



Central Coast Council

Minutes of the
Ordinary Meeting of Council
held in the Council Chamber
2 Hely Street, Wyong
on 9 December 2019

Present

Mayor Lisa Matthews and 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, Richard Mehrtens and Jane Smith.

In Attendance

Gary Murphy (Chief Executive Officer), Jay Spare (Acting Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Dr Liz Develin (Director Governance), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Craig Norman (Chief Finance Officer).

The Mayor, Lisa Matthews, declared the meeting open at 6.58pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Lisa Matthews read an acknowledgement of country statement.

Procedural Motion

Moved: *Mayor Matthews*

Seconded: *Councillor MacGregor*

Resolved

1220/19 *That in accordance with clause 10.24 of the Code of Meeting Practice Councillor speeches will be restricted to 2 minutes.*

For:
*Mayor Matthews, Councillor Holstein,
Vincent, Smith, Sundstrom, Mehrtens,
Hogan, MacGregor, Greenaway, McLachlan,
Gale and Burke*

Against:
Councillors Best, Pilon and Marquart

The Motion was put to the vote and declared CARRIED.

1.1 Disclosures of Interest

Item 3.2 - DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy

Councillor Gale declared a less than significant non pecuniary interest in the matter as she knows the applicant professionally.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he knows one of the speakers in a professional capacity and he is a Joint Regional Planning Panel delegate.

This item was resolved by the exception method.

Item 3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows one of the speakers professionally. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does not affect her ability to impartially discharge her public duty.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he has known a speaker for a number of years, through social and political circles. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting as he will make his deliberations solely based on the substance of the matter.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has known the speakers in a professional capacity. Councillor MacGregor chose to remain in the chamber and participate in the discussion and voting as the conflict does not prejudice or influence his decision making.

Item 3.4 - Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he has a long standing personal and political association with one of the proponents.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as he knows one of the applicants.

This item was resolved by the exception method.

Item 3.6 – Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as some of the speakers are known to him professionally. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as the matter is general and does not affect his decision making ability.

Item 4.3 - Response to Notice of Motion - Davistown Wetlands Acquisition

Councillor Holstein declared a significant non pecuniary interest in the matter as the owner of the property in question is the landlord of a relative's business premises.

This item was resolved by the exception method.

Item 4.9 - Gosford Regional Library and Innovation Hub

Councillor Holstein declared a pecuniary interest in the matter as the site of the proposed library is currently the location where he is casually employed.

This item was resolved by the exception method.

Item 5.6 - Fire Safety Report 40 Lake Haven Dr Kanwal

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he is an ordinary member of Wyong Leagues Club.

This item was resolved by the exception method.

Item 8.2 - Deferred Item - Notice of Motion - The Missing Munmorah SK8Park

Councillor Hogan declared a significant non pecuniary interest in the matter as she is a representative on the Crown Lands Negotiation Program. Councillor Hogan left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Councillor MacGregor declared a significant non pecuniary interest in the matter on the basis that he is a member of the Crown Lands Negotiation Committee. Councillor MacGregor left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter on the basis that he is a member of the Crown Lands Negotiation Programs Committee. Councillor Holstein left the meeting at 10.08pm and did not return.

Mayor Matthews declared a significant non pecuniary interest in the matter on the basis that she is a member of the Crown Lands Negotiation Programs Committee. Mayor Matthews left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Item 8.5 - Notice of Motion - Central Coast Group Training Lease Briefing

Councillor Gale, Burke, Pilon, McLachlan and Marquart declared a significant non pecuniary interest in the matter as she knows an individual on the Board of Central Coast Group Training.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training.

This item was resolved by the exception method.

Item 8.6 - Notice of Motion - Wallarah 2 Progress Report

Councillor Best declared a pecuniary interest in the matter as the organisation he works for manages a Wallarah 2 scholarship program. Councillor Best left the chamber at 10.59pm, returning at 11.16pm and did not participate in discussion or voting.

Item 9.1 - Rescission Motion - DA/288/2018 Section 8.2 Review of Determination Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head

Councillor Best declared a pecuniary interest in the matter as he owns property in close proximity to the DA in question. Councillor Best left the chamber at 12.03am, returning at 12.12am did not participate in discussion or voting.

Moved: Councillor Best
Seconded: Councillor Gale

Resolved

1221/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: Councillor Hogan
Seconded: Councillor MacGregor

Resolved

1222/19 That Council confirm the minutes of the Ordinary Meeting of Council held on 25 November 2019.

For:
Mayor Matthews, Councillor Best,
Holstein, Smith, Sundstrom, Mehrstens,
Hogan, MacGregor, Greenaway,
McLachlan, Gale, Pilon, Burke and
Marquart

Abstained:
Councillor Vincent

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1223/19 That Council receive the report and note that no matters have been tabled to deal with in a closed session.

For:

Unanimous

Procedural Motion – Exception

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1224/19 That Council adopt the following items as a group and in accordance with the report recommendations:

Item #	Item Title
2.1	Mayoral Minute - Donation for NSW Drought Relief
2.2	Mayoral Minute – Consultation on Development Proposals in the Gosford CBD and State Significant Applications for which Council is not the Consent Authority
3.2	DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy
3.4	Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal
3.5	Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation
4.1	Deferred Item - Fraud and Corruption Control Policy
4.3	Response to Notice of Motion - Davistown Wetlands Acquisition
4.4	Response to Notice of Motion – Reclassification
4.5	Councillor Expenses and Facilities Report as at 30 October 2019
4.6	1A Lucca Road, Wyong
4.8	Gosford Cultural Precinct - Erina Street, Gosford
4.9	Gosford Regional Library and Innovation Hub
4.10	Wyong River Streambank Rehabilitation Project
4.11	Acquisition of Private Land for Environmental Purposes
4.12	Acquisition of Land at Orana Road Gwandalan for Road
4.13	Progress of Actions of the Destination Management Plan 2018-2021
5.4	Meeting Record of the Protection of the Environment Trust Management Committee held on 5 November 2019

Item #	Item Title
5.5	Meeting Record of the Town Centre Advisory Committee held on 29 October 2019
5.6	Fire Safety Report 40 Lake Haven Dr Kanwal
5.7	Somersby to Erina Corridor Strategy
5.8	Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1
8.5	Notice of Motion - Central Coast Group Training Lease Briefing
8.9	Notice of Motion - Request from Proposals from Minister Kean (Councillor Smith)

