



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
2 Hely Street, Wyong
on 8 April 2019
commencing at 6.30pm

Present

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

In Attendance

Julie Vaughan (Acting Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Scott Cox (Director Environment and Planning), Bileen Nel (Director Water and Sewer), Shane Sullivan (Acting Director Governance) and Beth Burgess (Acting Director, Connected Communities) and Viv Louie (Unit Manager, Financial Performance - Responsible Accounting Officer).

The Mayor, Jane Smith, declared the meeting open at 6.51pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Jane Smith read an acknowledgement of country statement.

The Mayor, Jane Smith also acknowledged the connection that we all have to this land and place, and the shared responsibility that we have to care for and protect this land for future generations.

The reports are recorded in their correct agenda sequence.

Apology

Councillor Rebecca Gale Collins

Leave of Absence

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

Resolved

257/19 That Council resolve to accept the leave of absence request from Councillor Best for the Council Meetings of 29 April 2019 and 13 May 2019.

For:

Unanimous

1.1 Disclosure of Interest

Item 2.2 DA/42661/2012 - Part 3 - Modification to Avoca Beach Theatre

Councillor McLachlan declared a pecuniary interest in the matter as the owners recently purchased a property through his real estate agency. Councillor McLachlan left the chamber at 7.04pm, returning at 7.22pm, and did not participate in discussion or voting.

It is noted that Councillor McLachlan declared a pecuniary interest in the matter and left the Public Forum at 6.12pm and returning at 6.31pm.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she has held a number of events there for various community organisations. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Item 2.4 Request to prepare a Local Environmental Plan Amendment (Planning Proposal) - 3 Battley Avenue, The Entrance

Councillor McLachlan declared a significant non pecuniary interest in the matter as he has been involved in resident action against the rezoning and WSC friends live across the road from the site. Councillor McLachlan left the chamber at 7.23pm, returning at 7.30pm, and did not participate in discussion or voting.

It is noted that Councillor McLachlan declared a significant non pecuniary interest in the matter and left the Public Forum at 6.12pm and returning at 6.31pm.

3.2 2018-19 Community Support Grant Program

Councillor Pilon declared a significant non pecuniary interest in the matter in line with noted insignificant non pecuniary interest in the Grants Committee meeting. Councillor Pilon chose to leave the chamber and not participate in discussion and voting of this item. The matter was dealt with by the exception method.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of one of the service clubs which has made application. Councillor Holstein chose to leave the chamber and not participate in discussion and voting of this item. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is familiar with community members whose groups are recipients of grant funding. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting. This item was resolved by the exception method.

Moved: Councillor Mehrtens

Seconded: Councillor Sundstrom

Resolved

258/19 That Council receive the report on Disclosure of Interest and note advice of

disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor MacGregor
Seconded: Councillor Holstein

Resolved

259/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 25 March 2019.

For:
Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Mayor Smith
Seconded: Councillor Burke

Resolved

260/19 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(d) of the Local Government Act 1993 for the following reasons:

Item 7.1 Central Coast Stadium - Response to International Sporting Event Request for Proposal

Reason for considering in closed session:

2(d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it.

For:
Unanimous

Procedural Motion – Exception

Moved: Councillor Mehrtens
Seconded: Councillor Marquart

Resolved

261/19 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

2.1	DA/124/2018 - 195 Johns Road, Wadalba
2.2	DA/42661/2012 - Part 3 - Modification to Avoca Beach Theatre
2.3	Supplementary Report - DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling
2.4	Request to prepare a Local Environmental Plan Amendment (Planning Proposal) - 3 Battley Avenue, The Entrance
3.1	Deferred Report - Consideration of Submissions and Adoption of the Central Coast Affordable and Alternative Housing Strategy
3.6	Appointments to the Tourism Advisory Committee
3.8	Plastic Wise Program
4.1	2018/19 Capital Works Project Status
6.1	Notice of Motion - Sister City Relationship - Nitra
7.1	Central Coast Stadium - Response to International Sporting Event Request for Proposal

