Nayna leave of absence from the 22 July 2015 Ordinary Council meeting due to work commitments.

QUESTIONS ON NOTICE

**Q26/15 Heritage Lighting Wyong
Councillor Lisa Matthews
M2015/00591**

“Can the General Manager please advise why the heritage lighting throughout Wyong Town Centre has been removed/ demolished?”

THE MEETING closed at 6.10 pm.