1225/19 *That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:*

Item #	Item Title
3.1	Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven
3.3	DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale
3.6	Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan
4.2	After Hours Call Centre Service - Alternative Service Delivery Models
4.3	Response to Notice of Motion - Davistown Wetlands Acquisition
4.7	Gosford Cultural Precinct - Decline Tenders
5.1	Deferred Item - 2019 Election Commitments - Progress Update
5.2	Deferred Item - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019
8.1	Deferred Item - Notice of Motion - Redress Scheme
8.2	Deferred Item - Notice of Motion - The Missing Munmorah SK8Park
8.3	Notice of Motion - Closure of the Iconic Entrance Boatshed
8.4	Notice of Motion - End of Year Thank You to Staff
8.6	Notice of Motion - Wallarah 2 Progress Report
8.7	Notice of Motion - Domestic and Family Violence
8.8	Notice of Motion - Inclusion of Park on Tuggerawong Hall Site Adjacent to Tuggerawong Pathway
8.10	Notice of Motion - Terms of Reference and Reviewers for the WAR Act Review

Item #	Item Title
9.1	Rescission Motion - DA/288/2018 Section 8.2 Review of Determination Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
9.2	Rescission Motion - Deferred Item - Notice of Motion - Water Security Emergency

For:
Unanimous

Procedural Motion - Deferral

Moved: Mayor Matthews
Seconded: Councillor Greenaway

Resolved

1226/19 That Council defer consideration of item 5.3 – Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan to the 10 February 2020 Ordinary Meeting.

For:
Unanimous

The meeting was adjourned at 7.36pm, resuming at 8.06pm.

2.1 Mayoral Minute - Donation for NSW Drought Relief

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1227/19 That Council request the Chief Executive Officer donate \$10,000 to the Country Women's Association of NSW (CWA) Disaster Relief Fund in support of the NSW drought effort from the organisation's consultancy budget.

1228/19 That Council request the Chief Executive Officer to investigate opportunities to promote 'Buy from the Bush' and encourage tourism to regional and rural areas to help the economies of drought and bushfire affected Councils via Council's communications channels.

1229/19 That Council acknowledge staff and community efforts to donate to charities and organisations supporting drought-affected communities.

1230/19 *That Council acknowledge the efforts of Central Coast Council to provide water trucks to drought-affected communities in the Hunter and Upper Hunter.*

1231/19 *That Council request the Chief Executive Officer to provide any available in-kind support to firefighting efforts, bushfire relief and post-emergency clean-up such as more water trucks, other council service vehicles and staff.*

For:

Unanimous

2.2 Mayoral Minute - Gosford Submissions

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

Resolved

1232/19 *That Council note the submissions made by Council staff on;*

- *The Kibbleplex/Lederer Group Proposal (SSD-9813 136-146-148 — Donnison Street, Gosford); and*
- *The St Hilliers Property Proposal (SSD-10114 – 26-32 Mann Street – Old Gosford Primary School site).*
- *The Central Coast Leagues Club Redevelopment – Concept Application, SSD 10374*

1233/19 *That Council note that whilst the Council is supportive of the revitalisation of Gosford through development, both proposals are considered to be large, complex and significant proposals in the Gosford CBD that require careful consideration.*

1234/19 *That Council note that Council was consulted on both proposals at the same time as well as a Secretary's Environmental Assessment Request for the Central Coast Leagues Club Redevelopment – Concept Application, SSD 10374. Whilst Council officers made a request for an extension to the consultation period in order to permit an adequate assessment by staff and appropriate engagement with Councillors on all three developments, the extension of time granted for submissions was still inadequate.*

1235/19 *That Council request that the Mayor, as a matter of urgency, write to the Minister for Planning, The Hon Rob Stokes requesting that alternate timeframes and referral processes be established in consultation with Council, especially given the short timeframe for comment, the complexity/scale of the proposals, the wide range of disciplines that are required to be considered and in order to allow appropriate engagement with the Council and the community.*

1236/19 That Council require every development application lodged with the Department of Planning, Industry and Environment under the State Environmental Planning Policy (Gosford City Centre) and State Environmental Planning Policy (State and Regional Development) be determined by an Independent Planning Commission to ensure complete independence of the planning system.

For:

Unanimous

3.1 Supplementary Report - DA 708/2018 - Multi Dwelling Housing Comprising 54 Dwellings & Community Title Subdivision at 7 Stratford Ave Charmhaven

Moved: Councillor Best

Seconded: Councillor Vincent

- 1 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.
- 2 That Council advise those who made written submissions of its decision.

Amendment Moved: Councillor Greenaway

Amendment Seconder: Councillor Hogan

- 1 That Council grant consent subject to the conditions detailed in the schedule attached and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.
- 2 That Council advise those who made written submissions of its decision.
- 3 That Council include the following additional condition of consent;

Condition (Prior to Release of Subdivision Certificate)

The Community Management Statement for the proposed subdivision shall contain a public authority by-law that protects the rights of residents to park in a stacked parking arrangement on the hardstand driveways within the development. The Community Management Statement shall ensure that this by-law can only be amended or revoked with the consent of council AND by a special resolution of the community association. Proposed wording of the public authority by-law shall be provided to Council for approval prior to release of the subdivision certificate.

Amendment For:

Mayor Matthews, Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor and Greenaway

Amendment Against:

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

The Amendment was put to the vote and declared CARRIED, thereby becoming the Motion.

Moved: **Councillor Greenaway**
Seconder: **Councillor Hogan**

Resolved

1237/19 ***That Council grant consent subject to the conditions detailed in the schedule attached and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***

1238/19 ***That Council advise those who made written submissions of its decision.***

1239/19 ***That Council include the following additional condition of consent;***

Condition (Prior to Release of Subdivision Certificate)

The Community Management Statement for the proposed subdivision shall contain a public authority by-law that protects the rights of residents to park in a stacked parking arrangement on the hardstand driveways within the development.

The Community Management Statement shall ensure that this by-law can only be amended or revoked with the consent of council AND by a special resolution of the community association. Proposed wording of the public authority by-law shall be provided to Council for approval prior to release of the subdivision certificate.

For:
Unanimous

3.2 DA55285/2018 Residential Flat Building 145 Blackwall Road, Woy Woy

Councillor Gale declared a less than significant non pecuniary interest in the matter as she knows the applicant professionally.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he knows one of the speakers in a professional capacity and he is a Joint Regional Planning Panel delegate.

This item was resolved by the exception method.