262/19 That Council adopt the following items en-masse and in accordance with the report recommendations:

3.2	2018-19 Community Support Grant Program
3.3	Meeting Record of the Coastal Open Space System (COSS) Committee held 30 January 2019
3.4	Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 13 February 2019
3.5	Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 12 February 2019
3.7	Presentation of Financial Reports and related Auditor's Reports for Central Coast Council Water Supply Authority for the period 1 July 2017 to 30 June 2018

For:
Unanimous

2.1 **DA/124/2018 - 195 Johns Road, Wadalba**

Moved: Councillor Mehrtens
Seconded: Councillor Holstein

Resolved

263/19 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.

264/19 ***That Council advise those who made written submissions of its decision.***

265/19 ***That Council advise these government authorities who made submissions of its decision.***

For:
Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, Pilon, McLachlan and Burke

Against:
Councillors MacGregor, Greenaway, Vincent and Hogan

Abstain: Councillor Best

2.2 DA/42661/2012 - Part 3 - Modification to Avoca Beach Theatre

Councillor McLachlan declared a pecuniary interest in the matter as the owners recently purchased a property through his real estate agency. Councillor McLachlan left the chamber at 7.04pm, returning at 7.22pm, and did not participate in discussion or voting.

It is noted that Councillor McLachlan declared a pecuniary interest in the matter and left the Public Forum at 6.12pm and returning at 6.31pm.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she has held a number of events there for various community organisations. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Moved: **Councillor Sundstrom**

Seconded: **Councillor MacGregor**

That Council refuse the development application subject to the following reasons:

- 1 That the height exceeds the provision within clause 4.3 (2) of the GLEP 2014.*
- 2 That it is not in the public interest.*

For:
Councillors Sundstrom, MacGregor and Vincent

Against:
Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Matthews, Pilon, Greenaway, Burke, Hogan and Best

The Motion was put to the vote and declared LOST.

The matter was then at LARGE.

Moved: **Councillor Holstein**

Seconded: **Councillor Burke**

Resolved

266/19 *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.*

267/19 *That Council advise those who made written submissions of its decision.*

For:

Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, Pilon, Greenaway, Burke, Hogan and Best

Against:

Councillors MacGregor and Vincent

2.3 **Supplementary Report - DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling**

Moved: **Councillor Holstein**

Seconded: **Councillor Mehrtens**

Resolved

268/19 *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.*

269/19 *That Council advise those who made written submissions of its decision.*

For:

Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, Pilon, McLachlan, Burke, Vincent, Hogan and Best

Against:

Councillors MacGregor and Greenaway

2.4 **Request to prepare a Local Environmental Plan Amendment (Planning Proposal) - 3 Battley Avenue, The Entrance**

Councillor McLachlan declared a significant non pecuniary interest in the matter as he has been involved in resident action against the rezoning and WSC friends live across the road from the site. Councillor McLachlan left the chamber at 7.23pm, returning at 7.30pm, and did not participate in discussion or voting.

It is noted that Councillor McLachlan declared a significant non pecuniary interest in the matter and left the Public Forum at 6.12pm and returning at 6.31pm.

Moved: **Councillor MacGregor**

Seconded: **Councillor Matthews**

Resolved

270/19 **That Council resolve not to support the making of a planning proposal for Gateway Determination, to rezone Lot 67 DP 18372, Lot 69 DP 18372, Lot 70 DP 18372, Lot 71 DP 18372, Lot 72 DP 18372, Lot 73 DP 18372, Lot 65 DP 18372, Lot 66 DP 18372, Lot 68 DP 18372 (3 Battley Avenue), The Entrance from E2 Environmental Conservation to R3 Medium Density Residential for the following reasons:**

- a) The proposed amendment to Wyong Local Environmental Plan 2013 fails to meet the Strategic Merit Test for a planning proposal, in that:**
 - **The proposal is inconsistent with Direction 8, 12,13 and 14 of the Central Coast Regional Plan 2036**
 - **The proposal is inconsistent with section 9.1 Ministerial Direction 2.1 Environment Protection Zones**
- b) The proposed amendment fails to meet the Site Specific Merit Test for a planning proposal, in that:**
 - **The proposal does not avoid or minimise the removal of high ecological value vegetation.**

