



Central Coast Council

Minutes of the Ordinary Meeting of Council Held remotely - online on 10 August 2020

Present

Councillor Jane Smith, Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale, Louise Greenaway, Jeff Sundstrom and Richard Mehrstens.

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures), Carlton Oldfield (Acting Chief Finance Officer), Shane Sullivan (Unit Manager Governance and Business Services) and Janine McKenzie (Unit Manager Business Enterprise).

Mr Gary Murphy, Chief Executive Officer advised as per clause 6.1 of the Code of Meeting Practice in the absence of the Mayor the Deputy Mayor will preside at the meeting.

The Deputy Mayor, Jane Smith, assumed the chair and declared the meeting open at 6.34pm.

Councillor Burke joined the meeting at 6.36pm.

At the request of the Chair, Mr Gary Murphy, Chief Executive Officer advised that the meeting will be held remotely in accordance with section 747A of The Local Government Act 1993 clause 1(a)(i). Councillors were also reminded to adhere to the relevant policies and procedures including the Code of Meeting Practice and Code of Conduct.

The Deputy Mayor, Jane Smith, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

Apologies

Moved: **Councillor Holstein**
Seconded: **Councillor MacGregor**

Resolved

799/20 That Council note that Councillor Marquart was granted a leave of absence for tonight's meeting and submitted a withdrawal prior to the meeting.

800/20 *That Council note and grant a leave of absence which was submitted from Mayor Matthews for tonight's Ordinary Meeting.*

For:
Unanimous

1.1 Disclosures of Interest

2.1 Deferred item - Proposal to Purchase Land known as the Davistown Wetland

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the owners is the landlord to his wife's business. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

2.2 Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy

Councillor Hogan declared a pecuniary interest in the matter as her employer leases one of Councils' facilities.

Councillor Best declared a pecuniary interest in the matter as his employer leases one of Councils' facilities.

Councillor McLachlan declared a pecuniary interest in the matter as he previously held negotiations with the former Wyong Shire Council and as such Central Coast Council has acquired all previous resolutions.

Councillor Holstein declared a significant non pecuniary interest in the matter as his two not for profit employers lease properties from Council.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education which leases premises from Council, however this is managed by an assets team. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the community members that may be impacted by the policy. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she was a former board member on Coast Community Connections. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that are members of the Scouting Organisation detailed in the report. He chose to

stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

This item was resolved by the exception method.

2.3 Community Support Grant Program - May 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows most of the grant recipients. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

This item was resolved by the exception method.

2.4 Central Coast Stadium Business Strategy

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the main hirers of the facility employees his daughter. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

3.6 Working Together Staying Strong COVID Grants – June 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients.

This item was resolved by the exception method.

3.7 Youth Strategy Progress Report

Councillor Vincent declared a less than significant non pecuniary interest in the matter as schools are referenced within the report and he has children that are attending local schools. He chose to stay in the meeting and participate in discussion and voting on this matter as the report is region wide and will not prejudice or influence his decision on the matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as he is the General Manager of Central Coast Group Training which is the largest employer of our youth on the Central Coast. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

5.2 Notice of Motion - WAR Act Repeal and declassification of airport contract damages

Councillor Smith notes that it has been sometime since she has held a management role in CEN and does not believe that there is no need for her to declare an interest unless there is a direct benefit to the organisation.

5.3 Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she knows the residents that spoke on the item and also lives within the area. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

5.4 Notice of Motion - Local Planning Panels - changes to operations

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now. She advised that as the item is a strategic matter and not about a particular development application that she is not required to declare on the item.

Moved: Councillor Gale
Seconded: Councillor Hogan

Resolved

801/20 That Council and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Time commenced: 6.49pm

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

802/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 27 July 2020.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Time commenced: 6.50pm.

Moved: Councillor MacGregor

Seconded: Councillor Holstein

Resolved

803/20 That Council resolve that the following matter be dealt with in closed session, pursuant to s. 10A of the Local Government Act 1993 for the following reason:

Item 6.1 – Central Coast Airport Review (Phase 2) Final Report

Reason for considering in closed session:

2(a) personnel matters concerning particular individuals (other than Councillors)

For:

Councillor Smith, Councillors Burke, Hogan, Holstein, MacGregor, Marquart, Mehrrens, Sundstrom and Vincent

Against:

Councillors Best, Gale, Greenaway, McLachlan and Pilon

Procedural Motion – Exception

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

804/20 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
2.2	Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy
2.3	Community Support Grant Program - May 2020
3.1	Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020
3.2	Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020
3.3	Meeting Record of the Heritage Advisory Committee meeting held

Item #	Item Title
	<i>on 1 July 2020</i>
3.4	<i>Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020</i>
3.5	<i>Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020</i>
3.6	<i>Working Together Staying Strong COVID Grants – June 2020</i>
3.8	<i>Investment Report for June 2020</i>

