



Central Coast Council

Minutes of the
Ordinary Council Meeting of Council
Held in the Council Chamber
2 Hely Street, Wyong
on 11 June 2019

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Holstein OAM, 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), Beth Burgess (Acting Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Acting Director Water and Sewer), Evan Hutchings (Director Governance) and Craig Norman (Chief Finance Officer).

The Mayor, Jane Smith, declared the meeting open at 6.31pm.

The Mayor, Jane Smith 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 Chris Burke

Leaves of Absence

Moved: **Councillor Gale Collins**

Seconded: **Councillor Sundstrom**

Resolved

475/19 That Council resolve to accept the following leave of absence requests:

- **Councillor Holstein for the period of 8-15 July 2019, and**
- **Councillor Pilon for the period of 8-15 July 2019.**

For:

Unanimous

1.1 Disclosure of Interest

Item 4.10 Grants and Sponsorship Program Round 2 - 2018-19 - Community Development Grant

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has professional relationships with many of the grant recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting because she can be objective in her decision making.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she volunteers with the Waterwatch Programme. Mayor Smith left the chamber at 7.36pm and returned at 7.53pm. She did not participate in discussion or voting.

Item 7.1 Deferred Item - Notice of Motion - San Remo BMX Park – Congratulations

Councillor Hogan declared a less than significant non pecuniary interest in the matter as the organisation that she works for was a partner in the development of the BMX park. Councillor Hogan chose to remain in the chamber and participate in discussion and voting and will manage the conflict by highlighting the benefit of partnerships as she has no personal interest in BMX. The matter was deferred to the next meeting.

Councillor Vincent declared a less than significant non pecuniary interest as he has volunteered at the BMX park and has children that utilise the site on non-race days. Councillor Vincent chose to remain in the chamber and participate in voting and discussion as he is not a member of the club or the committee. The matter was deferred to the next meeting.

Item 9.1 Davistown Wetlands Acquisition

Councillor Holstein declared a significant non pecuniary interest in the matter as the land owner is landlord of his wife's business premises. Councillor Holstein left the chamber at 10.01pm and did not return. He did not participate in discussion or voting.

Councillor Sundstrom declared a less than significant, non-pecuniary interest in the matter as he has been liaising with community members that are desirous of protecting these lands. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting because he can make his judgments based on the merits of the recommendation only.

Item 9.2 Gosford Cultural Precinct – ET Negotiations

Councillor Holstein declared a pecuniary interest in the matter as he works part-time with Regional Youth Support Services who are a tenant of Parkside. Councillor Holstein left the chamber at 10.01pm and did not return. He did not participate in discussion or voting.

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

476/19 *That Council receive the report on Disclosures of Interest and note advice of disclosures.*

For:
Unanimous

At 6.36pm the Mayor paid tribute to the eight Central Coast residents who are recipients of awards in the Queen's Birthday Honours List. In particular the Mayor congratulated Deputy Mayor Councillor Chris Holstein who received an OAM for his services to local government and the Gosford community.

The other recipients congratulated by the Mayor were:

- Patsy Edwards OAM
- Donald van Keimpema OAM
- Brenda Booth OAM
- Denise Lawrence OAM
- Dr Michael Skobie OAM
- Karen McCann OAM
- Alan Morris AM

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins
Seconded: Councillor MacGregor

Resolved

477/19 *That Council confirm the minutes of the Ordinary Meeting of the Council held on 27 May 2019 with the following amendment:*

***Item 1.3 – Notice of Intention to Deal with Matters in Confidential Session.
Correction: Mayor Jane Smith voted for this item.***

For:
Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Mehrtens
Seconded: Councillor Sundstrom

Resolved

478/19 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) of the Local Government Act 1993 for the following reasons:

Item 9.1 Davistown Wetlands Acquisition

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 attachment 1 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.