Moved: **Councillor MacGregor**
Seconded: **Councillor Hogan**

Resolved

1240/19 ***That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration***

detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1241/19 That Council advise those who made written submissions of its decision.

For:

Unanimous

3.3 DA 171/2019 - Proposed Secondary Dwelling 292 Palmdale Rd Palmdale

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows one of the speakers professionally. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does not affect her ability to impartially discharge her public duty.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he has known a speaker for a number of years, through social and political circles. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting as he will make his deliberations solely based on the substance of the matter.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has known the speakers in a professional capacity. Councillor MacGregor chose to remain in the chamber and participate in the discussion and voting as the conflict does not prejudice or influence his decision making.

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

That Council defer consideration of this item to allow assessment of the following key points;

- *Issues included in the presentation provided by the speaker during the public forum.*
- *The application does not comply with the Water Management Act 2000 and the Water Management Regulations 2018 in that development activities are located within waterfront land in that:*
 - *the Asset Protection Zone is located within the bank of a fourth order stream. Such land use is prohibited in the bed or bank of a stream; and*
 - *the dwelling is located between 6 and 15 metres from the top of bank of a fourth order stream. The required distance from the top of bank is 40 metres for a fourth order stream.*
- *The application does not comply with the Environmental Planning and Assessment Act 1979 in that it does not recognise or adequately assess the potential direct and indirect impacts on the natural environment.*
- *The application does not comply with the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 in that:*

- *the Asset Protection Zone is located within the mapped Biodiversity Values layer and thus the Biodiversity Offsets Scheme is triggered, requiring the preparation of a Biodiversity Development Assessment Report in accordance with the Biodiversity Assessment Method 2017. No such assessments have been provided;*
- *the flora assessment provided as supporting documentation does not comply with the biodiversity assessment requirements as it does not adequately consider fauna, fails to recognise native vegetation as anything other than trees, does not demonstrate how biodiversity impacts have been avoided, and does not properly assess the full range of direct and potential indirect impacts such as failure of the effluent disposal area.*
- *The application does not comply with WDCP 2013 in that:*
 - *the proposed effluent disposal areas are located within 9 and 22 metres from the top of bank of the watercourse, while the control calls for a distance of 100 metres. The variation of 91 metres or 91% is deemed a high risk on-site system; and*
 - *the required side setbacks for an effluent disposal area are not observed. The proposed 1.5 metre setback has the potential to significantly impact on the neighbour's amenity.*
- *The application is not in the public interest in that:*
 - *it will create an expectation that similar non-compliance with Council's planning controls is acceptable; and*
 - *there is an unacceptable potential for impacts to important and sensitive environments.*

For:

*Councillors Holstein, Smith, Vincent,
Sundstrom, Hogan, MacGregor and
Greenaway*

Against:

*Mayor Matthews, Councillors Best,
Mehrtens, McLachlan, Gale, Pilon, Burke and
Marquart*

The Motion was put to the vote and declared LOST. The foreshadowed Motion was then put.

Moved: Councillor Mehrstens

Seconded: Mayor Matthews

Resolved

1242/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1243/19 That Council advise those who made written submissions of its decision.

For:
Mayor Matthews, Councillors Best, Mehrstens, McLachlan, Gale, Pilon, Burke and Marquart

Against:
Councillors Holstein, Smith, Vincent, Sundstrom, Hogan, MacGregor and Greenaway

The Motion was put to the vote and declared CARRIED.

3.4 Planning Proposal No PP/90/2016 - Beaufort Road, Terrigal

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he has a long standing personal and political association with one of the proponents.

Councillor Marquart declared a less than significant non pecuniary interest in the matter and he knows one of the applicants.

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

- 1244/19 That Council supports the Planning Proposal as exhibited to rezone Lot 5, DP 207799, Lots 1022 and Lot 1023 DP 1054632 Beaufort Road, Terrigal to R2 Low Density Residential with a minimum lot size of 650m² under Gosford Local Environmental Plan 2014 or the Central Coast Local Environmental Plan (whichever is in effect);**
- 1245/19 That Council request the Secretary of the Department of Planning, Industry and Environment to concur that the inconsistency of the Planning Proposal with the s9.1 Ministerial Direction 4.3 Flood Prone Land be considered of minor significance for the reasons outlined in this report;**
- 1246/19 That Council request, upon the receipt of concurrence requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning, Industry and Environment for Planning Proposal (PP_2017_CCOAS_004_00; PP/90/2016) to proceed with the steps for drafting and making of Amendment No. 37 to Gosford Local Environmental Plan 2014 or an amendment to the Central Coast Local Environmental Plan (whichever is in effect);**
- 1247/19 That Council advise all those who made a submission of the decision;**
- 1248/19 That Council adopt Chapter 5.23 Beaufort Road Terrigal (Attachment 2) as:**
- a A new chapter within Gosford Development Control Plan 2013, or as new Chapter 5.55 within the Central Coast Development Control Plan (whichever is in effect), which shall come into effect upon notification of**

the plan.

- b** *Be amended as per the following items outlined in response to the exhibition period incorporating the following changes:*
- **Addition of objectives and controls regarding flooding, water sensitive urban design, bushfire and Aboriginal heritage.**
 - **Including additional and expanded requirements for Council to consider**
 - **at the DA stage which include management/ownership arrangements of riparian vegetation, drainage channel design, servicing, access and footpath connections.**
 - **Minor alterations to wording, terminologies and references to make the DCP clearer and to better reflect objectives.**

1249/19 *That Council publish a public notice of its decision regarding the adoption of the Development Control Plan within 28 days.*

1250/19 *That Council provide the Planning Secretary with a copy of the Development Control Plan within 28 days.*

For:

Unanimous

3.5 Gosford Central Business District Heritage Interpretation Strategy - Results of Public Consultation

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

Resolved

1251/19 *That Council adopt the amended draft Gosford Central Business District Heritage Interpretation Strategy (Attachment 1) including the following amendments in response to the Public Exhibition as follows:*

- **More detailed information on the role of the Strategy and its implementation.**
- **The inclusion of additional interpretation projects such as the Aboriginal Astronomy Light Installation.**
- **Corrections to errors identified in the histories and stories.**
- **Inclusion of additional information on local Aboriginal culture and traditions.**
- **Increased interpretation within the south Mann Street area of Gosford.**
- **Updated recognition of additional consultation and engagement.**

1252/19 *That Council request the Chief Executive Officer to incorporate the projects*

identified in the Implementation Phases and Costings section of the Strategy into future Delivery Programs and Operational Plans.