805/20 *That Council discuss the following items individually:*

Item #	Item Title
2.1	<i>Deferred item - Proposal to Purchase Land known as the Davistown Wetland</i>
2.4	<i>Central Coast Stadium Business Strategy</i>
3.7	<i>Youth Strategy Progress Report</i>
5.1	<i>Notice of Motion - Reporting of Councillor Attendance</i>
5.2	<i>Notice of Motion - WAR Act Repeal and declassification of airport contract damages</i>
5.3	<i>Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue</i>
5.4	<i>Notice of Motion - Local Planning Panels - changes to operations</i>
5.5	<i>Notice of Motion - Options for a dedicated MTB Facility</i>
5.6	<i>Notice of Motion - Broadwater Hotel site in Mann St Gosford</i>
6.1	<i>Central Coast Airport Review (Phase 2) Final Report</i>

For:
Unanimous

2.1 Deferred item - Proposal to Purchase Land known as the Davistown Wetland

Time commenced: 7.09pm

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the owners is the landlord to his wife's business. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

Moved: Councillor Marquart
Seconded: Councillor Best

Resolved

- 806/20** *That Council defer consideration of item 2.1 - Deferred Item – Proposal to Purchase Land known as the Davistown Wetland to no later than the 26 October 2020 Ordinary Meeting.*
- 807/20** *That Council request the Chief Executive Officer continue to pursue an acquisition by agreement of the land known as Davistown Wetlands.*
- 808/20** *That Council request the Chief Executive Officer initiate investigations regarding the eligibility of the land known as Davistown Wetlands for a compulsory acquisition process and provide a report back to Council with the outcome of these investigations.*
- 809/20** *That Council reopen dialogue with the land owner/representatives during the 12 week period.*

For:

Unanimous

2.2 Consideration of Submissions and Adoption of the Facilities Leasing and Licencing Policy

Councillor Hogan declared a pecuniary interest in the matter as her employer leases one of Councils' facilities.

Councillor Best declared a pecuniary interest in the matter as his employer leases one of Councils' facilities.

Councillor McLachlan declared a pecuniary interest in the matter as he previously held negotiations with the Former Wyong Shire Council and as such Central Coast Council has acquired all previous resolutions.

Councillor Holstein declared a significant non pecuniary interest in the matter as his two not for profit employers lease properties from Council.

Councillor Smith declared a less than significant non pecuniary interest in the matter as she works for the Department of Education which leases premises from Council, however this is managed by an assets team. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows some of the community members that may be impacted by the policy. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Gale declared a less than significant non pecuniary interest in the matter as she was a former board member on Coast Community Connections. She chose to stay in the

meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family that are members of the Scouting Organisation detailed in the report. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

810/20 That Council note that the Draft Facilities Leasing and Licensing Policy was publicly exhibited for a period of 60 days from 16 March 2020 to 17 May 2020.

811/20 That Council note that this period was extended until 30 June 2020 due to the COVID-19 pandemic.

812/20 That Council consider the submissions and feedback received during the public exhibition period (Attachment 1).

813/20 That Council adopt the Facilities Leasing and Licensing Policy (Attachment 2) and make it available on Council's website.

For:

Unanimous

2.3 Community Support Grant Program - May 2020

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows most of the grant recipients. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

814/20 That Council support the recommendations in principle to allocate \$20,177.00 from the 2019/20 grants budget to the community support grant program as outlined in the following report and Attachment 1.

815/20 *That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.*

816/20 *That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects.*

For:

Unanimous

2.4 Central Coast Stadium Business Strategy

Time commenced: 7.22pm

Councillor Holstein declared a significant non pecuniary interest in the matter as one of the main hirers of the facility employees his daughter. Councillor Holstein left the meeting at 7.09pm, returned at 7.34pm and did not participate in discussion on this matter.

Moved: **Councillor Smith**

Seconded: **Councillor MacGregor**

Resolved

817/20 *That Council receive the Draft Central Coast Stadium Business Strategy.*

818/20 *That Council place the Draft Business Strategy on public exhibition for a period of 28 days. Once public exhibition is completed a report will be prepared and sent to Councillors summarising public comment.*

819/20 *That Council commence the process to seek Expressions of Interest from suitably experienced parties to manage and operate the Central Coast Stadium including Public Private Partnerships or other innovative opportunities.*

820/20 *That Council receive a confidential report on the completion of the Expression of Interest process for the management and operation of the Stadium to determine whether to proceed to tender.*

821/20 *That Council request that in addition to the information provided to Council as part of a tender evaluation and as set out in the Tendering Guidelines for the NSW Local Government that the received Expressions of Interest for the management of the Stadium be provided to all Councillors as appropriate and as confidential information for the purpose of decided whether or not to accept any submitted Expression of Interest.*

822/20 *That Council commence a Request for Tender process for naming rights*

sponsorship of the Central Coast Stadium.

- 823/20** *That Council receive a confidential report on the completion of the tender process to determine whether to appoint a naming rights sponsor for the Stadium.*
- 824/20** *That Council request that in addition to the information provided to Council as part of a tender evaluation and as set out in the Tendering Guidelines for the NSW Local Government that the received Tenders for the naming rights of the Stadium be provided to all Councillors as appropriate and as confidential information for the purpose of decided whether or not to accept any submitted Tender.*
- 825/20** *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 1 and 2 to this report remain confidential in accordance with section 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Council's ability to obtain value for money services for the Central Coast community.*

For:

Unanimous

3.1 Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

- 826/20** *That Council receive the report on Meeting Record for the Catchments and Coast Committee Tuggerah Lakes meeting held on 24 June 2020.*

For:

Unanimous

3.2 Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

827/20 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee meeting held on 25 June 2020.