Item 9.2 Gosford Cultural Precinct

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 attachment 1 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:
Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Holstein,

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

Vincent, MacGregor and Hogan

Procedural Motion – Exception

Moved: ***Councillor Gale Collins***

Seconded: ***Councillor Vincent***

Resolved

479/19 *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

- 4.1 Deferred Item - Ordinary Rates Harmonisation
- 4.2 Deferred Item - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019
- 4.3 Deferred Item - Meeting Record of the Environment Trust Management Committee held on 26 March 2019
- 4.4 Deferred Item - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019
- 4.6 Draft Code of Meeting Practice - Submissions and further information
- 4.8 Response to Motion of Urgency - Terrigal Water Quality
- 4.10 Grants and Sponsorship Program Round 2 - 2018-19 - Community Development Grant
- 4.12 Consideration of Submissions and Adoption of the Operational Plan 2019-20
- 5.1 Deferred Item - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017
- 7.1 Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations
- 7.2 Deferred Item - Notice of Motion - Innovation and Futures Reference Group
- 7.3 Deferred Item - Notice of Motion - Water Management Committee
- 7.4 Notice of Motion - Emergency Desal Delivery Schedule
- 8.1 Rescission Motion - Draft Aviation HUB
- 9.1 Deferred Item - Response to Notice of Motion - Davistown Wetlands Acquisition
- 9.2 Gosford Cultural Precinct - ET Negotiations

480/19 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

- 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana
- 3.1 CPA/1183 - Payroll System Implementation
- 3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp
- 4.5 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019
- 4.7 Request for Memorial Seat
- 4.9 Heritage Grant Program Round 2 2018-19
- 4.11 CCC Liquid Trade Waste Policy
- 5.2 Councillor Expenses and Facilities Report as at 30 April 2019
- 5.3 Rocket Ship Park - Lions Park Long Jetty

For:
Unanimous

2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

481/19 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.

For:
Unanimous

3.1 CPA/1183 - Payroll System Implementation

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

482/19 That the Council resolve to decline to accept any of the tenders, in accordance with cl. 178(1)(b) of the Local Government (General) Regulation 2005.

483/19 That the Council determine, for the purposes of cl. 178(3)(e) of the Local Government (General) Regulation 2005 ("the LG Regulation"), that the Council enter in to negotiations with the entity identified as Tenderer No. 5 in confidential Attachment 1 to this report ("Tenderer 5") and any other appropriate vendors, with a view to entering in to a contract in relation to the subject matter of the request for tender.

484/19 That the Council note, for the purposes of cl. 178(4) of the LG Regulation, that:

- a Its reasons for declining to invite fresh tenders or fresh applications are:**
 - i inviting fresh tenders or applications is unlikely to result in a more beneficial contract than direct negotiations with Tenderer 5 and any other appropriate vendors**

b The Council's reason for determining to enter in to negotiations with Tenderer 5 and any other appropriate vendors are that the risks identified by the Council in respect to the tender received from Tenderer 5 have some prospect of being resolved by direct negotiations, which if so resolved would result in an appropriate contract for the Council.

485/19 That the Council resolve that this report and its attachments remain confidential in accordance with s.11 (3) of the Local Government Act 1993 ("LG Act"), because:

a The report and its attachments contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business (s. 10A(2)(c) of the LG Act);

b The report and its attachments contain commercial information of a confidential nature which, if disclosed, would prejudice the commercial position of the person who supplied it to the Council (s. 10A(2)(d)(i) of the LG Act.

486/19 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 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

3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp

Moved: Councillor Gale Collins

Seconded: Councillor Vincent

Resolved

487/19 That Council declines all tenders received for Contract CPA/1877 – Design and Construction of Correa Bay Boat Ramp in accordance with cl.178 Local Government (General) Regulation 2005.

488/19 That Council declines to invite fresh tenders because the market has responded.