1253/19 *That Council request the Chief Executive Officer to explore additional external funding sources such as community and State Agency grants.*

1254/19 *That Council encourage and assist local businesses and community groups to seek funding to implement some of the identified interpretation projects.*

1255/19 *That Council advise all those that made a submission of Council's decision.*

For:

Unanimous

3.6 Outcomes of Public Exhibition of draft Central Coast Local Environmental Plan and draft Central Coast Development Control Plan

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as some of the speakers are known to him professionally. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as the matter is general and does not affect his decision making ability.

Moved: **Councillor Smith**

Seconded: **Councillor MacGregor**

Resolved

1256/19 *That Council defer consideration of this item until February 2020 to allow for the following:*

- a** *That the Chief Executive Officer seek legal advice regarding the ability of Council to rezone the current deferred matters that are not public lands, to an equivalent environmental zone as an interim measure, whilst the Environmental Lands Review project is undertaken.*
- b** *That the Chief Executive Officer provide an updated table comparing proposed changes with the former Gosford and Wyong LEPs and DCPs, referencing the clauses in the relevant instruments.*
- c** *That the Chief Executive Officer provide a written briefing to Councillors about the Environmental and Urban Edge Review (EUEZR) including an outline and timeline of the process since commencement.*

For:

Unanimous

4.1 Deferred Item - Fraud and Corruption Control Policy

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1257/19 That Council adopt the Central Coast Council Policy for Prevention of Fraud and Corruption as set out in Attachment 1 to this report, noting that it will form part of Council's Fraud and Corruption Control Framework.

For:

Unanimous

4.2 After Hours Call Centre Service - Alternative Service Delivery Models

Moved: Councillor Best

Seconded: Councillor Holstein

That Council commence the tender process for the After Hours Call Centre Service, as noted for Model 2.

Amendment Moved: Councillor Vincent

Amendment Seconded: Councillor Sundstrom

That Council defer this report for consideration, to allow time for a Councillor Briefing to be held prior to 24 February 2020.

Amendment For:

Mayor Matthews, Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor, Greenaway and Burke

Amendment Against:

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

The Amendment was put to the vote and declared CARRIED, thereby becoming the Motion.

Moved: Councillor Vincent

Seconded: Councillor Sundstrom

Resolved

1258/19 That Council defer this report for consideration, to allow time for a Councillor Briefing to be held prior to 24 February 2020.

For:

Mayor Matthews, Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor, Greenaway and Burke

Against:

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

The Motion was put to the vote and declared CARRIED.

4.3 Response to Notice of Motion - Davistown Wetlands Acquisition

Councillor Holstein declared a significant non pecuniary interest in the matter as the owner of the property in question is the landlord of a relative's business premises.

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1259/19 That Council receive the report on Davistown Wetlands Acquisition.

For:

Unanimous

4.4 Response to Notice of Motion - Reclassification

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1260/19 That Council propose to reclassify the following land from operational to community land ('Proposed Community Land):

- **2-18 Newbridge Road, Berkeley Vale**
- **38W Wombat Street and 19W Marlborough Place, Berkeley Vale**
- **151W – 153W Wyong Road, Berkeley Vale**
- **75 Panorama Avenue, Charmhaven**
- **2W Bundeena Road, Glenning Valley**
- **13W Palm Springs Avenue, Glenning Valley**
- **30W and 32 Sandra Street, Jilliby**
- **231 Hue Hue Road, Jilliby**
- **1W Merro Close, Lake Haven**
- **105W Woodbury Park Drive, Mardi**
- **50 Wilfred Barrett Drive, Norah Head**
- **60W Burns Road, Ourimbah**
- **40W Coachwood Drive, Ourimbah**
- **1 Teralba Street and 1W Pacific Highway, Ourimbah**
- **102W Yermaba Road, Summerland Point**
- **7 Wyong Road, Tuggerah**
- **11W Molsten Avenue, Tumbi Umbi**
- **1W Britannia Drive Watanobbi**

- 1261/19** That Council give public notice of the proposed resolution to reclassify the Proposed Community Land from operational to community land in accordance with s.34 Local Government Act.
- 1262/19** That on completion of the public notification process, Council approval is sought to reclassify the Proposed Community Land from operational to community land and, if necessary, to prepare a planning proposal to remove the Proposed Community Land from Schedule 4 of Wyong Local Environmental Plan.
- 1263/19** That Council propose to reclassify the following properties from operational to community land but that public notice of the proposed resolution is not given until after a Plan of Management has been adopted by Council in relation to those properties:
- Chittaway Point Hall, 72-76 Geoffrey Rd, Chittaway Point
 - Chittaway Bay Hall and oval 91 Chittaway Rd, Chittaway Bay
 - 1-3 Berkeley Road, Berkeley Vale
 - 36-38 Kitchener Road, Long Jetty
 - 1W Wolseley Avenue, Tacoma
 - 7W Sir Joseph Banks Drive, Bateau Bay
 - 19-21 and 29 Keren Avenue, Berkeley Vale
 - 15W Footts Road, Ourimbah
 - 8 Titania Avenue, Tuggerah
 - 375 Pacific Highway Wyong
 - 40-50 Pollock Avenue Wyong
 - The Tuggerawong Hall site, 326 Tuggerawong Road Tuggerawong
- 1264/19** That the following properties remain classified as operational land:
- 23 Shirley Street, Ourimbah
 - 309 Old Maitland Road, Mardi
 - 10 Summerland Road, Summerland Point

For:

Unanimous

4.5 Councillor Expenses and Facilities Report as at 30 October 2019

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

- 1265/19** That Council receive the report on Councillor Expenses and Facilities Report as at 30 October 2019.

For:
Unanimous

4.6 1A Lucca Road, Wyong

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1266/19 That Council endorse the budget adjustment of \$60,000 for the design and construction of a sewer connection to 1A Lucca Road, Wyong (Lot 24 in DP 1220033).

1267/19 That Council endorse the sale of the operational Council owned land at 1A Lucca Road, Wyong (Lot 24 in DP 1220033) as an englobo development parcel through a competitive sales and marketing campaign, provided the sale price is not less than the independent valuation.