For:

Unanimous

3.3 Meeting Record of the Heritage Advisory Committee meeting held on 1 July 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

828/20 That Council receive the report on Meeting Record of the Heritage Advisory Committee meeting held on 1 July 2020.

For:

Unanimous

3.4 Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**

Seconded: **Councillor Gale**

Resolved

829/20 That Council receive the report on Meeting Record of the Water Management Advisory Committee meeting held 30 June 2020.

For:

Unanimous

3.5 Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

830/20 That Council receive the report on Meeting Record of the Social Inclusion Advisory Committee meeting held on 10 June 2020.

For:

Unanimous

3.6 Working Together Staying Strong COVID Grants – June 2020

Councillor Hogan declared a pecuniary interest in the matter as she works with most of the grant recipients.

This item was resolved by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Gale

Resolved

831/20 That Council receive the report on the Working Together Staying Strong Grant Program June 2020 applications as outlined in the following report and Attachments 1 and 2.

For:

Unanimous

3.7 Youth Strategy Progress Report

Time commenced: 7.34pm

Councillor Vincent declared a less than significant non pecuniary interest in the matter as schools are referenced within the report and he has children that are attending local schools. He chose to stay in the meeting and participate in discussion and voting on this matter as the report is region wide and will not prejudice or influence his decision on the matter.

Councillor Best declared a less than significant non pecuniary interest in the matter as he is the General Manager of Central Coast Group Training which is the largest employer of our youth on the Central Coast. He chose to stay in the meeting and participate in discussion and

voting on this matter as it does not prejudice or influence his decision on the matter.

Moved: **Councillor Holstein**
Seconded: **Councillor Mehrrens**

Resolved

832/20 ***That Council receive the progress report on the implementation of Year 1 actions of the Central Coast Youth Strategy as outlined in the following report and Attachment 1.***

For:
Unanimous

3.8 Investment Report for June 2020

This item was resolved by the exception method.

Moved: **Councillor Vincent**
Seconded: **Councillor Gale**

Resolved

833/20 ***That Council receive the Investment Report for June 2020.***

For:
Unanimous

5.1 Notice of Motion - Reporting of Councillor Attendance

Time commenced: 7.39pm

Councillor Sundstrom left the meeting at 8.04pm and returned at 8.05pm.

Moved: **Councillor Holstein**
Seconded: **Councillor MacGregor**

Resolved

834/20 ***That Council note that the Councillor Expenses and Facilities Policy requires at Clause 122 detailed reports on the provision of expenses and facilities to Councillors to be publicly tabled at a Council meeting every six months and published in full on Council's website.***

835/20 ***That Council resolve that as part of that six monthly report there be the following information:***

- **Statistics regarding Councillor requests including the number of requests submitted by Councillor**
- **Details of Councillor attendance at Council Meetings**
- **Details of Councillor attendance at Briefings or Workshops**
- **Details of Councillor attendance at weekly CEO Updates**
- **Details of Councillor attendance at Advisory Group meetings of which they are members**
- **Details of Councillor access to the HUB and review of relevant documents**

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrtens and Sundstrom

Against:

Councillors Best, Burke, Gale, Marquart and McLachlan

Abstained: Councillors Pilon and Vincent

The vote was declared CARRIED on the casting vote of the Chair.

5.2 Notice of Motion - WAR Act Repeal and declassification of airport contract damages

Time commenced: 8.16pm

Councillor Smith notes that it has been sometime since she has held a management role in CEN and does not believe that there is no need for her to declare an interest unless there is a direct benefit to the organisation.

Councillor Mehrtens left the meeting at 8.58pm and returned at 9.00pm

Moved: Councillor Best

Seconded: Councillor Gale

- 1 *That Council notes the recent announcement by Minister Stokes (see attached) announcing the imminent repeal of the outdated Warnervale Airport (Restrictions) Act 1996 (WAR Act).*
- 2 *That Council formally thank Minister Stokes and Parliamentary Secretary for the Central Coast Mr Adam Crouch for facilitating this important review, noting that 939 Public Submissions were received of which more than 75% were in favour of repeal (attached Public Support Article) with 15 organisations and individuals addressing the Public Hearings as follows:-*

Order of submissions

Warnervale Airport (Restrictions) Act 1996

Public Forum 28 February 2020



	Name	Representing	Time allocated
1	Cr Greg Best	Individual speaker	5 minutes
2	Mr Doug Eaton	Individual speaker	5 minutes
3	Mr Michael Campbell	Community Environment Network	10 minutes
4	Mr Andrew Smith	Central Coast Aero Club	10 minutes
5	Mr Laurie Eyes	Warnervale Airport Resistance Group	10 minutes
6	Mr Matthew Teegan	Individual speaker	5 minutes
7	Ms Victoria Gallagher	Individual speaker	5 minutes
8	Mr Patrick Gallagher	Individual speaker	5 minutes
9	Ms Caroline Wickham	Individual speaker	5 minutes
10	Mr Jay Harris	Individual speaker	5 minutes
11	Mr Keith Royle	Individual speaker	5 minutes
12	Mr Warwick Calleia	Individual speaker	5 minutes
13	Mr Michael Allsop	Individual speaker	5 minutes
14	Mr Gregory Stephenson	Individual speaker	5 minutes
15	Mr Tony Brown	Individual speaker	5 minutes

