



Central Coast Council

Minutes of the
Ordinary Meeting of Council
held in the Council Chamber
49 Mann Street, Gosford
of 10 February 2020 held on 12 February 2020

Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Holstein, Bruce McLachlan, Jilly Pilon, Louise Greenaway, Jeff Sundstrom (arrived at 6.43pm), Richard Mehrtens and Jane Smith.

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), Craig Norman (Chief Finance Officer) and Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Lisa Matthews, declared the meeting open at 6.34pm on Wednesday, 12 February 2020 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.

The Mayor, Lisa Matthews made the following acknowledgements;

Acknowledgement

The Mayor acknowledged efforts of Council staff, State Emergency Service volunteers and Ausgrid workers who have been working around the clock in difficult conditions to restore services in response to the recent weather event.

At the commencement of the ordinary meeting report nos 7.8 - Notice of Motion - Breakwall - Dredging - Now - Flood Risk Rising - Co Author Cr Bruce McLachlan and Cr Greg Best and 8.1 - Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale and were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

Moved: **Mayor Matthews**
Seconded: **Councillor MacGregor**

Resolved

1/20 That Council accept the apologies received from Councillors Gale and Burke.

2/20 That Council accept the leave of absence from Councillor Holstein for the Ordinary Meeting to be held on 24 February 2020.

**For:
Unanimous**

Procedural Motion – Consideration of Item

Councillor Sundstrom arrived at 6.43pm during consideration of this item.

**Moved: Mayor Matthews
Seconded: Councillor Vincent**

Resolved

3/20 That Council allow for the following items to be considered first with the remaining items in order;

- **Item 7.8 – Notice of Motion – Breakwall – Dredging – Now – Flood Risk Rising – Co Author Cr Bruce McLachlan and Cr Greg Best**
- **Item 8.1 – Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale**

**For:
Unanimous**

1.1 Disclosures of Interest

Item 3.1 - Community Support Grant Program – November

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows a lot of the community groups and she may have worked with them in the past and will have no personal gain. Councillor Hogan chose to remain in the chamber and participate in discussion and voting by being object and fair.

This item was resolved by the exception method.

**Moved: Mayor Matthews
Seconded: Councillor MacGregor**

Resolved

4/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

It is noted that at 6.46pm a procedural motion (minute 66/20) was considered by Council to accept any disclosures of interest on items 7.8 – Notice of Motion – Breakwall – Dredging – Now – Flood Risk Rising – Co Author Cr Bruce McLachlan and Cr Greg Best and 8.1 – Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale as these items were brought forward for consideration.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows the solicitor for the applicant professionally. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and will not affect her ability to carry out her public duty impartially.

1.2 Confirmation of Minutes of Previous Meeting

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

5/20 That Council confirm the minutes of the:

- **Ordinary Meeting of Council held on 9 December 2019 and**
- **Extraordinary Meeting of Council held on 16 December 2019.**

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Best

Seconded: Councillor Mehrtens

Resolved

6/20 That Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(a) of the Local Government Act 1993 for the following reasons:

9.1 Meeting Records of the Crown Lands Negotiation Program Committee held on 23 July 2019 and 19 August 2019

Reason for considering in closed session:

2(c) contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is

conducting (or proposes to conduct) business.

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and the attachments to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act 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 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

Item 9.1 - Meeting Records of the Crown Lands Negotiation Program Committee held on 23 July 2019 and 19 August 2019 was dealt with by the Exception method.

Procedural Motion – Exception

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

7/20 *That Council adopt the following items as a group and in accordance with the report recommendations:*

Item #	Item Title
1.5	<i>Mayoral Minute – Trigger Points for the Introduction and Removal of Water Restrictions</i>
2.1	<i>Supplementary Report - DA/569/2016/B - Shop 37/2-6 Warrigal Street, The Entrance - Use of Shop 37 for Recreational Facility - Personal Fitness Studio (Amended Application)</i>
3.1	<i>Community Support Grant Program - November 2019</i>
3.5	<i>Meeting Record of the Playspaces Advisory Committee held on 19 December 2019</i>
3.6	<i>2019-20 Capital Works Program Status</i>
4.1	<i>Deferred Item - Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan</i>
4.2	<i>Meeting Records of the Catchments and Coast Committee Tuggerah Lakes held on 26 September 2019 and 7 November 2019</i>
4.3	<i>Meeting Record of the Gosford Foundation Trust Management Committee held on 5 November 2019</i>