489/19 *That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as per cl.178(3) of the 'Regulation'.*

490/19 *That Council determine the Tender Evaluation Report (Attachment 1) remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.*

For:

Unanimous

4.1 **Deferred Item - Ordinary Rates Harmonisation**

Moved: Councillor Best

Seconded: Councillor Vincent

Resolved

491/19 *That Council receive the report on Deferred Item – Ordinary Rates Harmonisation.*

492/19 *That Council request the Chief Executive Officer to report back to Council on the implication on any legislative change to the rates harmonisation process.*

For:

Unanimous

4.2 **Deferred Item - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019**

Moved: Mayor Smith

Seconded: Councillor Sundstrom

Resolved

493/19 *That Council note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019 that is Attachment 1 to this report*

494/19 *The COSS logo be included on COSS Related materials including COSS Committee meeting Agendas and Meeting Records.*

For:

Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway,

Against:

Councillors Gale Collins, Pilon and Marquart

***McLachlan, Holstein, Vincent, MacGregor,
Hogan and Best***

4.3 Deferred Item - Meeting Record of the Environment Trust Management Committee held on 26 March 2019

**Moved: Mayor Smith
Seconded: Councillor Sundstrom**

Resolved

495/19 That Council note the draft Meeting Record of the Protection of the Environment Trust (POET) Management Committee held on 26 March 2019 that is Attachment 1 to this report.

496/19 That Council defer consideration of the rezoning of land held in Trust for further consideration of the POET Committee.

497/19 That Council notes the six parcels of land have been donated to the POET for the specific purpose of environmental protection.

***For:
Unanimous***

4.4 Deferred Item - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019

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

Resolved

498/19 That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019, that is Attachment 1 to this report.

499/19 That Council determine the Terms of Reference for the Terrigal Water Quality Sub-Committee as provided in Attachment 2 with the addition of those provisions recommended by staff in the report.

500/19 That Council note an error in the draft terms of reference listing Councillor Gale Collins as a member of the Sub-Committee.

***For: Mayor Smith and Councillors Matthews,
Mehrtens, Sundstrom, Greenaway, Gale***

***Against:
Councillors Marquart and Best***

*Collins, Pilon, McLachlan, Holstein, Vincent,
MacGregor and Hogan*

4.5 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019

Moved: Councillor Gale Collins

Seconded: Councillor Vincent

Resolved

501/19 That Council note the Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held 9 April 2019 that is Attachment 1 to this report.

502/19 That the Chief Executive Officer consider the proactive release of the independent assessment report titled Technical Environment & Operational Review, Mangrove Mountain Landfill, Wisemans Ferry Road, Mangrove Mountain NSW dated 5 May 2017, following receipt of letter from the Environment Protection Authority. The report is to be placed on Council's website if proactively released.

For:

Unanimous

4.6 Draft Code of Meeting Practice - Submissions and further information

Moved: Mayor Smith

Seconded: Councillor Hogan

Resolved

503/19 That Council note and consider the one submission that was received during the exhibition period as required by Section 362 of the Local Government Act.

504/19 That in accordance with Section 360 of the Local Government Act 1993, Council adopted the draft Code of Meeting Practice as set out in Attachment 1 to this report with the following;

1 Clause 10.9 be amended as follows:

A motion or an amendment to a motion raised during debate which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the

expenditure that is the subject of the motion. If the motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

2 Clause 10.25(a) be amended as follows:

Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now be put, or the Chairperson may put the motion or amendment:

- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or**
- (b) if at least two(2) Councillors have spoken to in favour of the motion or amendment and at least two (2) Councillors have spoken against it.**

3 Add at Clause 9.17:

Questions should take no longer than 60 seconds.

**For:
Mayor Smith and Councillors Greenaway,
McLachlan, Holstein, Vincent, MacGregor
and Hogan**

**Against:
Councillors Matthews, Gale Collins, Pilon,
Marquart and Best**

**Abstained:
Councillors Mehrtens and Sundstrom**

This item was declared CARRIED on the casting vote of the Mayor.

4.7 Request for Memorial Seat

Moved: Councillor Gale Collins

Seconded: Councillor Vincent

Resolved

505/19 That Council approve the application by Mrs Collier for a memorial seat to be installed in memory of her late husband, William James Collier.

**For:
Unanimous**

4.8 Response to Motion of Urgency - Terrigal Water Quality

Moved: Councillor Greenaway
Seconded: Councillor Gale Collins

506/19 That Council note the Response to Motion of Urgency.