1268/19 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 4 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

For:
Unanimous

4.7 Gosford Cultural Precinct - Decline Tenders

Moved: Councillor Best
Seconded: Councillor Marquart

Resolved

1269/19 That Council request the Chief Executive Officer to decline all tenders in relation to the Gosford Cultural Precinct Project Director under Section 55(3)(i) of the Local Government Act 1993 as resolved in Resolution No 926/19 of the Ordinary Meeting of Council dated 25 September 2019 relating to the withdrawal of the Gosford Cultural Precinct.

1270/19 That Council direct the Chief Executive Officer to notify the relevant tenderers in relation to the decision to withdraw the Gosford Cultural Precinct.

For:
Unanimous

4.8 Gosford Cultural Precinct - Erina Street, Gosford

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1271/19 That Council's representatives notify the Vendor's Representatives that it will cease all discussions relating to the proposed purchase of 135-137 Erina Street East, Gosford.

1272/19 That Council resolve that resolutions 511/19, 552/19 and 553/19 noted within Actions' Ordinary Meeting minutes are no longer pursued for the reasons set out in this report.

1273/19 That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachment 1 to this report remain confidential as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For:
Unanimous

4.9 Gosford Regional Library and Innovation Hub

Councillor Holstein declared a pecuniary interest in the matter as the site of the proposed library is currently the location where he is casually employed.

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1274/19 That Council direct the Chief Executive Officer to proceed to engage required consultants necessary for the development of full documentation suitable for statutory submissions and calling of construction tenders for the Regional Library.

1275/19 That Council request the Chief Executive Officer provide a further report be submitted prior to the submission of Development Application.

- 1276/19** *That Council request the Chief Executive Officer to provide 12 months written notice to the current tenants of the Parkside building to provide vacant possession effective December 2020.*
- 1277/19** *That Council approve \$1,115,000.00 from the current Gosford Cultural Precinct budget allocation 2019/20 to be repurposed for the design and Development Application stage of the Regional Library.*
- 1278/19** *That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 2 is to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*

For:
Unanimous

4.10 Wyong River Streambank Rehabilitation Project

This item was resolved by the exception method.

Moved: **Councillor MacGregor**
Seconded: **Councillor Hogan**

Resolved

- 1279/19** *That Council approve the works detailed in Attachment 1 to this report, to be carried out at: Lot 42 DP75527, No. 33 Dunks Lane Jilliby under the continued implementation of the Tuggerah Lakes Estuary Management Plan.*
- 1280/19** *That Council note that all works are to be at no cost to the property owner, or Council being fully funded by the Department of Industry, Innovation and Environment, Department of the Environment and Energy "Improving Your Local Parks and Environment" grant.*

For:
Unanimous

4.11 Acquisition of Private Land for Environmental Purposes

This item was resolved by the exception method.

Moved: **Councillor MacGregor**
Seconded: **Councillor Hogan**

Resolved

1281/19 That Council acquire the land below by private treaty known as:

- **Lot 137 DP 1128053 at 100 Lake Road, Tuggerah (the Land);**
- **Lot 4, 5, 6 DP 255846 at 1856 Thompson Vale Road, Doyalson (the Land);**
and
- **Lot 105 DP 791039 at 5 Eric Malouf Close, Tumbi Umbi (the Land)**

1282/19 That the purchase price for the acquisition of the land be negotiated based on an assessment of the market values of the land by a qualified Valuer.

1283/19 That Council authorise the Common Seal of Central Coast Council to be affixed to the documents necessary to acquire the land including but not limited to any Transfer or Contract.

1284/19 That Council authorise the Mayor and the Chief Executive Officer to execute all documents necessary to acquire the Land including but not limited to any Transfer or Contract.

1285/19 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 4, 5 & 6 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

For:

Unanimous

4.12 Acquisition of Land at Orana Road Gwandalan for Road

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1286/19 That Council resolve to acquire the following land for the purpose of road widening.

1287/19 That part of Lot 27 DP Section 6 DP27782 highlighted in yellow in the plan in Attachment 1 at 52 Orana Road, Gwandalan ('Land').

1288/19 That Council authorise the Chief Executive Officer to execute all necessary documentation relevant to the acquisition of the land.

1289/19 *That Council resolve to acquire all or some of the portions comprising the land by compulsory process for the purposes of a road, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved.*

1290/19 *That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the land with the relevant property owner or owners cannot be satisfactorily resolved.*

For:
Unanimous

4.13 Progress of Actions of the Destination Management Plan 2018-2021

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1291/19 *That Council receive the report and Attachment 1 on the Progress of Actions of the Destination Management Plan 2018-2021.*

1292/19 *That Council receive a further report on the progress of the Destination Management Plan in twelve months.*

For:
Unanimous

5.1 Deferred Item - 2019 Election Commitments - Progress Update

Councillor Best left the chamber at 9.42pm and did not vote.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

1293/19 *That Council receive the report on 2019 Election Commitments – Progress Update.*

1294/19 *That Council request the Chief Executive Officer write to the appropriate Government representative seeking clarification on funding commitments including timeframes and procedures to formalise funding commitments.*

1295/19 *That the next Election Commitments Progress update (February 2020) include correspondence and timeframes, procedures and status.*

For:

Unanimous

5.2 **Deferred Item - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019**

Councillor Best returned to the chamber at 9.43pm during consideration of this item.

Moved: **Councillor Marquart**

Seconded: **Councillor MacGregor**

Resolved

1296/19 *That Council receive the report on Deferred Item - Meeting Record of the Social Inclusion Advisory Committee held on 24 October 2019.*

For:

Unanimous

5.3 **Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan**

Council deferred the consideration of item 5.3 to the Ordinary Meeting to be held on 10 February 2020 (minute 1226/19).

5.4 **Meeting Record of the Protection of the Environment Trust Management Committee held on 5 November 2019**

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

Resolved

1297/19 *That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 5 November 2019.*

For:

Unanimous

5.5 Meeting Record of the Town Centre Advisory Committee held on 29 October 2019

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1298/19 That Council receive the report on Meeting Record of the Town Centre Advisory Committee held on 29 October 2019 .

For:
Unanimous

5.6 Fire Safety Report 40 Lake Haven Dr Kanwal

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he is an ordinary member of Wyong Leagues Club.

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1299/19 That Council note that the club is actively assisting staff to ensuring that an adequate level of fire safety is afforded to building occupants, inclusive of the carrying out of works to rectify any identified deficiency;

1300/19 That Council resolve to not exercise its power to issue an order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters raised within the fire safety inspection report received from Fire and Rescue NSW; at this time, and

1301/19 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

5.7 Somersby to Erina Corridor Strategy

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1302/19 That Council adopt the draft Somersby to Erina Corridor Strategy as amended in response to public exhibition as outlined in Attachment 1 to this report.

