



Central Coast Council

Minutes of the
Ordinary Meeting of Council
Held in the Council Chamber
2 Hely Street, Wyong
on 24 June 2019

Present

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

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 (Acting Director Water and Sewer), Evan Hutchings (Director Governance), Craig Norman (Chief Finance Officer) and Ricardo Martello (Executive Manager, Innovation and Futures).

The Mayor, Jane Smith, declared the meeting open at 6.30pm 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.

Apart from the movement of item 4.4 into a closed session the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Item 4.4 - Volunteer Section 355 Committees

Councillor Hogan declared a significant non pecuniary interest in the matter as the organisation she works for is noted in the report. Councillor Hogan left the chamber at 8.03pm, returned at 8.13pm and did not participate in discussion and voting.

Item 4.5 - Community Support Grant Program 2018-2019 - March, April and May 2019

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has connection with some of the community members and is familiar with who they are. Councillor Greenaway chose to remain in the chamber and advised that she won't be influenced by this in any decision making.

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows or has worked with many of the organisations. Councillor Hogan chose to remain in the chamber citing that this would not impact on her impartiality.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family who are members of the Wyong Writers. Wyong Writers are a branch of the Fellowship of Australian Writers NSW Incorporated. Councillor Vincent chose to remain in the chamber as he has no executive membership role or decision making authority with the Wyong Writers.

Item 7.1 - Notice of Motion - Gosford Cultural Precinct

Councillor Holstein declared a pecuniary interest in the matter as that is the site of his current part time employer. Councillor Holstein left the chamber at 7.44pm, returned at 8.01pm and did not participate in discussion and voting.

Moved: Councillor Gale Collins

Seconded: Councillor Pilon

Resolved

556/19 That Council now 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 Gale Collins

Resolved

557/19 *That the minutes of the Ordinary Meeting of the Council held on 11 June 2019 be confirmed.*

For:
Unanimous

1.3 **Notice of Intention to Deal with Matters in Confidential Session**

Moved: **Councillor Mehrtens**
Seconded: **Councillor Gale Collins**

Resolved

558/19 *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 Vincent**
Seconded: **Councillor Gale Collins**

Resolved

559/19 *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

Item 2.2 - Planning Proposal 81/2015 for 893 The Entrance Road, Wamberal

Item 4.1 - Records Management Policy and Procedure for Councillors

Item 4.3 - Terrigal Boardwalk

Item 4.4 - Volunteer Section 355 Committees

Item 4.6 - Tourism Opportunity Plan

Item 4.7 - Playspace at Johns Road Wadalba

Item 7.1 - Notice of Motion - Gosford Cultural Precinct

Item 7.2 - Notice of Motion - Kayaking/Canoeing Tourism Opportunities

560/19 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

Item 2.1 - Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement

Item 2.3 - Proposed Dwelling 71 Heath Rd Hardys Bay

Item 3.1 - CPA/2137 Installation of Bored Piles Shirley Street Ourimbah

Item 4.2 - Investment Report for May 2019

Item 4.5 - Community Support Grant Program 2018-2019 - March, April and May 2019

Item 5.1 - Update on Report Due to Council - Central Coast Dredging

Item 5.2 - Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 May 2019

Item 5.3 - Record of the Community Strategic Plan Community Reference Group Meeting 30 April 2019

For:

Unanimous

Procedural Motion – Item 4.4 – Volunteer Section 355 Committees

Councillor Hogan declared a significant non pecuniary interest in the matter as the organisation she works for is noted in the report. Councillor Hogan left the chamber at 6.44pm, returned at 6.49pm and did not participate in discussion or voting.

Moved: Councillor Best

Seconded: Councillor Marquart

Resolved

561/19 That Council consider Item 4.4 - Volunteer Section 355 Committees in a confidential session.

For:
Mayor Smith and Councillors Sundstrom, Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best

Against:
Councillors Matthews, Greenaway, Vincent and MacGregor
Abstained: Councillor Mehrstens

2.1 Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement

Moved: Councillor Vincent

Seconded: Councillor Gale Collins

Resolved

562/19 That Council exhibit the Draft Urban Spatial Plan (Attachment 1) for 60 days to allow for public consultation.