Item #	Item Title
4.4	<i>Meeting Record of the Status of Women Advisory Group held on 3 December 2019</i>
4.5	<i>Investment Report for November 2019</i>
4.6	<i>Investment Report for December 2019</i>
7.1	<i>Notice of Motion - Liberty Swing at Mackenzie Reserve Budgewoi</i>
7.3	<i>Notice of Motion - Central Coast Council to Recognise the Work of Local Firefighters and Emergency Service Workers in Response to the Recent Bushfires</i>
9.1	<i>Meeting Records of the Crown Lands Negotiation Program Committee held on 23 July 2019 and 19 August 2019</i>

8/20 ***That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:***

Item #	Item Title
1.4	<i>Mayoral Minute – Request for Premier to urgently visit the Central Coast</i>
3.2	<i>Proposed Naming of Reserve - "Ashley Chapman" Reserve</i>
7.4	<i>Notice of Motion - Long Term Water Security</i>
7.7	<i>Notice of Motion - Process for developing Council Strategies and Policies</i>

For:
Unanimous

Procedural Motion – Deferral and Withdrawal

Moved: ***Councillor MacGregor***

Seconded: ***Councillor Hogan***

Resolved

9/20 ***That Council defer consideration of the following items to the 24 February 2020 Ordinary Meeting:***

Item #	Item Title
3.3	<i>Community Safety Facilities Needs Assessment and Options Study Report</i>
3.4	<i>Sports Facility Lighting</i>
7.2	<i>Notice of Motion - Ward's equitable expenditure and \$20 Million Dollar Loss</i>

Item #	Item Title
7.6	Notice of Motion - Black summer fuel load reduction initiatives

10/20 That Council note that Councillors Best and McLachlan have withdrawn item 7.5 – Notice of Motion – Council to Seek Independent Advice on Critical Level 2 Water Restrictions.

For:
Unanimous

1.4 **Mayoral Minute - Invitation to Premier of NSW to Urgently Visit The Central Coast Following Recent Rain Event**

Councillor Best left the chamber at 10.35pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: **Mayor Matthews**

Resolved

11/20 That Council note the devastation caused by the recent significant rain event on the Central Coast.

12/20 That Council acknowledge and thank all the Council staff, State Emergency Service volunteers and Ausgrid staff who have been working tirelessly to restore services to the Central Coast.

13/20 That Council invite the Premier of NSW to visit the Central Coast, to understand the devastation caused by the recent rain event, and provide assistance to Council and the community to rebuild as a matter of urgency.

14/20 That Council authorise the Mayor to request the Parliamentary Secretary to invite the Premier and the Hon. Melinda Pavey MP, Minister for Water Property and Housing to visit the Central Coast affected areas with the Mayor.

15/20 That Council welcomes the natural disaster declaration for the Central Coast which will make assistance available for residents whose homes or belongings have been damaged and for Council to clean up public assets.

16/20 That Council ask the Premier and State Government to investigate what impact the recently built groyne has had on the behaviour and location of The Entrance Channel and whether this contributed to increased or prolonged flooding of the Tuggerah Lakes Estuary.

- 17/20** *That Council review the current Dredging Funding Strategy and seek the appropriate funding from the State and Federal Governments to deliver it.*
- 18/20** *That Council request the Central Coast and The Entrance Channel be included as both a key investment location and key priority area in the NSW Coastal Dredging Strategy 2019-2024 to be able to access the substantial State Government funding available under this Strategy.*
- 19/20** *That Council ask the Premier and State Government to commit to a long-term solution for The Entrance Channel.*
- 20/20** *That Council authorise the Mayor invite Parliamentary Secretary for the Central Coast, Adam Crouch MP, Member for The Entrance David Mehan MP and interested Councillors to attend a community summit to identify a long-term solution to The Entrance Channel.*

For:
Mayor Matthews, Councillors MacGregor, Hogan, Mehrtens, Sundstrom, Vincent, Smith and Holstein

Against:
Councillors Marquart, Pilon and McLachlan

Abstained:
Councillor Greenaway

Procedural Motion – Extension of Meeting

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

Resolved

- 21/20** *That Council in accordance with c18.2 of the Code of Meeting Practice extend the Ordinary Meeting until 11.00pm to allow consideration of the remaining items the time being 10.30pm.*

For:
Unanimous

1.5 Mayoral Minute - Trigger Points for the Introduction and Removal of Water Restrictions

This item was resolved by the exception method.