- **Insert Action 2.3: Collaborate with relevant Government Agencies to ensure transport infrastructure along the Corridor supports anticipated growth and investment.**
- **Insert Action 6.2: Opportunities for the reuse of the Old Sydney Town site.**
- **Amend Action 7.1 : Somersby Plan of Management to "support the continued implementation of Somersby Plan of Management."**
- **Insert a new Action 8.1: Collaborate with HCCDC on the review of the Masterplan for Mount Penang Parklands Site.**
- **Insert Action 11.1 Structure Plan for future renewal south of the Highway including West Gosford Shopping Centre and land to the north of the highway.**
- **Delete Action 11.3: Masterplan for West Gosford Shopping Centre.**
- **Merge previous Actions 17.1 and 17.2 to create Action 16.1. Prepare a precinct plan for East Gosford Centre**
- **Insert Direction 17: Set up Erina for future renewal.**
- **Action 17.3 (Now Action 16.2) regarding Pocket Parks has been amended to focus on Pioneer Park.**

1303/19 That Council incorporate the projects identified in the Implementation section of the Strategy into future Delivery Program and Operational Plans.

1304/19 That Council monitor the implementation of the Actions in the Strategy and update the Strategy after 5 years.

1305/19 That those people who lodged submissions or attended a workshop be notified of Council's resolution.

For:

Unanimous

5.8 Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

1306/19 That Council receive the report on Activities of the Development Assessment & Environment and Certification Units - July to September 2019 - Quarter 1.

For:

Unanimous

8.1 Deferred Item - Notice of Motion - Redress Scheme

Moved: Councillor Hogan

Seconded: Councillor Mehrtens

Resolved

1307/19 That Council receive the report on Deferred Item – Redress Scheme.

1308/19 That Council notes that every child has the right to grow up in an environment where they feel safe and secure, have access to services, clean air and water, can play, learn and grow, and where their voice is heard and matters (UNICEF).

1309/19 That Council notes that the Australian Government expects every institution in which the sexual abuse of children occurred, to be accountable for that abuse and join the National Redress Scheme (the Scheme) and provide redress.

1310/19 That Council notes that 'the Scheme', acknowledges that many children were sexually abused in Australian institutions, holds institutions accountable for this abuse, and helps people who have experienced institutional child sexual abuse gain access to counselling, a direct personal response, and a Redress payment.

1311/19 That Council notes that applications identifying institutions that have not yet joined the National Redress Scheme will not be assessed until the relevant institution/s has joined.

1312/19 That Council notes that we support many sporting codes that have not been named in the Royal Commission however this Notice of Motion will help to start a conversation, raise awareness and ultimately protect children.

1313/19 That Council notes that Football NSW, Swimming Australia and Tennis NSW have been identified by the Royal Commission into Institutional Responses to Child Sexual Abuse and have not yet joined the Scheme.

1314/19 That Council request the Chief Executive Officer write to Football NSW, Swimming Australia and Tennis NSW and encourage these organisations to lead by example and join the Redress Scheme.

For:

Unanimous

8.2 Deferred Item - Notice of Motion - The Missing Munmorah SK8Park

Councillor Hogan declared a significant non pecuniary interest in the matter as she is a representative on the Crown Lands Negotiation Program. Councillor Hogan left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Councillor MacGregor declared a significant non pecuniary interest in the matter on the basis that he is a member of the Crown Lands Negotiation Committee. Councillor MacGregor left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter on the basis that he is a member of the Crown Lands Negotiation Programs Committee. Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Mayor Matthews declared a significant non pecuniary interest in the matter on the basis that she is a member of the Crown Lands Negotiation Programs Committee. Mayor Matthews left the chamber at 10.08pm, returning at 10.18pm and did not participate in discussion or voting.

Councillor Smith assumed the Chair.

Moved: Councillor Best

Seconded: Councillor Vincent

Resolved

1315/19 That Council receive the refer Deferred Item – The Missing Munmorah SK8Park.

1316/19 That Council notes the recent Mayoral Message highlighting the construction of a \$1.9M regional state park at Lake Munmorah, to be delivered this financial year. (Provided below)

1317/19 That Council notes that this important youth project was commenced arising from a formal resolution in the then Wyong Shire Council on 13 May 2015, more than 4 years ago (Attachment 1).

1318/19 That Council also notes with great concern recent reports by the Lake Munmorah Progress Association that they have been advised by staff that this project is now again “on hold” due to site selection issues (Attachment 2).

1319/19 That Council further request the Chief Executive Officer for an urgent

update/report on this conflicting situation, in the event that this project is indeed stalled the 2019 project allocation funds be preserved and reported into the 2020/2021 budget.

For:
**Councillors Best, Smith, Vincent,
Sundstrom, Greenaway, McLachlan, Gale,
Pilon, Burke and Marquart**

Abstained:
Councillor Mehrtens

Procedural Motion

Councillor Smith vacated the chair at 10.18pm and Mayor Matthews assumed the Chair for the remainder of the meeting.

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Mayor Matthews
Seconded: Councillor Mehrtens

Resolved

1320/19 That Council extend the Ordinary Meeting until 11.30pm to allow consideration of the remaining items.

For:
**Mayor Matthews and Councillors Best,
Smith, Vincent, Sundstrom, Mehrtens,
Hogan, MacGregor, Greenaway, McLachlan,
and Gale**

Against:
Councillors Pilon, Burke and Marquart

8.3 Notice of Motion – Closure of the Iconic Entrance Boatshed

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Councillor Best
Seconded: Councillor Pilon

Resolved

1321/19 That Council note due to the continuing deterioration of the Tuggerah Lakes system and the choking of The Entrance Channel, the historic Entrance boat shed may close.

1322/19 That Council further notes that 2020 will mark the centenary of this local icon and may well also mark its demise.

1323/19 That Council request the Chief Executive Officer to urgently carry out a foreshore cleanup around The Entrance Boatshed down to the eastern end of Memorial Park.