563/19 That Council endorse the proposed staged approach to deliver a Local Strategic Planning Statement (LSPS) by July 2020.

564/19 That Council undertake community workshops in each of the planning

precincts (8 in total) as part of a future review of the Local Strategic Planning Statement (LSPS).

565/19 *That Council consider a further report on the results of the public exhibition and finalisation of the Draft Urban Spatial Plan.*

For:
Unanimous

2.2 **Planning Proposal 81/2015 for 893 The Entrance Road, Wamberal**

Moved: **Mayor Smith**
Seconded: **Councillor MacGregor**

Resolved

566/19 *That Council defer consideration of the application at a later date with the provision of additional information.*

For:
Unanimous

2.3 **Proposed Dwelling 71 Heath Rd Hardys Bay**

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

Resolved

567/19 *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.*

568/19 *That Council advise those who made written submissions of its decision.*

For:
Unanimous

3.1 **CPA/2137 Installation of Bored Piles Shirley Street Ourimbah**

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

Resolved

569/19 *That Council reject the tender received for Contract CPA/2137 – Installation of Bored Piles Shirley Street Ourimbah, in accordance with clause. 178(1)(a) of the Local Government (General) Regulation 2005.*

570/19 *That Council resolve for the purpose of clause. 178(3) (a) of the Local Government (General) Regulation 2005 to cancel the proposed contract.*

571/19 *That Council resolve, pursuant to section 10A(2) of the Local Government Act 1993, that the Attachment to this report remain confidential.*

For:

Unanimous

4.1 Records Management Policy and Procedure for Councillors

Moved: *Mayor Smith*

Seconded: *Councillor Matthews*

Resolved

572/19 *That Council defer the item for a briefing to Councillors and the finalisation of forms and Frequently Asked Questions.*

For:

Unanimous

4.2 Investment Report for May 2019

Moved: *Councillor Vincent*

Seconded: *Councillor Gale Collins*

Resolved

573/19 *That Council receive the Investment Report for May 2019.*

For:

Unanimous

4.3 Terrigal Boardwalk

Moved: *Mayor Smith*

Seconded: *Councillor Holstein*

- 1 *That Council authorise the Chief Executive Officer to enter into the Funding Deed of agreement with Restart NSW for \$2,938,600 to construct the Terrigal Boardwalk in accordance with Attachment 1 – Terrigal Boardwalk Basis of Design.*
- 2 *That Council approve the allocation of funds to match Restart NSW 50% contribution of \$2,938,600 for the 2019/20 and 2020/2021 capital works budget period for the construction of the proposed Boardwalk in line with the terms and conditions of the funding agreement.*
- 3 *That \$1,648,000 of Council's total funding commitment (total of \$2,938,600) be funded from the Terrigal Tourism/Business Development Rate (Ref 31.1)*
- 4 *That Council authorise the Chief Executive Officer to invite 'Fixed Price' tenders, utilising the Open Tender Method in accordance with the Local Government (General) Regulation 2005, for the construction of the proposed Boardwalk.*
- 5 *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachments 9 and 10 to this report remain confidential as they contain 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 Council's ability to obtain value for money services for the Central Coast community.*
- 6 *Council note and confirm the following:*
 - a) *Stabilisation and remediation works in Domains 7 and 8 be limited to minimal cliff scaling associated with site enabling works with no use of concrete spray, in accordance with Attachment 7 - Geotechnical Interpretive Report, item 8.7.*
 - b) *No vegetation will be intentionally removed as a result of the works in Domains 7 and 8 or the Terrigal Boardwalk project (noting that removal of weed species and rehabilitation may be undertaken at some time in the future).*
 - c) *Orientation and location of the piers must be constructed in accordance with the design drawing (see Attachment 2 Terrigal Boardwalk and Rock pool design drawings - drawing number TBP-DD-MADE-DRG-3012) to ensure no encroachment on the rock shelf located within the tidal waters between The Haven and the Terrigal Beach point.*
 - d) *Access be provided via steps from the Boardwalk to the rock platform at the cliff outcrop in the vicinity of Domain 7.*
 - e) *In order to maintain natural tidal movement of water at the western end of The Haven beach (Eastern end of the project), the piered design of the Boardwalk decking be extended as far as practical to the corner of the building designated as the "Sailing Club" at the Haven minimising the proposed extension of the sandstone retaining wall.*
 - f) *Boardwalk materials be selected to minimise shading of the macroalgae beds in the*

intertidal areas.