- 3 *Further with regard to consultation, of particular note, Council recognises that the two most vocal objector groups, Community Environment Network (CEN) and the Warnervale Airport Restriction Group were both given significant opportunity to brief the Panel and make substantial submissions.*
- 4 *Also Council passes on its formal appreciation to Review Chairperson Abigail Goldberg and Panellist Mr Peter Fiegehen for their professionalism and comprehensive 140 page Report [LINK](#)*
- 5 *That in the spirit of transparency and accountability, Council request the General Manager to in the first instance, report to Council on what actions and legal mechanisms are available to declassify the confidential documents revealing to the ratepayers exactly how much the AAI Contract Extinguishment cost including the 'lost opportunity costs' around some 17 formal expressions of interest developed by staff over many years that*

were also extinguished.

6 That Council notes the independent review made three recommendations:-

Recommendation 1.0: Repeal the Act

It is the Review Team's recommendation that the Act be repealed as soon as possible considering that it:

- Is ambiguous and outdated in its content as well as legal format, and with regard to key administrative processes*
- Duplicates other primary legislation without adding any unique requirements*
- Is difficult to administer, adding to operational complexity*
- Affords some community certainty but has not resolved or even eased community and stakeholder differences*
- Cannot easily be improved or updated by minor amendments, noting that even these would be costly and complex to undertake*
- Adds complexity for pilots and as a result presents potential operational, compliance and safety risks.*

1.1 Interim action if the Act cannot immediately be repealed

If for any reason the Act cannot be immediately repealed, Section 6 of Part 2 of the Act, 'Restriction on aircraft movements', relating to the limit on daily take offs and landings should be suspended as soon as possible, as this section is administratively ineffective, and cannot feasibly be physically enforced.

Moreover, movements at an airport are intrinsically operationally restricted as a function of several factors, including runway length and airspace (circuit area) capacity during the period. The number 88 as currently noted in the section appears arbitrary without explanatory notes, especially when the operational saturation limiting factors are considered.

In addition, while the physical requirements cannot feasibly be enforced by an airport operator, prosecution can occur under the Act, resulting in procedural unfairness. This Section also lacks logic by not the process by which an increase or decrease in movements may be applied for or permitted.

Recommendation 2.0: Ensure community confidence

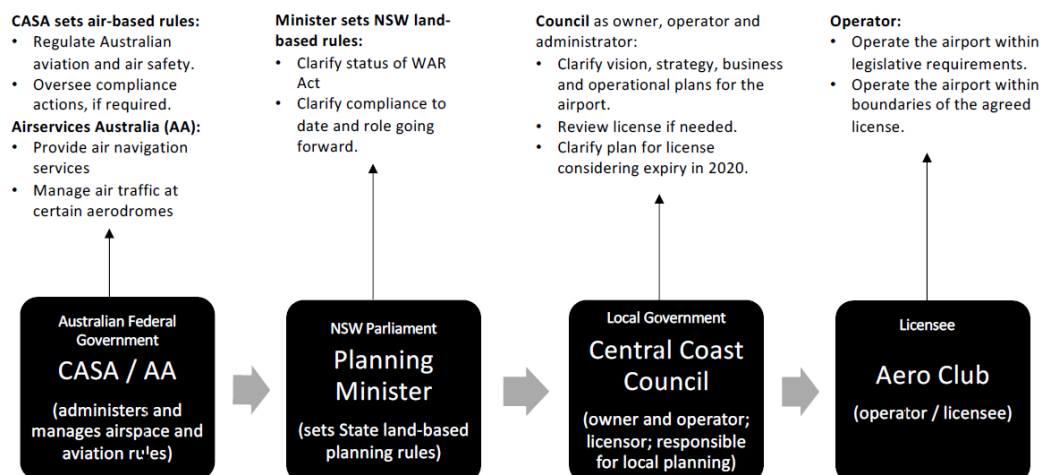
Steps should be taken to improve community and stakeholder clarity and certainty. Recommendations in this regard are outlined below.

2.1 Clarify governance

The range of agencies who oversee aviation safety and operations as well as planning, amenity and environmental matters should be clarified for the community and other stakeholders as it is potentially confusing, and currently not explained. The Reviewers have identified this hierarchy of governance, and related responsibilities, as illustrated

and discussed below;

Hierarchy of governance



2.2 Clarify legislative hierarchy of statutory protections

The range of statutes that govern aviation safety and operations as well as planning, amenity and environmental matters should be clarified for the community and other stakeholders as it is potentially confusing, and currently not publicly explained in relation to the airport.

These statutes are outlined at Appendix B.

2.3 Clarify the process required for any change of use and development application

The process for any change of use and development application should be clarified in relation to the airport and clearly communicated for the community and stakeholders. As Council has not followed this process in the past, they should also be reminded of procedural requirements, noting that these are set out in the EP&A Act 1979, and that thorough assessment of environmental and social factors is an essential prerequisite of any except the most minor of applications.