271/19 **That Council notify the applicant of the Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.**

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

Against:
Councillors Marquart, Burke and Best

Abstain: Councillor Pilon

3.1 Deferred Report - Consideration of Submissions and Adoption of the Central Coast Affordable and Alternative Housing Strategy

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

- 1** *That Council note the deferred Consideration of Submissions and Adoption of the Central Coast Affordable and Alternative Housing Strategy report which is Attachment 1 to this report.*
- 2** *That Council note that the Draft Central Coast Affordable and Alternative Housing Strategy was publicly exhibited from 10 September 2018 to 21 December 2018.*

- 3 That Council consider the submissions received during the exhibition period. outlined in Attachment 2 of this report
- 4 That Council note and endorse the amendments recommended by Council staff as outlined in Attachment 3 of this report.
- 5 That Council authorise the Chief Executive Officer to make final editorial amendments to the Draft Central Coast Affordable and Alternative Housing Strategy, to ensure correctness and clarity.
- 6 That Council adopt the Central Coast Affordable and Alternative Housing Strategy, (Attachment 1), and make available on Council's website.

Procedural Motion – Extend debate

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

272/19 That Council , having debated the matter for thirty minutes now extend the debate time for this item.

For:
Unanimous

Amendment Moved: Councillor Mayor Smith
Amendment Seconded: Councillor McLachlan

That this item be deferred to the Council meeting of 29 April 2019 to allow for further discussion amongst the Councillors and a final version of the strategy to come to that meeting.

<i>For:</i>	<i>Against:</i>
<i>Mayor Smith and Councillors Marquart, Holstein, Pilon, McLachlan, Greenaway, Burke and Best</i>	<i>Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Vincent and Hogan</i>

The Amendment was CARRIED and then became the Motion. The Motion was then put.

Moved: Councillor Mayor Smith
Seconded: Councillor McLachlan

Resolved

273/19 That this item be deferred to the Council meeting of 29 April 2019 to allow for further discussion amongst the Councillors and a final version of the strategy to be considered at that meeting.

For: **Against:**

Mayor Smith and Councillors Marquart, Holstein, Pilon, McLachlan, Greenaway, Burke and Best

Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Vincent and Hogan

3.2 2018-19 Community Support Grant Program

Councillor Pilon declared a significant non pecuniary interest in the matter in line with noted insignificant non pecuniary interest in the Grants Committee meeting. Councillor Pilon chose to leave the chamber and not participate in discussion and voting of this item. The matter was dealt with by the exception method.

Councillor Holstein declared a significant non pecuniary interest in the matter as he is a member of one of the service clubs which has made application. Councillor Holstein chose to leave the chamber and not participate in discussion and voting of this item. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is familiar with community members whose groups are recipients of grant funding. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting. This item was resolved by the exception method.

Moved: Councillor Mehrtens
Seconded: Councillor Marquart

Resolved

274/19 That Council allocate \$29,433.50 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1.

275/19 That Council decline applications for the reasons indicated in the attached tables (Attachment 2), the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

3.3 Meeting Record of the Coastal Open Space System (COSS) Committee held 30 January 2019

Moved: Councillor Mehrtens
Seconded: Councillor Marquart

Resolved

276/19 That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held on 30 January 2019 that is Attachment 1 to

this report.