- 7 *That Council investigate any heritage significance of the rock platform and work with the funding body to accommodate any heritage considerations.*
- 8 *The Boardwalk be included in Council's Terrigal CBD cleaning program, with that location to be inspected and any litter removed on a daily basis, so as to ensure there are no adverse environmental impacts associated with debris or foliage.*
- 9 *The Boardwalk be included in Council's assets maintenance inspection schedule on a 3 month frequency with works undertaken or scheduled on a priority risk basis. (see Attachment 2 Terrigal Boardwalk and Rock pool design drawings - drawing number TBP-DD-MADE-DRG-2022)*
- 10 *That Council investigate disabled parking within the vicinity of the Boardwalk.*

Amendment Moved: Councillor Sundstrom

Amendment Seconded: Councillor MacGregor

That the allocation of funds for \$2,938,600 for the 2019/2020 and 2020/21 budgets be reallocated to pathway or disability access projects across the 5 wards of council with an equal sum of dollars to be allocated to each of the wards individually for projects that are currently existing or underway to ensure their completion and timely delivery to benefit all wards equally and equate to a higher regional benefit than the individual project of the Terrigal Boardwalk.

For:

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

Against:

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

The amendment was put to the vote and declared LOST. The motion was then put.

Resolved

- 574/19 That Council authorise the Chief Executive Officer to enter into the Funding Deed of agreement with Restart NSW for \$2,938,600 to construct the Terrigal Boardwalk in accordance with Attachment 1 – Terrigal Boardwalk Basis of Design.**
- 575/19 That Council approve the allocation of funds to match Restart NSW 50% contribution of \$2,938,600 for the 2019/20 and 2020/2021 capital works budget period for the construction of the proposed Boardwalk in line with the terms and conditions of the funding agreement.**
- 576/19 That \$1,648,000 of Council's total funding commitment (total of \$2,938,600) be funded from the Terrigal Tourism/Business Development Rate (Ref 31.1)**
- 577/19 That Council authorise the Chief Executive Officer to invite 'Fixed Price'**

tenders, utilising the Open Tender Method in accordance with the Local Government (General) Regulation 2005, for the construction of the proposed Boardwalk.

578/19 *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachments 9 and 10 to this report remain confidential as they contain 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 Council's ability to obtain value for money services for the Central Coast community.*

579/19 *Council note and confirm the following:*

- a) Stabilisation and remediation works in Domains 7 and 8 be limited to minimal cliff scaling associated with site enabling works with no use of concrete spray, in accordance with Attachment 7 - Geotechnical Interpretive Report, item 8.7.*
- b) No vegetation will be intentionally removed as a result of the works in Domains 7 and 8 or the Terrigal Boardwalk project (noting that removal of weed species and rehabilitation may be undertaken at some time in the future).*
- c) Orientation and location of the piers must be constructed in accordance with the design drawing (see Attachment 2 Terrigal Boardwalk and Rock pool design drawings - drawing number TBP-DD-MADE-DRG-3012) to ensure no encroachment on the rock shelf located within the tidal waters between The Haven and the Terrigal Beach point.*
- d) Access be provided via steps from the Boardwalk to the rock platform at the cliff outcrop in the vicinity of Domain 7.*
- e) In order to maintain natural tidal movement of water at the western end of The Haven beach (Eastern end of the project), the piered design of the Boardwalk decking be extended as far as practical to the corner of the building designated as the "Sailing Club" at the Haven minimising the proposed extension of the sandstone retaining wall.*
- f) Boardwalk materials be selected to minimise shading of the macroalgae beds in the intertidal areas.*