Additionally, there are Aviation Procedural Requirements, informed by the Civil Aviation Safety Authority, in relation to any changes that affect airport governance and flying in the Australian National Airspace System, which would need to be addressed.

In this regard, the inherent limitations of the site should be highlighted for all stakeholders, noting that many are still of the impression that expansion of the airport is feasible when it is in actuality highly constrained.

The community, stakeholders and Council should also be updated regarding changes to the EP&A Act, requiring applications to be determined by independent State, Regional or Local Planning Panels (depending on the scale and value of the application).

2.4 Council to clarify its position

The Review Team considers that the root cause of much community uncertainty is historic ideas put forward by Council and individual Councillors. Moreover, the Review Team observes that Council does not have a current, endorsed, publicly stated position with regard to the airport.

As such, the Review Team suggests that Council should clarify its position in relation to the airport and its future use and operations, including by means of robust environmental, social, economic and technical assessments. A business plan and operations plan for the airport should be produced.

Council's position in relation to renewal of the license for the aero club should also be made public.

The Reviewers also observe that Council is currently updating its Local Environmental Plan (LEP), and that site specific requirements not already included in this instrument, could be integrated as part of the updating process if needed.

Recommendation 3.0: Urgent safety recommendation

While unrelated to the Terms of Reference for the Review, the issue of the EEC trees at the northern end of the aerodrome along Sparks Road, which intrude into the OLS, is a safety matter which the Reviewers believe requires urgent resolution. This is so that a stable and reliable effective operational runway length can be provided for landing and take-off, and the potential for impact with the current tree hazard is reduced.

Because the trees continue to grow, this risk will increase if not resolved. The Review Team notes that the CASA Airspace Change Process states that 'there are no airspace/aircraft operation implications for Environment Protection and Biodiversity Conservation Act 1999 Matters of National Environmental Significance, noting that aviation safety is always the top priority'.

These Items should form part of a comprehensive and 'publicly available' Report to Council around expediting the Minister's Directions. In particular, the critical issue of Airport Safety with regard to runway access.

7 *That as the Minister has highlighted the urgent need to develop an Airport Operational Plan, staff provide Council with existing airport plans as reference points from sister regional airports such as;*

- Casino Aerodrome owned by Richmond Valley Council*
- Collarenebri Aerodrome owned by Walgett Council*
- Hillston Aerodrome owned Carrathool Shire Council*
- Tottenham Aerodrome owned by Lachlan Shire Council*

Including supplementary airports;

- Tamworth Regional Airport owned by Tamworth Regional Council*
- Armidale Airport operated by Armidale Regional Council*

- 8 *That Council notes a number of former Airport Related Resolutions refer to being "consistent with the WAR Act." Now that the WAR Act will be extinguished, these Motions / Staff Directions will need to be recrafted and form part of the Staff Report requested in 5 above.*
- 9 *That Council thanks all those that made submissions in particular, the highly professional Warnervale Aero Club, its Chief Executive Office, Board and Members.*
- 10 *That further the Council underpin its probity through referring this matter through Audit, Risk and Improvement Committee (ARIC) with particular reference to items 5 and 8.*

Amendment Moved: Councillor Smith

Amendment Seconded: Councillor MacGregor

- 1 *That Council note the recent release of the Final Report of the review of the Warnervale Airport Restrictions (WAR) Act 1996 with the following recommendations:*
 - a *Repeal of the WAR Act: The Review Report recommends repeal of the WAR Act. Depending on timing of the repeal, the Review Report recommends the suspension of the flight movement restrictions provisions in section 6 of the WAR Act.*
 - b *Ensure community confidence: The Review Report recognises the WAR Act is valued by some community members who are distrustful of the local council based on its actions over many years. If the WAR Act is repealed, the Review Report recommends a set of actions to alleviate this community distrust and establish a clear framework for the governance of operations and change management at the Airport.*
 - c *Urgent safety recommendation: The Review Report's third recommendation is that urgent works are needed to be undertaken to modify vegetation height to the north of the runway which the Review Report states creates a risk to safety and limits the usable length of runway.*
- 2 *That Council resolves as follows with regards to each of the Final Report's recommendations:*
 - a *Recommendation 1 - Council notes that the NSW government has accepted this recommendation and implementation is the responsibility of the NSW Government.*
 - b *Recommendation 2 – That Council clarifies its position as follows:*
 - i *That Council reaffirms that the airport is classified and operates as an "Aircraft Landing Area (ALA)"*
 - ii *That "Central Coast Airport" be officially renamed to "Warnervale Aircraft Landing Area (ALA)" to remove any doubt, with identifying signage and other materials to be amended by the end of October, 2020*
 - iii *That the maximum length for any runway (existing or proposed) at the*

Warnervale ALA is 1200 metres, and no approval is provided by Council for any extension

iv That maintenance works are permitted to continue current operations, however, no works are permitted to expand the operations of the ALA. (Noting that what constitutes 'maintenance' needs to be further defined at a Councillor workshop)

v That Council actively seek to generate employment opportunities on lands adjacent to the landing strip with a focus on the following sectors: health, food, waste, renewable energy and manufacturing

c Recommendation 3;

i That Council note that while the Review recommendation confirms the risk assessed by staff in August 2019, Council is actively seeking to address this issue and is still required to act lawfully in managing the trees.

ii That Council note the progress to date to implement the resolutions around the Obstacle Limitation Surface (OLS) risk as follows:

- Council has completed an up-to-date survey and analysis of the OLS as per resolution 723/19.*
- The required environmental studies, as per resolution 724/19, were commenced in September 2019 with the environmental consultant now preparing their final report.*
- Once received, Council will provide a report to Council as per resolution 725/19.*

3 That Council request the Chief Executive Officer to in the first instance, Report to Council on what actions and legal mechanisms are available to enable the release to the public of the details of the confidential settlement between the council and Amphibian Aerospace Industries Pty Ltd.