507/19 That the Chief Executive Officer provide a regular update (every 6 weeks) detailing the pollution events reported to Council and the outcomes of the investigations conducted (ie the source of the pollution, and any compliance action).

For:
Unanimous

4.9 Heritage Grant Program Round 2 2018-19

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

508/19 That Council allocate \$26,766.00 from the 2018-19 Heritage Grant Program budget to the community grant programs as outlined in the following report and Attachment 1.

509/19 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

4.10 Grants and Sponsorship Program Round 2 - 2018-19 - Community Development Grant

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has professional relationships with many of the grant recipients. Councillor Hogan chose to remain in the chamber and participate in discussion and voting because she can be objective in her decision making.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she volunteers with the Waterwatch Programme. Mayor Smith left the chamber at 7.36pm and returned at 7.53pm. She did not participate in discussion or voting.

Moved: Councillor Best
Seconded: Councillor MacGregor

510/19 That Council allocate \$105,061.00 from the 2018-19 grants budget to the Community Development Grant Program as outlined in the following report and Attachment 1.

511/19 That Council decline the Community Development Grant Program applications for the reasons indicated in Attachment 2 and the applicants be advised and where relevant, directed to alternate funding.

For: Councillors Matthews, Mertens, Sundstrom, Greenaway, Gale Collins, Pilon, McLachlan, Holstein, Vincent, MacGregor, Hogan and Best	Against: Councillor Marquart
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4.11 CCC Liquid Trade Waste Policy

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

512/19 That Council exhibit the Liquid Trade Waste Policy for public comment.

513/19 That Council adopt the policy subject to no significant objections as a result of the exhibition.

514/19 That Council consider a further report if there are significant objections.

For:
Unanimous

4.12 Consideration of Submissions and Adoption of the Operational Plan 2019-20

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

515/19 That Council note that the draft Operational Plan for the 2019-20 financial year ("Operational Plan 2019-20") was publicly exhibited from Monday 1 April to Wednesday 1 May 2019, as required by ss. 405(3) of the Local Government Act 1993.

516/19 That Council consider, as required by ss. 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Operational Plan 2019-20.

- 517/19 ***That Council endorse the amendments to the exhibited draft Operational Plan 2019-20 that are set out in attachments 3, 4 and 5 to the report.***
- 518/19 ***That Council authorise the Chief Executive Officer to make final editorial amendments to the exhibited draft Operational Plan 2019-20 to ensure correctness and clarity.***
- 519/19 ***That Council adopt, pursuant to s. 405 of the Local Government Act 1993, the exhibited draft Operational Plan 2019-20 with the amendments authorised by resolutions 3 and 4 above.***
- 520/19 ***That Council authorise, subject to resolution 5, the Chief Executive Officer to make final editorial amendments to the exhibited draft Operational Plan 2019-20 with the inclusion of the Chief Executive Officer's Message and Mayor's Message prior to publication.***
- 521/19 ***That Council approve the estimates of income and expenditure as detailed in the Operational Plan for the 2019-20 financial year, as adopted by resolution 5.***
- 522/19 ***That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the reduction in the Circus and Carnival daily fee as set out in attachment 5 to this report.***
- 523/19 ***That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.***
- 524/19 ***That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.***
- 525/19 ***That Council defer action on resolution 328/19 below pending a further report to Council in relation to this matter.***

Old Gosford LGA –

Davistown Oval, Eve Williams, Terry Oval, Fred Pinkstone, Kitchner Oval, Patrick Croke and Saratoga Oval

Old Wyong LGA –

Eastern Road Top Oval, Harry Moore Oval 3, Sir Joseph Banks Passive, Lakehaven 1 and 2, Mannering Park Oval, Norah Head Hockey Oval, Sohier Park 4, Tunkuwallin Oval 1 and 2, Tuggerah Oval 1 and Wadalba High School 3.

That these grounds revert back to a Level 3 ground and fees charged at a rate of \$858.87per ground.