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

Resolved

22/20 That Council note the recent significant weather event has increased dam levels on the Central Coast.

23/20 That Council request the Chief Executive Officer amend the trigger points for the introduction and removal of the existing stages of Central Coast Council water restrictions to those outlined in Table A.

Table A: Proposed New Trigger Points for Levels of Water Restrictions

Restriction Level	Introduction of New Restriction Level when the Mangrove Creek Dam reduces to	Removal of Existing Restriction Level when the Mangrove Creek Dam rises to
Level 1	50%	55%
Level 2	40%	42%
Level 3	35%	37%
Level 4	30%	32%
Level 5	25%	27%

24/20 That Council request the Chief Executive Officer to keep in place current Level 1 water restrictions and continue to educate the community to be water wise until dam levels either reach 55% (and Level 1 restrictions are removed) or 40% (when Level 2 restrictions would be introduced).

For:
Unanimous

2.1 Supplementary Report - DA/569/2016/B - Shop 37/2-6 Warrigal Street, The Entrance - Use of Shop 37 for Recreational Facility - Personal Fitness Studio (Amended Application)

This item was resolved by the exception method.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

25/20 That Council refuse development application 569/2016/B for the following reasons having regard to the matters detailed in Section 4.55 (1A) and 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues:

- a** There is insufficient information to justify the proposed development is of minimal environmental impact in accordance with Section 4.55(1A)(a) of the Environmental Planning and Assessment Act 1979.
- b** The proposed development is not considered to be substantially the

same development to that which was originally approved in accordance with Section 4.55(1A)(b) of the Environmental Planning and Assessment Act 1979.

- c The proposed development does not comply with the objective of the B2 Local Centre zone under Wyong Local Environmental Plan 2013 which seeks to avoid land use conflicts within the zone.*
- d There is insufficient information to determine the extent of impact on the amenity of residents within the development and other adjoining properties.*
- e The site is not suitable for a continued and permanent use as an indoor recreation facility (gym) having regard for the matters for consideration in Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.*
- f The deletion of condition 19 under DA/569/2016 to allow a continued and permanent use as an indoor recreation facility (gym) is not in the public interest.*

26/20 *That Council advise those who made written submissions of its decision.*

For:

Unanimous

3.1 Community Support Grant Program - November 2019

This item was resolved by the exception method.

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

27/20 *That Council allocate \$23,461.21 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.*

28/20 *That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

3.2 Proposed Naming of Reserve - "Ashley Chapman" Reserve

Councillor Best left the chamber at 10.35pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: *Councillor Hogan*
Seconded: *Councillor Vincent*

Resolved

29/20 *That Council support the naming of the unnamed reserve at Budgewoi after Mr Ashley Chapman.*

30/20 *That Council support an application being made to the Geographical Names Board to request that the name "Ashley Chapman" be assigned to the Reserve.*

For:
Unanimous

3.3 Community Safety Facilities Needs Assessment and Options Study Report

Council deferred the consideration of item 3.3 to the Ordinary Meeting to be held on 24 February 2020 (minute 9/20).

3.4 Sports Facility Lighting

Council deferred the consideration of item 3.4 to the Ordinary Meeting to be held on 24 February 2020 (minute 9/20).

3.5 Meeting Record of the Playspaces Advisory Committee held on 19 December 2019.

This item was resolved by the exception method.

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

Resolved

31/20 *That Council receive the report on the Meeting Record of the Playspaces Advisory Committee held on 19 December 2019.*

32/20 ***That Council appoint Councillor Kyle MacGregor as the Chairperson and Councillor Jillian Hogan as the Alternate Chairperson for the Playspaces Advisory Committee.***

33/20 ***That Council adopt the Terms of Reference for the Playspaces Advisory Committee as set out in Attachment 2 to this report.***

For:
Unanimous

3.6 2019-20 Capital Works Program Status

This item was resolved by the exception method.