- 1324/19** *That Council seeks to redirect if possible surplus funds from the Brisbane Water dredging program also any Federal or State Government opportunities that may be available.*
- 1325/19** *That Council request the Chief Executive Officer urgently report all the aspects of this issue for Councils consideration.*
- 1326/19** *That Council request the Chief Executive Officer continue to pursue all funding options, including the State Government's Rescue our Waterways Fund, for long term funding solution for the maintenance of the Entrance Channel.*
- 1327/19** *That Council request the Chief Executive Officer seek advice and expert opinion from Crown Lands staff on the best way to proceed with maintaining long term sustainable access in keeping with the previous dredging profile and seeking to address current issues where possible.*
- 1328/19** *That Council convene a roundtable of experts and stakeholders including the Mayor and Chief Executive Officer as well as the Member for The Entrance, David Mehan MP, Member for Terrigal Adam Crouch MP, the three ward Councillors, DPIE Crown Lands staff – regarding an ongoing strategy to keep The Entrance Channel open and accessible for the community.*
- 1329/19** *That Council request that the Mayor and Chief Executive Officer meet with the owner of The Entrance Boatshed regarding the issues raised.*
- 1330/19** *That Council request the Chief Executive Officer to write to Adam Crouch MP, Member for Terrigal, for advice as to whether a portion or all of the \$1.4 million in funding left over from dredging the Ettalong Channel can be diverted to fund dredging of The Entrance Channel as an interim solution.*

For:

Unanimous

8.4 Notice of Motion – End of Year Thank You to Staff

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: **Councillor Best**

Seconded: **Councillor MacGregor**

Resolved

- 1331/19** *That Council, as tonight's meeting draws to a close for 2019, through the Chief Executive Officer, pass on its sincere appreciation to all our staff for their outstanding efforts in what has been a challenging year.*

1332/19 *That Council further passes on its special thanks to Section Manager, Sarah Georgiou, and the Councillor and Meeting Support team. Merry Christmas and all the very best in 2020.*

For:

Unanimous

8.5 Notice of Motion - Central Coast Group Training Lease Briefing

Councillor Gale, McLachlan, Pilon, Burke and Marquart declared a significant non pecuniary interest in the matter as she knows an individual on the Board of Central Coast Group Training. This item was resolved by the exception method.

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training.

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

Resolved

1333/19 *That Council requests the Chief Executive Office to arrange a briefing for councillors as soon as possible around the terms of the Central Coast Group Training Lease given that the option to purchase/ sell is exercisable as of February 2020.*

1334/19 *That Council notes that in the event that the option is exercised, that any agreement for sale would come back to Council for determination.*

For:

Unanimous

8.6 Notice of Motion - Wallarah 2 Progress Report

Councillor Best declared a pecuniary interest in the matter as the organisation he works for manages a Wallarah 2 scholarship program. Councillor Best left the chamber at 10.59pm, returning at 11.16pm and did not participate in discussion or voting.

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: **Councillor Marquart**

Seconded: **Councillor MacGregor**

1 *That Council notes the recent defeat of the Central Coast Water Protection Bill that was voted down in State Parliament on 21 November 2019.*

- 2 That Council request the Chief Executive Officer to provide an update to Council around the implications of the above and the overall current situation of the Wallarah 2 proposal.
- 3 That Council request the Chief Executive Officer to provide an itemised report by March 2020 as to how the funds provided by Council to assist with legal proceedings were expended.

Amendment Moved: Councillor Greenaway
Amendment Seconded: Councillor MacGregor

- 1 That Council notes the recent defeat of the Central Coast Water Protection Bill that was voted down in State Parliament on 21 November 2019.
- 2 That Council request the Chief Executive Officer to provide an update to Council around the implications of the above and the overall current situation of the Wallarah 2 proposal and specifically address the impact of the water allocation including ground water and surface water and accumulative seepage.
- 3 That Council reaffirm its opposition to the Wallarah 2 Coal Mine.

Amendment For: Mayor Matthews and Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor, Greenaway and McLachlan
Amendment Against: Councillors Gale, Pilon, Burke and Marquart

The Amendment was put to the vote and declared CARRIED, thereby becoming the Motion.

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

Resolved

- 1335/19 That Council notes the recent defeat of the Central Coast Water Protection Bill that was voted down in State Parliament November 21, 2019.**
- 1336/19 That Council request the Chief Executive Officer to provide an update to Council around the implications of the above and the overall current situation of the Wallarah 2 proposal and specifically address the impact of the water allocation including ground water and surface water and accumulative seepage.**
- 1337/19 That Council reaffirm its opposition to the Wallarah 2 Coal Mine.**

For: Mayor Matthews and Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor, Greenaway and McLachlan
Against: Councillors Gale, Pilon, Burke and Marquart

The Motion was put to the vote and declared CARRIED.

8.7 Notice of Motion - Domestic and Family Violence

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Councillor Hogan

Seconded: Councillor Gale

Resolved

1338/19 That Council acknowledges that the International Day for the elimination of Violence against Woman and the 16 days of Activism pre-existed the White Ribbon Australia organisation which has recently folded.

1339/19 That Council acknowledges that the Central Coast human services sector has marked this time for the past 16 years with a range of events and should be congratulated for championing this critical issue.

1340/19 That Council also acknowledges and recognises the work that staff have undertaken to support woman and children who are experiencing Domestic and Family Violence.

1341/19 That Council leads by example and continues with the conversations and messages and ensures staff are an active participant in the development of new initiatives going into 2020.

1342/19 That Council directs the Chief Executive Officer to provide a report on the initiatives that Council has undertaken to support woman and children in the past 12 months.

1343/19 That Council apply (or partner with stakeholders) for the Federal Government's Safer Places Grant or under the National Plan to Reduce Violence Against Women and their Children 2010 to 2022 and its Fourth Action Plan to provide new or expanded emergency accommodation for victims on the Central Coast by the closing date of 14 February 2020.

For:

Unanimous

8.8 Notice of Motion - Inclusion of Park on Tuggerawong Hall Site Adjacent to Tuggerawong Pathway

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

- 1 Council notes the success of the ongoing Tuggerawong Pathway project driven by the community and currently being delivered by Council.
- 2 Council include in the upcoming operational plan a public park on the former Tuggerawong Hall Site with a view to including toilets, a water station, shade cover, BBQ(s), play equipment and car parking.
- 3 That Council consult with the community on the scope, scale and design of the park prior to delivery of the project.
- 4 That the appropriate budgetary allocation and any additional relevant information for the delivery of the park be discussed and finalised at the upcoming February budgetary planning session.
- 5 That Council apply for any relevant grants that could fast-track the project or co-fund the project in conjunction with other levels of government who support the Tuggerawong Pathway Project.