526/19 *That Council notes with concern the projected deficit and general issues of ward expenditure equity.*

For: Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Gale Collins, Pilon, McLachlan, Holstein, Marquart, MacGregor, Hogan and Best	Against: Councillor Vincent
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5.1 **Deferred Item - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017**

Moved: Mayor Smith
Seconded: Councillor Best

Resolved

527/19 *That Council receive the report on Deferred Item - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017.*

528/19 *That Council note the report Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017.*

For: Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, McLachlan, Holstein, Marquart, Vincent, MacGregor, Hogan and Best	Against: Councillors Gale Collins and Pilon
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5.2 **Councillor Expenses and Facilities Report as at 30 April 2019**

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

529/19 *That Council receive the report on Councillor Expenses and Facilities Report as at 30 April 2019.*

For:
Unanimous

5.3 Rocket Ship Park - Lions Park Long Jetty

Moved: Councillor Gale Collins

Seconded: Councillor Vincent

Resolved

530/19 That Council receive and note the report on Rocket Ship Park - Lions Park Long Jetty.

For:

Unanimous

7.1 Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations

Councillor Hogan declared a less than significant non pecuniary interest in the matter as the organisation that she works for was a partner in the development of the BMX park. Councillor Hogan chose to remain in the chamber and participate in discussion and voting and will manage the conflict by highlighting the benefit of partnerships as she has no personal interest in BMX. The matter was deferred to the next meeting.

Councillor Vincent declared a less than significant non pecuniary interest as he has volunteered at the BMX park and has children that utilise the site on non-race days. Councillor Vincent chose to remain in the chamber and participate in voting and discussion as he is not a member of the club or the committee. The matter was deferred to the next meeting because

Moved: Councillor Hogan

Seconded: Mayor Smith

Resolved

531/19 That this item be deferred be to the 8 July 2019 Council Meeting.

For:

Unanimous

7.2 Deferred Item - Notice of Motion - Innovation and Futures Reference Group

Moved: Mayor Smith

Seconded: Councillor Best

Resolved

532/19 That Council receive the report on Deferred Item – Notice of Motion – Innovation and Futures Reference Group.

533/19 *That Council establish an Innovation and Futures Reference Group to provide input and advice to the newly created Innovation and Futures Directorate.*

534/19 *The Innovation and Futures Reference Group will be responsible for providing advice and feedback on strategic matters such as:*

- i. development of a long term Strategy for the Coast with a ten year plus time horizon.*
- ii. building a sustainable and innovative economy on the Central Coast.*
- iii. helping develop new and innovative technologies and businesses to create jobs for the future.*
- iv. delivering the objectives of the Community Strategic Plan (CSP).*
- v. ensuring Council leads the way and by example in sustainable practices including energy efficiency measures in Council facilities.*

535/19 *Membership of the Reference Group is to include the Mayor, nominated Councillors, Chief Executive Officer, expert members invited from academic institutions and others with relevant knowledge, skills and / or experience.*

536/19 *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and a process to determine membership of the Reference Group.*

537/19 *The Chief Executive Officer provide a further report to Council at the second Ordinary Meeting in August 2019.*

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

Against:
Councillors Gale Collins, Pilon, McLachlan and Marquart

Abstained:
Councillor Best

7.3 **Deferred Item - Notice of Motion - Water Management Committee**

Moved: Mayor Smith
Seconded: Councillor Vincent

Resolved

538/19 *That Council receive the report on Deferred Item – Notice of Motion – Water Management Committee.*

- 539/19 That Council establish a Central Coast Water Management Advisory Committee (CCWMAC).**
- 540/19 The Advisory Committee will be responsible for providing advice and feedback to Council on the management of the water supply and related matters including, but not limited to:**
- i. promoting the efficient delivery of the water supply, sewerage and drainage services for the long-term interests of consumers with respect to price, quality, safety, reliability and security of supply.**
 - ii. maximising water conservation, demand management and the use of recycled water.**
 - iii. total catchment management and consideration of the entire water cycle.**
 - iv. community education on the sustainable use of water.**
 - v. implementation of Water Sharing Plans relevant to the Central Coast.**
 - vi. development of the Integrated Water Management Plan with a long term focus.**
- 541/19 Membership of the Committee is to comprise the Mayor, nominated Councillors, the CEO and committee members with knowledge, skills and / or experience that can contribute to the functions and deliberations of the committee including social, economic and environmental considerations.**
- 542/19 That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and an Expression of Interest Process for the Water Management Advisory Committee.**
- 543/19 A further report come back to Council no later than the first Ordinary meeting in August, 2019.**