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

Resolved

34/20 ***That Council receive the report on 2019-20 Capital Works Program Status.***

35/20 ***That Council approve the additional capital works projects identified in the Table 1 totalling \$1.07 million for delivery as part of the 2019-20 Capital Works Program.***

For:
Unanimous

4.1 Deferred Item - Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan

This item was resolved by the exception method.

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

Resolved

36/20 ***That Council receive the report on Deferred Item - Response to Notice of Motion - Lower Wyong Floodplain Risk Management Plan.***

For:
Unanimous

4.2 Meeting Records of the Catchments and Coast Committee Tuggerah Lakes held on 26 September 2019 and 7 November 2019

This item was resolved by the exception method.

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

Resolved

37/20 *That Council receive the report on Meeting Records of the Catchments and Coast Committee Tuggerah Lakes held on 26 September 2019 and 7 November 2019.*

For:
Unanimous

4.3 Meeting Record of the Gosford Foundation Trust Management Committee held on 5 November 2019

This item was resolved by the exception method.

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

Resolved

38/20 *That Council note the Meeting Record of the Gosford Foundation Trust Management Committee held on 5 November 2019.*

For:
Unanimous

4.4 Meeting Record of the Status of Women Advisory Group held on 3 December 2019

This item was resolved by the exception method.

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

Resolved

39/20 *That Council receive the report on Meeting Record of the Status of Women Advisory Group held on 3 December 2019.*

For:
Unanimous

4.5 Investment Report for November 2019

This item was resolved by the exception method.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

40/20 That Council receive the Investment Report for November 2019.

For:
Unanimous

4.6 Investment Report for December 2019

This item was resolved by the exception method.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

41/20 That Council receive the Investment Report for December 2019.

For:
Unanimous

7.1 Notice of Motion - Liberty Swing at Mackenzie Reserve Budgewoi

This item was resolved by the exception method.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

42/20 That Council kindly accept the donation of a Liberty Swing and accessories by Erina Square Shopping Centre, through Breakaway for the use of the general public and visitors in wheelchairs to the region within the Northern precinct at Mackenzie Regional Reserve Budgewoi, under Council's adopted inclusion plan and the state governments "Everyone Can Play" program.

43/20 That Council allocate \$10,000 in the 2019/20 Capital Works Budget for the installation of the Liberty Swing.

For:
Unanimous

7.2 Notice of Motion - Ward's equitable expenditure and \$20 Million Dollar Loss

Council deferred the consideration of item 7.2 to the Ordinary Meeting to be held on 24 February 2020 (minute 9/20).

7.3 Notice of Motion - Central Coast Council to Recognise the Work of Local Firefighters and Emergency Service Workers in Response to the Recent Bushfires

This item was resolved by the exception method.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

44/20 That Council formally thank the Rural Fire Services (RFS), Fire and Rescue New South Wales (NSW) and Emergency Services for their outstanding efforts in preventing loss of life, land, wildlife and properties during the recent bushfire emergency.

45/20 That Council acknowledges and thanks staff from all directorates and their teams for their diligence and outstanding efforts in responding to the recent bushfires.

46/20 That Council acknowledges that the impact on communities before, during and after a natural disaster is different depending on the type of disaster; storm, wind, flood, fire and the location. Therefore, a more coordinated 'localised' response is needed.

47/20 That Council request the Chief Executive Officer to prepare a report outlining our roles and responsibilities before, during and after an event, in addition to identifying areas for improvement.

48/20 That Council acknowledges that fire trails are essential for preventing loss and vital for firefighters to be able to access areas and contain fires safely and requests that the Chief Executive Officer to investigate the current staffing levels and the capacity to continue to build suitable fire trails to the level that is needed.

49/20 That Council formally congratulate Viki Campbell, Superintendent of the Rural Fire Service for her appointment as Australia Day Ambassador for the Central Coast.

50/20 On behalf of Council, our thoughts are with those who are suffering and our actions will reflect change and policy. I would also like to thank our broader community, residents and community groups who in the spirit of being Australian, have come together to support and protect our people, our

property, our wildlife and our landscape.