580/19 *That Council investigate any heritage significance of the rock platform and work with the funding body to accommodate any heritage considerations.*

581/19 *The Boardwalk be included in Council's Terrigal CBD cleaning program, with that location to be inspected and any litter removed on a daily basis, so as to ensure there are no adverse environmental impacts associated with debris or foliage.*

582/19 *The Boardwalk be included in Council's assets maintenance inspection schedule on a 3 month frequency with works undertaken or scheduled on a priority risk basis. (see Attachment 2 Terrigal Boardwalk and Rock pool design drawings - drawing number TBP-DD-MADE-DRG-2022)*

583/19 *That Council investigate disabled parking within the vicinity of the Boardwalk.*

For:

Mayor Smith and Councillors Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best

Against:

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

A division was called by Councillors Vincent and Sundstrom.

For:

Mayor Smith and Councillors Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best

Against:

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

As a result of the division the motion was declared carried.

4.5 Community Support Grant Program 2018-2019 - March, April and May 2019

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has connection with some of the community members and is familiar with who they are. Councillor Greenaway chose to remain in the chamber and advised that she won't be influenced by this in any decision making.

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows or has worked with many of the organisations. Councillor Hogan chose to remain in the chamber citing that this would not impact on her impartiality.

Councillor Vincent declared a less than significant non pecuniary interest in the matter as he has family who are members of the Wyong Writers. Wyong Writers are a branch of the Fellowship of Australian Writers NSW Incorporated. Councillor Vincent chose to remain in the chamber as he has no executive membership role or decision making authority with the Wyong Writers.

Moved:

Councillor Vincent

Seconded:

Councillor Gale Collins

Resolved

584/19 *That Council allocate \$120,654.61 from the 2018-19 grants budget to the community grant programs as outlined in the following report and*

Attachment 1.

585/19 *That Council decline applications for the reasons indicated in Attachment 2 the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

4.6 **Tourism Opportunity Plan**

Councillor Best left the chamber at 7.39pm, returned at 7.41pm and did not participate in discussion and voting.

Moved: **Mayor Smith**

Seconded: **Councillor Gale Collins**

Resolved

586/19 *That Council receive the report on the Tourism Opportunity Plan.*

587/19 *That Council exhibit the Tourism Opportunity Plan for 60 days to allow for public consultation.*

588/19 *That Council consider a further report on the results of the public exhibition and finalisation of the Tourism Opportunity Plan.*

For:

Unanimous

4.7 **Playspace at Johns Road Wadalba**

Moved: **Councillor MacGregor**

Seconded: **Councillor Best**

Resolved

589/19 *That Council endorse Option 2 - Design and construct of a new playspace at Lot 229 DP1213339 Johns Road, Wadalba in the 2019/20 financial year as recommended in this report.*

For:

Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, Gale Collins, Pilon, McLachlan, Holstein, Burke, Vincent, MacGregor, Hogan and Best

Against:

Councillor Marquart

5.1 Update on Report Due to Council - Central Coast Dredging

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

590/19 That Council receive and note the report on Update on Report Due to Council - Central Coast Dredging.

For:
Unanimous

5.2 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 May 2019

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

591/19 That Council receive the report on Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 May 2019.

For:
Unanimous

5.3 Record of the Community Strategic Plan Community Reference Group Meeting 30 April 2019

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

592/19 That Council receive the report on Record of the Community Strategic Plan Community Reference Group Meeting 30 April 2019.

For:
Unanimous

7.1 Notice of Motion - Gosford Cultural Precinct

Councillor Holstein declared a pecuniary interest in the matter as that is the site of his current

part time employer. Councillor Holstein left the chamber at 7.44pm, returned at 8.01pm and did not participate in discussion and voting.