For:

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

Against:

Councillors Gale Collins, Pilon, McLachlan and Marquart

7.4 Notice of Motion - Emergency Desal Delivery Schedule

Moved: Councillor Best
Seconded: Councillor Marquart

- 1 That this Council supports and recognises the outstanding contribution of the former Wyong Shire Council and the then Central Coast Water Authority for their leadership and**

legacy around water security that secured formal Approvals to construct the Emergency Lakes Beach Desalination Plant.

- 2 *That as our anchor water supply Mangrove Creek Dam (MCD) continues to dwindle, Council now moves to begin the formal process to make 'shovel ready' the Desalination Plant.*
- 3 *That Staff report to Council on the current status of this critical infrastructure initiative covering but not limited to, Desal trigger points, rolling budget allocations, designs, approvals, tender process, construction scheduling, commissioning and estimated annual water yield including any agreements to reciprocate supply to the Hunter via the upgraded northern pipeline.*
- 4 *That Council understands that a protracted continuation of the prevailing weather conditions would likely result in the need to manufacture drinking water and that design, construct and commissioning of such a Desalination Plant would take some years despite approvals already being secured by the former Wyong Shire Council.*

Amendment Moved: Councillor Matthews

Amendment Seconded: Councillor Vincent

That this item be referred to the Water Management Committee.

For:

Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Holstein, Vincent, MacGregor and Hogan

Against:

Councillors Greenaway, Gale Collins, Pilon, McLachlan, Marquart and Best

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

Moved: Councillor Matthews

Seconded: Councillor Vincent

Resolved

544/19 That this item be referred to the Water Management Committee.

For:

Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Greenaway, Holstein, Vincent, MacGregor and Hogan

Against:

Councillors Gale Collins, Pilon, McLachlan, Marquart and Best

The meeting adjourned at 9.33pm and resumed at 9.47pm.

8.1 Rescission Motion - Draft Aviation HUB

Moved: Councillor Best
Seconded: Councillor McLachlan

That the following resolution in part carried at the Ordinary Meeting of Council held on 27 November 2017 be rescinded:

- 756/17 *That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 762/17 *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17 *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*

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

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

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

Confidential Session

Councillor Holstein left the chamber at 10.01pm and did not return. He was not present for discussion or voting on this item.

Moved: Councillor Mehrtens
Seconded: Councillor Sundstrom

Resolved

545/19 That the meeting move into Confidential Session.

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

Against:
Councillor Gale Collins, Pilon and
Marquart

At this stage of the meeting being 10.02pm 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:-

9.1 Deferred Item - Response to Notice of Motion - Davistown Wetlands Acquisition

Pursuant to Section 11(3) of the Local Government Act 1993, that this report and attachment 1 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.

9.2 Gosford Cultural Precinct - ET Negotiations

Pursuant to Section 10A(2)(c) of the Local Government Act 1993, that Attachment 1, 2, 3 and 4 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 Councils ability to obtain value for money services for the Central Coast community.

Open Session

The meeting resumed in open session at 10.54pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

9.1 Deferred Item - Response to Notice of Motion - Davistown Wetlands Acquisition

Councillor Holstein declared a significant non pecuniary interest in the matter as the land owner is landlord of his wife's business premises. Councillor Holstein left the chamber at 10.01pm and did not return. He was not present for discussion or voting on this item.

Councillor Sundstrom declared a less than significant, non-pecuniary interest in the matter as he has been liaising with community members that are desirous of protecting these lands. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting because he can make his judgments based on the merits of the recommendation only.