4 That Council request the Chief Executive Officer provide a Councillor workshop by the end of November, 2020 to discuss;

a options regarding the license with the Central Coast Aero Club.

b the management and operation of Warnervale ALA consistent with Council's position as stated in (2) above.

For:

Councillor Smith, Councillors Greenaway, Hogan, MacGregor, Mehrrens, Sundstrom and Vincent

Against:

Councillors Best, Burke, Gale, Holstein, Marquart, McLachlan and Pilon

The amendment was put to the vote was declared CARRIED on the casting vote of the Chair.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

836/20 That Council note the recent release of the Final Report of the review of the Warnervale Airport Restrictions (WAR) Act 1996 with the following recommendations:

- a** **Repeal of the WAR Act:** The Review Report recommends repeal of the WAR Act. Depending on timing of the repeal, the Review Report recommends the suspension of the flight movement restrictions provisions in section 6 of the WAR Act.
- b** **Ensure community confidence:** The Review Report recognises the WAR Act is valued by some community members who are distrustful of the local council based on its actions over many years. If the WAR Act is repealed, the Review Report recommends a set of actions to alleviate this community distrust and establish a clear framework for the governance of operations and change management at the Airport.
- c** **Urgent safety recommendation:** The Review Report's third recommendation is that urgent works are needed to be undertaken to modify vegetation height to the north of the runway which the Review Report states creates a risk to safety and limits the usable length of runway.

837/20 That Council resolves as follows with regards to each of the Final Report's recommendations:

- a** **Recommendation 1 - Council notes that the NSW government has accepted this recommendation and implementation is the responsibility of the NSW Government.**
- b** **Recommendation 2 – That Council clarifies its position as follows:**
 - i** **That Council reaffirms that the airport is classified and operates as an "Aircraft Landing Area (ALA)"**
 - ii** **That "Central Coast Airport" be officially renamed to "Warnervale Aircraft Landing Area (ALA)" to remove any doubt, with identifying signage and other materials to be amended by the end of October, 2020**
 - iii** **That the maximum length for any runway (existing or proposed) at the Warnervale ALA is 1200 metres, and no approval is provided by Council for any extension**

- iv That maintenance works are permitted to continue current operations, however, no works are permitted to expand the operations of the ALA. (Noting that what constitutes 'maintenance' needs to be further defined at a Councillor workshop)**
- v That Council actively seek to generate employment opportunities on lands adjacent to the landing strip with a focus on the following sectors: health, food, waste, renewable energy and manufacturing**

c Recommendation 3;

- i That Council note that while the Review recommendation confirms the risk assessed by staff in August 2019, Council is actively seeking to address this issue and is still required to act lawfully in managing the trees.**
- ii That Council note the progress to date to implement the resolutions around the Obstacle Limitation Surface (OLS) risk as follows:**
 - Council has completed an up-to-date survey and analysis of the OLS as per resolution 723/19.**
 - The required environmental studies, as per resolution 724/19, were commenced in September 2019 with the environmental consultant now preparing their final report.**
 - Once received, Council will provide a report to Council as per resolution 725/19.**

838/20 That Council request the Chief Executive Officer to in the first instance, Report to Council on what actions and legal mechanisms are available to enable the release to the public of the details of the confidential settlement between the council and Amphibian Aerospace Industries Pty Ltd.

839/20 That Council request the Chief Executive Officer provide a Councillor workshop by the end of November 2020 to discuss;

- a options regarding the license with the Central Coast Aero Club.**
- b the management and operation of Warnervale ALA consistent with Council's position as stated in (2) above.**

**For:
Councillor Smith, Councillors Greenaway,
Hogan, Holstein, MacGregor, Mehrtens,
Sundstrom and Vincent**

**Against:
Councillors Best, Burke, Gale, Marquart,
McLachlan and Pilon**

A division was called by Councillors Marquart and Gale.

For:
Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrrens, Sundstrom and Vincent

Against:
Councillors Best, Burke, Gale, Marquart, McLachlan and Pilon

Procedural Motion – Extend Discussion on Item

Moved: Councillor Vincent
Seconded: Councillor Sundstrom

Resolved

840/20 That Council in accordance with clause 10.31 of the Code of Meeting Practice extend the time for debate on item 5.2 – Notice of Motion - WAR Act Repeal and declassification of airport contract damages for a period of 10 minutes the time being 8.57pm.

For:
Unanimous

The meeting adjourned for a period of 10 minutes the time being 9.19pm and resumed at 9.32pm.