Moved: **Councillor Best**
Seconded: **Councillor Marquart**

Resolved

593/19 ***That Council, via its usual media channels, provide a public update in general terms of progress on the Gosford Cultural Precinct.***

594/19 ***That Council requests the Chief Executive Officer provide a report to the meeting being held on 26 August 2019 on the cost of engaging an auditor to examine the Gosford Cultural Precinct Project with a view to reporting to Council on risks in relation to land acquisition, capital/construction costs including operating costs over a ten year scenario with depreciation.***

For:
Unanimous

7.2 **Notice of Motion - Kayaking/Canoeing Tourism Opportunities**

Moved: **Mayor Smith**
Seconded: **Councillor MacGregor**

Resolved

That Council:

595/19 ***Note the vision of the Central Coast Destination Management Plan to be "the natural choice for leisure, business and major events in regional NSW".***

596/19 ***Note that as part of the development of Council's Active Lifestyle Strategy in 2019/20, Council will also consult with recreation users of the region's waterways to understand their needs and support planning for future investment.***

597/19 ***Request the Chief Executive Officer to undertake an initial assessment of:***

- ***the current level of active use of the region's waterways for canoeing / kayaking and similar activities***
- ***the trends in low impact waterway activation for tourism purposes***
- ***an overview of the sector including key peak bodies, key calendar events and / or trends***
- ***opportunities for key staging points to encourage the growth of this industry***
- ***opportunities for Council to actively promote the growth of this activity on the Central Coast***

- *initial consideration of positive and negative factors in promoting this tourism opportunity*
- *a pathway forward, including timeframes, if Council resolved to focus on growing this sector*
- *that the matter be referred to the Tourism Advisory Committee*

598/19 *Request the Chief Executive Officer provide a report to Council by 30 September 2019.*

For:
Unanimous

Procedural Motion

Councillor Hogan left the chamber at 8.03pm, returned at 8.13pm and did not participate in discussion and voting.

Moved: **Mayor Smith**
Seconded: **Councillor Gale Collins**

Resolved

599/19 *That Council note that Councillor Holstein will be absent from 30 July to 25 August 2019 due to medical reasons and leave of absence be granted.*

For:
Unanimous

Confidential Session

Councillor Hogan declared a significant non pecuniary interest in the matter as the organisation she works for is noted in the report. Councillor Hogan left the chamber at 8.03pm, returned at 8.13pm and did not participate in discussion and voting.

Moved: **Councillor Holstein**
Seconded: **Councillor Best**

Resolved

600/19 *That the meeting move into Confidential Session.*

For: Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Gale Collins, Pilon, McLachlan, Holstein, Burke, Marquart and Best	Against: Councillors Greenaway, Vincent and MacGregor
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At this stage of the meeting being 8.04pm 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:-

4.4 Volunteer Section 355 Committees

Pursuant to Section 10A(2)(g) of the Local Government Act as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and because consideration of the matter in open Council would, on balance, be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the Central Coast community.

Open Session

The meeting resumed in open session at 8.13pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

4.4 Volunteer Section 355 Committees

Councillor Hogan declared a significant non pecuniary interest in the matter as the organisation she works for is noted in the report. Councillor Hogan left the chamber at 8.03pm, returned at 8.13pm and did not participate in discussion and voting.

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

601/19 That Council note this Report on Section 355 committees and the ongoing Community Facilities Review.

602/19 That Council resolve to delegate functions to the seventeen Section 355 committees for the care, control and management of the relevant seventeen Council facilities, as per the Local Government Act 1993,

- **Berkeley Road Sports Complex**
- **Budgewoi Scout Hall**
- **Chain Valley Bay Community Hall**
- **Chittaway Point Hall**
- **Kincumber School of Arts**
- **Kulnura Memorial Hall**
- **Lake Munmorah & District Senior Citizens Centre**
- **San Remo Neighbourhood Centre**

- ***Sohier Park Community Hall***
- ***St Barnabas Church***
- ***Summerland Point Community Hall***
- ***Toukley District Art & Tourist Centre***
- ***Toukley Neighbourhood Centre***
- ***Tuggerah Community Hall***
- ***Tuggerawong Retirement Village***
- ***Tunkuwallin Park Hall***
- ***Wyong Old School Community Centre***

603/19 ***The Council note that a further Report will be presented and considered following the completion of the Community Facilities Review, with recommendations of the future of Section 355 committees.***

For:

Unanimous

The Meeting closed at 8.14pm.