51/20 *That Council note the tragic loss of human life, wildlife, property and our natural environment over this bushfire season and the tireless and heroic efforts of the firefighters, emergency service workers and all those involved in responding to the recent bushfires not only across our LGA but NSW and our nation as a whole.*

52/20 *That Council formally express our appreciation and gratitude for the hard work and dedication of the many volunteers and workers who have so far responded to the recent bushfires.*

53/20 *That Council write to locally based RFS brigades and relevant parties to formally thank them on behalf of our local community.*

54/20 *That Council note that Shoalhaven LGA upon passing a similar motion resolved to hold a thank you event for volunteers and workers who were involved in responding to the Bushfires and that Council consider doing the same.*

For:

Unanimous

7.4 Notice of Motion - Long Term Water Security

Councillor Best left the chamber at 10.35pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: **Councillor Greenaway**

Seconded: **Councillor Smith**

Resolved

55/20 *That Council continues to maintain its opposition to Wallarah 2, particularly in relation to the additional pressure it places on our water catchment.*

56/20 *That Council congratulates residents on maintaining reduced water consumption rates over many years which has resulted in higher storage levels in our dams than would have been the case.*

57/20 *That Council acknowledge the important role that the Water and Sewerage Department has in securing, treating and delivering water to over 320 000 connected customers as well as educating residents about water conservation, water wise rules and Water Restrictions.*

58/20 *That Council acknowledges the work of the Community Education Team and notes that it proposes to have some information activities to highlight World Water Day on 22 March.*

59/20 *That Council further acknowledge that the Water and Sewer Department is currently working on an Integrated Water Resource Plan that seeks to examine a range of options to further improve water security including the expansion of existing surface water schemes (dams/weirs), expanding water recycling and stormwater harvesting, expanding opportunities for the beneficial reuse of tertiary treated water, rainwater tank programs, expanding groundwater schemes, increased inter-regional transfers and desalination.*

60/20 *That Council requests the Chief Executive Officer to provide a concise update (around 2 - 3 pages), on the status of the Integrated Water Resource Plan for the last Ordinary Meeting of April 2020.*

61/20 *That Council requests the Chief Executive Officer to write to Water Services Association of Australia to initiate discussions around standardising water restrictions so that they are consistent in each council area regardless of whether that area is serviced by a council or by a water authority or water corporation.*

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

Against:
Councillors McLachlan and Marquart

Abstained:
Councillors Holstein and Pilon

7.5 Notice of Motion - Council to seek independent expert advice on Critical Level 2 Water Restrictions

Councillors Best and McLachlan withdrew item 7.5 from consideration (minute 10/20).

7.6 Notice of Motion - Black summer fuel load reduction initiatives

Council deferred the consideration of item 7.6 to the Ordinary Meeting to be held on 24 February 2020 (minute 9/20).

7.7 Notice of Motion - Process for developing Council Strategies and Policies

Councillor Best left the chamber at 10.35pm and did not return to the Meeting. He was not present for consideration of this item.

Moved: Councillor Smith
Seconded: Councillor MacGregor

Resolved

- 62/20** *That Council request the Chief Executive Officer provide a quarterly report on proposed Strategy or Strategic Policy documents to be developed, before those processes are commenced.*
- 63/20** *That Council request the Chief Executive Officer develop a draft process for the development of Strategies and Strategic Policies. That process should include, but not be limited to, the governing body of Council to consider the following;*
- a) Establishing key principles underpinning the Policy / Strategy*
 - b) Consideration of the significance of the Policy / Strategy in terms of intended outcome*
 - c) Process and timeframes consistent with the significance of the Policy / Strategy*
 - d) Process for consultation with stakeholders and the broader community*
 - e) Whether a Councillor Committee is established for the process*
 - f) Whether public hearings and submissions are part of the process*
 - g) The role of Council staff and Councillors in the process, and the key decision points*
- 64/20** *That Council request the Chief Executive Officer allocate time at a Councillor briefing in April to discuss key elements of how Strategy / Policy development can be improved.*
- 65/20** *That Council request the Chief Executive Officer provide a report on a draft process at a meeting in May 2020.*

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

Against:
Councillor Marquart

Procedural Motion – Disclosure of Interest for Items 7.8 and 8.1

Moved: *Mayor Matthews*
Seconded: *Councillor Vincent*

Item 8.1 – Rescission Motion – DA/171/2019 – Proposed Secondary Dwelling – 292 Palmdale Road, Palmdale

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows the solicitor for the applicant professionally. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and will not affect her ability to carry out her public duty impartially.