5.3 Notice of Motion - Wamberal - North Entrance - Artificial reefs to the Rescue

Time commenced: 9.32pm

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she knows the residents that spoke on the item and also lives within the area. She chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence her decision on the matter.

Councillor Greenaway left the meeting at 9.38pm and returned at 9.39pm.

Moved: Councillor Pilon
Seconded: Councillor McLachlan

Resolved

841/20 That Council via the Chief Executive Officer seek findings/report from Gold Coast Council and other stakeholders regarding the performance of artificial reefs in providing beach protection and any additional economic and social

benefits from increased surfing, fishing, kayaking, diving measures that may be of benefit to coastal erosion issues on the Central Coast.

842/20 ***The Council notes that to receive any Government grant funding for potential artificial reefs they must be defined in the Coastal Management Plan due by the end of 2021.***

843/20 ***That staff together with stakeholders include artificial reefs and sand nourishment under stage 3 when evaluating options to be included in the Coastal Management Plan.***

For:

Councillor Smith, Councillors Best, Burke, Gale, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrrens, Pilon, Sundstrom and Vincent

Abstained:

Councillor Greenaway

5.4 Notice of Motion - Local Planning Panels - changes to operations

Time commenced: 10.01pm

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 10.01pm, returned at 10.10pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now. She advised that as the item is a strategic matter and not about a particular development application that she is not required to declare on the item.

Councillor Gale left the meeting at 10.05pm and did not vote.

Moved:

Councillor Smith

Seconded:

Councillor Greenaway

Resolved

844/20 ***That Council noted that the Minister for Planning and Public Spaces, the Hon Rob Stokes, recently announced changes to the operations of Local Planning Panels including:***

- **require panels to make determinations within two weeks of being provided an assessment report**
- **require panels to hold a public meeting only where the DA has attracted 10 or more unique submissions by way of objection**
- **allow, at the chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material**
- **oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage**
- **require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination**
- **give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.**

845/20 That Council write to the NSW Minister for Planning and Public Spaces the Hon. Rob Stokes MP and the Premier of New South Wales Ms Gladys Berejiklian, to express its concern in relation to the changes (to commence on 1 August 2020) to the operations of NSW Planning Panels which have the aim of speeding up determinations of development applications, with potential damaging consequences for community input, for the reasons outlined in this Notice of Motion below.

846/20 That Council submit a Motion to the LGNSW Annual Conference which reflects these concerns.

For:
Councillor Smith, Councillors Greenaway,
Hogan, Holstein, Mehrtens and Vincent

Against:
Councillors Best, McLachlan, Pilon and
Marquart

5.5 Notice of Motion - Options for a dedicated MTB Facility

Time commenced: 10.10pm

Councillor Gale returned to the meeting at 10.11pm.

Councillor Gale left the meeting at 10.45pm and did not return.

Moved: Councillor Smith

Seconded: Councillor Greenaway

- 1 *That Council form a temporary Working Group to consider options and potential for a dedicated mountain biking facility to be established outside environmental lands*
- 2 *That the primary focus of the Working Group is to meet the needs of the existing recreational MTB community*

- 3 *That the Working Group be established as a temporary working group with a report coming to Council no later than the last meeting of December 2020 at which time, Council consider whether the Working Group continue*
- 4 *That the Working Group include:*
 - *Interested Councillors*
 - *Up to 3 Representatives from the recreational MTB community*
- 5 *That the Chief Executive Officer make available appropriate staff to support the Working Group.*

Amendment Moved: Councillor Best

Amendment Seconded: Councillor McLachlan

- 1 *That Council notes State Member for Wyong Mr David Harris' recent notice of placing on the New South Wales Parliament Agenda a Motion supporting the Central Coast Mountain Bike Association while calling on Council to "engage in meaningful consultation" with this organisation.*
- 2 *That Council recognises that whilst "meaningful consultation" is nice, a more tangible undertaking from this Council is what is sort by the Mountain Bike Community.*
- 3 *Further Council notes the significant economic driver via tourism that Mountain Bike Riding offers along with the public health benefits, with some 50,000 already utilising the Ourimbah Bike Park annually.*
- 4 *That Council recognises that both the National Parks and the New South Wales State Government have forged sustainable Mountain Bike Trail strategies on lands they control.*
- 5 *That it is with this understanding that Council now gives comfort and certainty to the thousands of mountain bike users, with Council now formally supporting the implementation of sustainable and environmentally responsible paths being installed across Council owned and controlled lands with the exclusion of wetlands and beaches.*
- 6 *That as an indicative guide model for future trails and mountain bike usage in our Region, Staff investigate and report on the highly successful eco-tourism bike paths that now underpin Tasmania's Derby Region.*
- 7 *On receipt of the Staff Report and in consultation with the key stakeholder groups, a structured representative group be formed allowing for one member only from any one organisation or its affiliate sub-groups to sit on such a Steering Committee.*
- 8 *That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.*

For:
Councillors Best, Burke, Gale, Holstein,
Marquart, McLachlan and Pilon

Against:
Councillor Smith, Councillors Greenaway,
Hogan, MacGregor, Mehrtens, Sundstrom
and Vincent

The amended was put to the vote and declared LOST on the casting vote of the Chair.