277/19 *That Council continues to advocate for the introduction of an E5 zone to protect priority conservation lands including COSS lands.*

For:

Unanimous

3.4 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 13 February 2019

Moved: **Councillor Mehrtens**

Seconded: **Councillor Marquart**

Resolved

278/19 *That Council note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee held 13 February 2019 that is Attachment 1 to this report.*

279/19 *That Council request the Chief Executive Officer to write to the Minister for Planning seeking funding for a Masterplan for Kibble Park.*

For:

Unanimous

3.5 Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 12 February 2019

Moved: **Councillor Mehrtens**

Seconded: **Councillor Marquart**

Resolved

280/19 *That Council note the Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 12 February 2019 that is Attachment 1 to this report.*

281/19 *That Council adopt the Terms of Reference for the Pedestrian Access and Mobility Advisory Committee, as set out in Attachment 2 to this report.*

282/19 *That Council appoint the Mayor as the Chairperson for the Pedestrian Access and Mobility Advisory Committee.*

For:

Unanimous

3.6 Appointments to the Tourism Advisory Committee

Councillor Best left the chamber at 8.13pm and returned at 8.16pm and did not participate in discussion or voting.

Councillor Matthews left the chamber at 8.13pm and returned at 8.16pm and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

283/19 That Council determine the Councillor representatives on the Tourism Advisory Committee are:

- Mayor Jane Smith
- Councillor Holstein
- Councillor Pilon
- Councillor Sundstrom

284/19 That Council allow those Councillors appointed to the Committee, and other interested Councillors, meet to;

- a review the EOIs received for the Tourism Advisory Committee and report back to Council with recommendations.**
- b consider other stakeholders to be appointed to the Tourism Advisory Committee for consideration by Council.**

285/19 That Council determine the representatives of the Tourism Advisory Committee following a report back to Council as identified in resolution 284/19.

For:
Unanimous

3.7 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council Water Supply Authority for the period 1 July 2017 to 30 June 2018

Moved: Councillor Mehrtens
Seconded: Councillor Marquart

Resolved

286/19 *That Council adopt the audited 2017-18 financial reports for Central Coast Council Water Supply Authority as presented in accordance with section 41B of the Public Finance and Audit Act 1983 (PF&A Act) and the Public Finance, the Australian Accounting Standards and other pronouncements of the Australian Accounting Standards Board and the Local Government Act 1993 (NSW) and the Local Government Code of Accounting Practice.*

For:

Unanimous

3.8 Plastic Wise Program

Moved: **Councillor Vincent**

Seconded: **Mayor Smith**

Resolved

287/19 *That Council receive the report on Plastic Wise Program.*

288/19 *That the draft Central Coast Council Single Use Plastic Policy be placed on public exhibition for 28 days.*

289/19 *That a further report will be provided to Council following the 28 day public exhibition period.*

For:

Mayor Smith, Councillors Holstein, Mehrstens, Sundstrom, MacGregor, Pilon, McLachlan, Greenaway, Burke, Vincent and Hogan

Against:

Councillors Marquart, Matthews and Best

4.1 2018/19 Capital Works Project Status

Moved: **Councillor Best**

Seconded: **Councillor MacGregor**

Resolved

290/19 *That Council receive the report on 2018/19 Capital Works Project Status.*

For:

Unanimous

6.1 Notice of Motion - Sister City Relationship - Nitra

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

That Council:

291/19 *Resolve to continue a sister city relationship with Nitra within the current budget allocation. No additional budget is required to be allocated during this financial year.*

292/19 *Request the Chief Executive Officer negotiate and enter into a Sister City Agreement with Nitra, Slovakia to provide a forum for cultural, economic and educational interchange and friendship with the Central Coast community.*

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

Against:
Councillor Best

Questions on Notice

Councillor Best left the chamber at 8.52pm and did not return.

Q67/19 QON - Dredging Councillor Troy Marquart

It was resolved during the 8 October 2018 Council Meeting that the Chief Executive Officer would develop a business case in regards to the Central Coast Council owning or leasing a suitable dredge that could meet the waterway dredging needs of the Central Coast and could also be leased to alternate entities. When will this business case be tabled to Councillors?

Q68/19 QON - Carbon Emissions Councillor Troy Marquart

Council staff have quoted exact carbon emission reductions that will be achieved in recent reports created for the City Power Partnership Pledges and the Draft Climate Change Policy. To table reductions the base or current emissions must have been calculated or the suggested emission reductions could not be accurate. What was the exact carbon dioxide equivalent emission tonnage output in the Central Coast Council area in 2018?