For:

Councillors Vincent, Sundstrom, Mehrtens,
Hogan, MacGregor, Greenaway and
McLachlan

Against:

Mayor Matthews, Councillors Best, Smith,
Mehrtens, Gale, Pilon, Burke and Marquart

The Motion was put to the vote and declared LOST. The Motion was then put.

Moved: Councillor Smith

Seconded: Councillor Greenaway

Resolved

- 1344/19 That Council notes the success of the ongoing Tuggerawong Pathway project driven by the community and currently being delivered by Council.**
- 1345/19 That Council include in the upcoming operational plan a public park on the former Tuggerawong Hall Site with a view to including toilets, a water station, shade cover, BBQ(s), play equipment and car parking.**
- 1346/19 That Council consult with the community on the scope, scale and design of the park prior to delivery of the project.**
- 1347/19 That the appropriate budgetary allocation and any additional relevant information for the delivery of the park be considered at the upcoming February budgetary planning session.**
- 1348/19 That Council apply for any relevant grants that could fast-track the project or co-fund the project in conjunction with other levels of government who support the Tuggerawong Pathway Project.**

For:
Unanimous

Procedural Motion – Extend Meeting

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Mayor Matthews
Seconded: Councillor

Resolved

1349/19 That Council extend the meeting for a further 15 minutes the time being 11.44pm.

For: Mayor Matthews and Councillors Smith, Vincent, Mehrtens, MacGregor, Greenaway, McLachlan, Gale, Pilon, Burke, and Marquart	Against: Councillors Best, Hogan and Sundstrom
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8.9 Notice of Motion - Request from Proposals from Minister Kean

This item was resolved by the exception method.

Moved: Councillor MacGregor
Seconded: Councillor Hogan

Resolved

1350/19 That Council note the correspondence and commend The Hon Matt Kean MP, Minister for Energy and Environment, for his recent announcement of his intention to add lands to the National Parks Estate and calling for proposals.

1351/19 That Council note that staff have commenced a process of identifying potential land that could be included as part of a proposal.

1352/19 That Council request the Chief Executive Officer provide all Councillors with the opportunity to contribute to the process of identifying suitable lands.

1353/19 That Council request the Chief Executive Officer submit a proposal by the end of January, 2020.

For:
Unanimous

8.10 Notice of Motion - Terms of Reference and Reviewers for the WAR Act

Review

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

- 1 *That staff include any submissions made by Councillors in the discussions pertaining to the development of the Terms of Reference (TOR) and nominating of Reviewers for the WAR Act Review.*
- 2 *That Councillors be updated about the discussions between the NSW Department of Planning, Industry & Environment and Council regarding the Review.*
- 3 *That the draft Terms of Reference (TOR) and Reviewers for the WAR Act Review, which has been initiated by the NSW Government, be brought to Council for resolution as soon as possible after they are provided by the NSW Government;*
- 4 *That if the NSW Government seeks an agreement to the draft Terms of Reference (TOR) and Reviewers for the WAR Act Review in a timeframe that precludes formal Council consideration, that the Mayor/CEO consult all Councillors and seek to gain their consensus for Council's position on the TOR and Reviewers.*

Amendment Moved: Councillor McLachlan

Amendment Seconded: Councillor Best

That Council request the Chief Executive Officer to exhibit the Airport Masterplan and the public submissions regarding the previous WAR Act review be made available.

Amendment For:

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

Amendment Against:

Mayor Matthews, Councillors Smith, Vincent, Sundstrom, Mehrtens, Hogan, MacGregor and Greenaway

The Amendment was put to the vote and declared LOST. The Motion was then put.

***Moved:* Councillor Greenaway**

***Seconded:* Councillor MacGregor**

Resolved

- 1354/19 That staff include any submissions made by Councillors in the discussions pertaining to the development of the Terms of Reference (TOR) and nominating of Reviewers for the War Act Review.***
- 1355/19 That Councillors be updated about the discussions between the NSW Department of Planning, Industry & Environment and Council regarding the Review.***
- 1356/19 That the draft Terms of Reference (TOR) and Reviewers for the War Act Review, which has been initiated by the NSW Government, be brought to***

Council for resolution as soon as possible after they are provided by the NSW Government;

1357/19 ***That if the NSW Government seeks an agreement to the draft Terms of Reference (TOR) and Reviewers for the War Act Review in a timeframe that precludes formal Council consideration, that the Mayor/CEO consult all Councillors and seek to gain their consensus for Council's position on the TOR and Reviewers.***

For:
Mayor Matthews, Councillors Smith, Vincent, Sundstrom, Mehrrens, Hogan, MacGregor and Greenaway

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

The Motion was put to the vote and declared CARRIED.

Procedural Motion – Extend Meeting

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Councillor Best left the chamber at 12.03am and was not present for this item.

Moved: ***Mayor Matthews***
Seconded: ***Councillor Pilon***

Resolved

1358/19 ***That Council extend the meeting for a further 5 minutes the time being 12.04am, Tuesday 10 December 2019.***

For:
Unanimous

9.1 Rescission Motion - DA/288/2018 Section 8.2 Review of Determination Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head

Councillor Best declared a pecuniary interest in the matter as he owns property in close proximity to the DA in question. Councillor Best left the chamber at 12.03am, returning at 12.12am did not participate in discussion or voting.

Councillor Holstein left the meeting at 10.08pm and was not present for this item.

Moved: ***Councillor Pilon***
Seconded: ***Councillor Marquart***

That the following resolution carried at the Ordinary Meeting of Council held on 25 November 2019 be rescinded:

1132/19 *That Council refuse consent for the proposed short term rental accommodation for the following reasons;*

- a The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.*
- b The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.*
- c The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties.*

*For Rescission:
Councillors Gale, Pilon, Marquart and
McLachlan*

*Against Rescission:
Mayor Matthews, Councillors Smith,
Vincent, Sundstrom, Mehrrens, Hogan,
MacGregor, Greenaway and Burke*

The Rescission Motion was put to the vote and declared LOST.

9.2 Rescission Motion - Deferred Item - Notice of Motion - Water Security Emergency

This item has been moved to the 10 February 2020 Ordinary Meeting.

Note: Subsequent to the meeting of 9 December 2019, a request for an Extraordinary Meeting to consider this item was duly submitted and a meeting scheduled for 16 December 2019.

The Meeting closed at 12:12am on Tuesday 10 December 2019.