Resolved

66/20 That Council note advice of disclosures for items 7.8 – Notice of Motion – Breakwall – Dredging – Now – Flood Risk Rising – Co Author Cr Bruce McLachlan and Cr Greg Best and 8.1 – Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale.

**For:
Unanimous**

7.8 Notice of Motion - Breakwall - Dredging - Now - Flood Risk Rising - Co Author Cr Bruce McLachlan and Cr Greg Best

Moved: Councillor McLachlan

Seconded: Councillor Best

- 1 That Council acknowledge the ongoing resident dissatisfaction of the deteriorating condition of Tuggerah Lakes system and The Entrance Channel, and the public outcry for a permanent solution.
- 2 That Council acknowledge this issue has been long running, over many decades, and the as a new Super Council, we now have the size and capacity to lobby the State Government for change.
- 3 That CCC now allocate sufficient funds in the 2020 budget to commence preliminary Break wall designs, with a view to submitting a proposal to the Minister.
- 4 Further Council also allocate suitable funding to commence a major 2020 Channel dredging program, and apply for relevant NSW State Government funding assistance.
- 5 That Council recognises with the Entrance Channel now severely silted up, our Lakes System is very vulnerable to a repeat of the devastating multi-million dollar floods of June 2007, that destroy many homes.
- 6 That any design brief for a permanent sea opening take into consideration enhancement of the existing surf break, and consideration of a permanent sand by pass system, to create a Super bank surf break, similar to Greenmount / Kirra Queensland.
- 7 That Council not favour to prosecute Mr Ben Weber and those involved in the recent community excavation of The Entrance Beach to relieve flooding noting a warning would be more appropriate.
- 8 That further Council formally seek similar undertakings from State Agencies, Fisheries, EPA and Crown Lands.
- 9 That Council given the devastation of the recent floods reconsider future trigger levels for dredging and triggers for height levels and dimensions when opening the Channel.

Amendment Moved: Councillor Holstein
Amendment Seconded: Councillor MacGregor

- 1 *That Council acknowledge the ongoing resident dissatisfaction of the deteriorating condition of Tuggerah Lakes system and The Entrance Channel, and the public outcry for a permanent solution.*
- 2 *That Council acknowledge this issue has been long running, over many decades, and the as a new Super Council, we now have the size and capacity to lobby the State Government for change.*
- 3 *That Council now consider allocation of sufficient funds in the 2020 budget to commence preliminary designs, with a view to submitting a proposal to the Minister.*
- 4 *Further Council also consider allocation suitable funding to commence a major 2020 Channel dredging program, and apply for relevant NSW State Government funding assistance.*
- 5 *That Council recognises with the Entrance Channel now severely silted up, our Lakes System is very vulnerable to a repeat of the devastating multi-million dollar floods of June 2007, that destroy many homes.*
- 6 *That any design brief for a permanent sea opening take into consideration enhancement of the existing surf break, and consideration of a permanent sand by pass system, to create a Super bank surf break, similar to Greenmount / Kirra Queensland.*
- 7 *That Council allow the expert panel established by the State Government the opportunity to also review those reports and recommendations.*
- 8 *That Council not favour to prosecute Mr Ben Weber and those involved in the recent community excavation of The Entrance Beach to relieve flooding noting a warning would be more appropriate.*
- 9 *That further Council formally seek similar undertakings from State Agencies, Fisheries, EPA and Crown Lands.*
- 10 *That Council as a matter of urgency bring forward those reports that are previously been raised in regards to The Entrance Channel/Tuggerah Lakes Flooding.*
- 11 *That Council, given the unprecedented recent flood events, reconsider future trigger levels for dredging, height levels, flowrates and dimensions when opening the Channels.*

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

The Amendment was declared CARRIED and become the Motion.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