Q69/19 QON - Food for Fines Councillor Richard Mehrtens

Has Council considered introducing a 'Food For Fines' initiative around Christmas time, like a

number of other Councils, which would allow for people to pay off outstanding library fees with packaged and non-perishable food items for local families in need?

Q70/19 QON - Town Centre Review
Councillor Lisa Matthews

How is Council progressing with the implementation of the resolution on the Town Centre Review?

Response from Julie Vaughan, Acting Chief Executive Officer

The intention is I think probably at the next Council meeting there will be a further report that comes back. There have been workshops held with the business community and the current third party operators to understand the role that they will continue to play going forward in the business development side of things. The draft Terms of Reference have been developed for the Advisory Committee as well, so it's progressing to meet the 30 June 2019 deadline and also to realise a smooth transition from existing operations.

Q71/19 QON - The Entrance Town Centre
Councillor Lisa Matthews

Can staff please advise how much the levy paid by businesses within the Entrance Town Centre is and how it has been spent since the TCM was disbanded?

Q72/19 QON - Advertising
Councillor Kyle MacGregor

How much money has Council spent on advertising in the past 12 months and how many companies have been engaged for advertising services over this time?

Q73/19 QON - Seedbank
Councillor Kyle MacGregor

Does Council maintain a Seedbank or nursery that grows and preserves local native tree species and when planting vegetation across the LGA. How does Council ensure an appropriate mix of native and or exotic vegetation is being planted in public areas across the LGA?

Q74/19 QON - Tuggerah Lakes
Councillor Bruce McLachlan

There is a federal election coming up. Just wondering what funding arrangement have we requested for the Tuggerah Lakes management? I understand our funding arrangement is running out in the next 12 months. What do we have in place for current submissions?

**Q75/19 QON - Warnervale Leisure and Aquatic Centre
Councillor Louise Greenaway**

Council is progressing a new leisure and aquatic centre for Warnervale. Would staff please identify the potential site locations that are being investigated?

**Q76/19 QON - Gosford Chambers
Councillor Louise Greenaway**

Council is progressing changes to the work environment in Gosford Chambers in order to meet its OHS obligations. Is there estimate available as to when meetings will resume there?

**Q77/19 QON - Sparks Road
Councillor Doug Vincent**

Residents at Bruce Crescent Wallarah have been experiencing long delays and great difficulty in making right hand turns onto sparks road due to heavy traffic conditions on Sparks Road. Could staff please advise if the Council or RMS can remedy the situation with signage or traffic lights?

**Q78/19 QON - Unisex Toilets
Councillor Doug Vincent**

Could staff please advise if there is any possibility of installing a unisex toilet at the park in Woodlawn Ave Budgewoi, near the shared pathway?

**Q79/19 QON - Council Website
Councillor Jillian Hogan**

Feedback is that Council website is difficult to access basic information and forms. Are there any plans to improve accessibility?

**Q80/19 QON - Companion Animal Committee
Councillor Jillian Hogan**

I haven't seen anything on the Cat or Companion Animal Committee? What is its function, because residents are complaining about roaming cats and the effect on the environment?

Confidential Session

Resolved

Moved: Councillor Mehrtens

Seconded: Councillor Holstein

293/19 That the meeting move into Confidential Session.

For:

Unanimous

At this stage of the meeting being 8.59 pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

Open Session

The meeting resumed in open session at 9.04 pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

7.1 Central Coast Stadium - Response to International Sporting Event Request for Proposal

Councillor Best left the chamber at 8.52pm and did not return and did not participate in discussion or voting.

Resolved

294/19 That the Council resolve to deal with this report in closed session pursuant to s.10A(2)(d) of the Local Government Act 1993, as it;

2(d) contains commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it.

295/19 That Council resolve to include the proposed option three, as outlined in the report, to its response to the international sporting event Request for Proposal.

The Meeting closed at 9.06 pm.