Further Amendment Moved: *Councillor Sundstrom*
Further Amendment Seconded: *Councillor Hogan*

- 1 *That Council recognises the economic and social benefits of Mountain Biking.*
- 2 *That Council acknowledges the importance of a structured approach to developing facilities and tracks for Mountain Bikes in conjunction with a targeted tourism strategy.*
- 3 *That any working group includes business representation to leverage the economic and jobs outcomes of a comprehensive strategy.*
- 4 *That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.*
- 5 *That Council give consideration to options for engaging key stakeholders in the planning and development of mountain bike facilities and opportunities across the Central Coast be postponed until after the Mountain Bike Feasibility Study has been completed.*

For:
Councillors Greenaway, Hogan, Holstein,
MacGregor, Mehrtens, Sundstrom and Vincent

Against:
Councillors Best, Burke, Marquart,
McLachlan and Pilon

Abstained: *Councillor Smith*

The further amendment was put to the vote and declared CARRIED and then become the Motion.

Moved: ***Councillor Sundstrom***
Seconded: ***Councillor Hogan***

Resolved

847/20 That Council recognises the economic and social benefits of Mountain Biking.

848/20 That Council acknowledges the importance of a structured approach to developing facilities and tracks for Mountain Bikes in conjunction with a targeted tourism strategy.

849/20 That any working group includes business representation to leverage the economic and jobs outcomes of a comprehensive strategy.

850/20 *That Council complete the Mountain Bike Feasibility Study to allow for the recommendations of the Mountain Bike Feasibility Study Discussion Paper and subsequent community engagement report to be considered.*

851/20 *That Council give consideration to options for engaging key stakeholders in the planning and development of mountain bike facilities and opportunities across the Central Coast be postponed until after the Mountain Bike Feasibility Study has been completed.*

For:
Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Sundstrom and Vincent

Against:
Councillors Best, Burke, Marquart, McLachlan and Pilon

Abstained: Councillor Smith

Procedural Motion – Extension of Meeting

Moved: **Councillor MacGregor**
Seconded: **Councillor Sundstrom**

Resolved

852/20 *That Council extend the meeting for a period of 30 minutes to allow the remaining items to be considered the time being 10.30pm.*

For:
Councillor Smith, Councillors Best, Burke, Greenaway, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrstens, Pilon, Sundstrom and Vincent

Against:
Councillor Gale

Procedural Motion – Extension of Time

Moved: **Councillor Sundstrom**
Seconded: **Councillor Greenaway**

Resolved

853/20 *That Council in accordance with clause 10.31 of the Code of Meeting Practice extend the time for debate on item 5.5 – Notice of Motion - Options for a dedicated MTB Facility for a period of 15 minutes the time being 10.44pm.*

For:
Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Sundstrom and Vincent

Against:
Councillors Best, Burke, Gale, McLachlan and Pilon

Procedural Motion – Deferral

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: **Councillor MacGregor**
Seconded: **Councillor Holstein**

Resolved

854/20 ***That Council consider the confidential item 6.1 - Central Coast Airport Review (Phase 2) Final Report next in the agenda.***

855/20 ***That Council defer consideration of item 5.6 – Notice of Motion – Broadwater Hotel Site in Mann St Gosford to the 24 August 2020 Ordinary Meeting.***

For:	Against:
Councillor Smith, Councillors Burke, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrstens, Pilon, Sundstrom and Vincent	Councillor Greenaway

5.6 Notice of Motion - Broadwater Hotel site in Mann St Gosford

Council deferred the consideration of item 5.6 – Notice of Motion – Broadwater Hotel site in Mann St Gosford to the 24 August 2020 Ordinary Meeting (minute 775/20).

Confidential Session

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: **Councillor Holstein**
Seconded: **Councillor Burke**

Resolved

856/20 ***That the meeting move into Confidential Session.***

For:	Against:
Councillor Smith, Councillors Burke, Hogan, Holstein, MacGregor, Mehrstens, Sundstrom and Vincent	Councillors Marquart, Pilon, Greenaway and McLachlan

At this stage of the meeting being 11.07pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

Open Session

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

857/20 That the meeting move into Open Session.

For:
Unanimous

The meeting resumed in open session at 11.20pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

6.1 Central Coast Airport Review (Phase 2) Final Report

Time commenced: 11.08pm

Councillor Gale left the meeting at 10.45pm and did not return.
Councillor Best left the meeting at 11.04pm and did not return.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

858/20 That Council notes the finding and recommendation of the Airport Review (Phase Two) Final Report.

859/20 That Council refers the Airport Review (Phase Two) Final Report to the Audit, Risk and Improvement (ARIC) Committee for their consideration, with a further report to come back to Council by which time the redacted report should be available.

860/20 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains information pertaining

to personnel matters concerning particular individuals (other than Councillors).

861/20 *That Council request the Chief Executive Officer to consider a proactive release of documents on the Council website an appropriately redacted version of Attachment 1 in accordance with the Government Information (Public Access) Act 2009.*

For:

Councillor Smith, Councillors Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrrens, Sundstrom and Vincent

Against:

Councillors Burke, Marquart and Pilon

The Meeting closed at 11.22 pm.