- 67/20** That Council acknowledge the ongoing resident dissatisfaction of the deteriorating condition of Tuggerah Lakes system and The Entrance Channel, and the public outcry for a permanent solution.
- 68/20** That Council acknowledge this issue has been long running, over many decades, and the as a new Super Council, we now have the size and capacity to lobby the State Government for change.
- 69/20** That Council now consider allocation of sufficient funds in the 2020 budget to commence preliminary designs, with a view to submitting a proposal to the Minister.
- 70/20** Further Council also consider allocation suitable funding to commence a major 2020 Channel dredging program, and apply for relevant NSW State Government funding assistance.
- 71/20** That Council recognises with the Entrance Channel now severely silted up, our Lakes System is very vulnerable to a repeat of the devastating multi-million dollar floods of June 2007, that destroy many homes.
- 72/20** That any design brief for a permanent sea opening take into consideration enhancement of the existing surf break, and consideration of a permanent sand by pass system, to create a Super bank surf break, similar to Greenmount / Kirra Queensland.
- 73/20** That Council allow the expert panel established by the State Government the opportunity to also review those reports and recommendations.
- 74/20** That Council not favour to prosecute Mr Ben Weber and those involved in the recent community excavation of The Entrance Beach to relieve flooding noting a warning would be more appropriate.
- 75/20** That further Council formally seek similar undertakings from State Agencies, Fisheries, EPA and Crown Lands.
- 76/20** That Council as a matter of urgency bring forward those reports that are previously been raised in regards to The Entrance Channel/Tuggerah Lakes Flooding.
- 77/20** That Council, given the unprecedented recent flood events, reconsider future trigger levels for dredging, height levels, flowrates and dimensions when opening the Channels.

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

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

Procedural Motion – Extension of Time

Moved: Mayor Matthews
Seconder: Councillor Vincent

Resolved

78/20 That Council in accordance with c10.31 of the Code of Meeting Practice extend the time for debate on item 7.8 – Notice of Motion - Breakwall - Dredging - Now - Flood Risk Rising - Co Author Cr Bruce McLachlan and Cr Greg Best for a period of 30 minutes the time being 7.20pm.

For:
Unanimous

Procedural Motion – Additional Extension of Time

Moved: Councillor Sundstrom
Seconder: Councillor Vincent

Resolved

79/20 That Council in accordance with c10.31 of the Code of Meeting Practice extend the time for debate on item 7.8 – Notice of Motion - Breakwall - Dredging - Now - Flood Risk Rising - Co Author Cr Bruce McLachlan and Cr Greg Best for an additional period of 15 minutes the time being 7.50pm.

For:
Unanimous

The meeting was adjourned at 8.24pm, resuming at 8.47pm.

The Mayor vacated the chair at 8.47pm and the Deputy Mayor assumed the chair for Item 8.1.

8.1 Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

That the following resolution carried at the Ordinary Meeting of Council held on 9 December 2019 be rescinded:

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

Against:
Mayor Matthews, Councillors Best, Holstein, McLachlan, Mehrtens, Pilon and Marquart

The Motion was put to the vote and declared LOST.

Procedural Motion - Motion of Dissent

Moved: Councillor Best

Seconded: Councillor Marquart

That Council resolve that it dissents from the Chairperson's ruling to move that the Motion now be put, for the reason that Councillors are not being given the opportunity for debate or questions.

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

Against:
Mayor Matthews, Councillors Mehrtens, Greenaway, MacGregor Hogan and Smith

Abstained:
Councillors Sundstrom and Vincent

The Motion was put to the vote and declared LOST.

Procedural Motion – Extension of Time

***Moved:* Councillor Sundstrom**

***Seconded:* Councillor MacGregor**

Resolved

80/20 *That Council in accordance with c10.31 of the Code of Meeting Practice extend the time for debate on item Rescission Motion - DA/171/2019 - Proposed Secondary Dwelling - 292 Palmdale Road, Palmdale for a period of 5 minutes, being at 8.24pm.*

For:
Unanimous

The meeting was adjourned at 9.30pm, resuming at 10.02pm.

The Deputy Mayor vacated the chair at 9.30pm and the Mayor resumed the chair when the meeting resumed at 10.02pm.

9.1 Meeting Records of the Crown Lands Negotiation Program Committee held on 23 July 2019 and 19 August 2019

This item was resolved by the exception method.

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

Resolved

81/20 *That Council receive the report on Meeting Records of the Crown Lands Negotiation Program Committee held on 23 July 2019 and 19 August 2019.*

82/20 *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that this report and attachments 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, 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

The Meeting closed at 11.02 pm.