Moved: Councillor Marquart
Seconded: Councillor Gale Collins

- 1 *That Council receive the report on Deferred Item – Response to Notice of Motion – Davistown Wetlands Acquisition.*
- 2 *That Council authorise the Chief Executive Officer to complete due diligence investigations on the condition and status of the following land parcels:*
 - *Lot 1 DP 547660*
 - *Lot 30 DP 456234*
 - *Lot 31 DP 5820*
 - *Lot 32 DP 5820*
 - *Lot 52 DP 6014*
 - *Lot 53 DP 6014*
 - *Lot 92 DP 12206*
 - *Lot 93 DP 12206*
- 3 *That Council authorise the Chief Executive Officer to commence negotiations for the purchase of the combined 19.26ha bundle of land parcels and offer a fair and reasonable purchase price having regard to market value.*
- 4 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 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.*
- 5 *Any residual funds remaining post purchase would remain in the Davistown Wetland fund to be directed to complete any required maintenance and/or application costs for any available infrastructure grants to facilitate the creation of community walkways within the purchased blocks.*

Amendment Moved: Councillor Sundstrom
Amendment Seconded: Councillor Mehrtens

- 1 *That Council receive the report on Deferred Item – Response to Notice of Motion – Davistown Wetlands Acquisition.*
- 2 *That Council authorise the Chief Executive Officer to complete due diligence investigations on the condition and status of the following land parcels:*
 - *Lot 1 DP 547660*
 - *Lot 30 DP 456234*
 - *Lot 31 DP 5820*
 - *Lot 32 DP 5820*
 - *Lot 52 DP 6014*
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- 3 *That Council authorise the Chief Executive Officer to commence negotiations for the purchase of the combined 19.26ha bundle of land parcels and offer a fair and reasonable purchase price having regard to market value.*
- 4 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 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.*
- 5 *If land successful acquired then request the Chief Executive Officer:*
 - a. *Reclassify land acquired to community land.*
 - b. *Investigate opportunities with relevant agencies for a binding conservation agreement to be placed on the land.*
 - c. *Further report to come back to Council within 6 months of acquisition.*

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

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

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

Moved: Councillor Sundstrom
Seconded: Councillor Mehrtens

Resolved

546/19 That Council receive the report on Deferred Item – Response to Notice of Motion – Davistown Wetlands Acquisition.

547/19 *That Council authorise the Chief Executive Officer to complete due diligence investigations on the condition and status of the following land parcels:*

- **Lot 1** **DP 547660**
- **Lot 30** **DP 456234**
- **Lot 31** **DP 5820**
- **Lot 32** **DP 5820**
- **Lot 52** **DP 6014**
- **Lot 53** **DP 6014**
- **Lot 92** **DP 12206**
- **Lot 93** **DP 12206**

548/19 *That Council authorise the Chief Executive Officer to commence negotiations for the purchase of the combined 19.26ha bundle of land parcels and offer a fair and reasonable purchase price having regard to market value.*

549/19 *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 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.*

550/19 *If land successful acquired then request the Chief Executive Officer:*

- a.** *Reclassify land acquired to community land.*
- b.** *Investigate opportunities with relevant agencies for a binding conservation agreement to be placed on the land.*
- c.** *Further report to come back to Council within 6 months of acquisition.*

For:

Unanimous

9.2 Gosford Cultural Precinct - ET Negotiations

Councillor Holstein declared a pecuniary interest in the matter as he works part-time with Regional Youth Support Services who are a tenant of Parkside. Councillor Holstein left the chamber at 10.01pm and did not return. He was not present for discussion or voting on this item.

Moved: **Mayor Smith**

Seconded: **Councillor Mehrtens**

Resolved

- 551/19** *That Council purchase the land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford) by private treaty, in accordance with either revised Option 1 or revised Option 2 outlined in Confidential Attachment 2.*
- 552/19** *That Council purchase the amalgamated lots listed in Confidential Attachment 4 by private treaty.*
- 553/19** *The Chief Executive Officer be authorised to carry out all actions necessary to complete the purchases.*
- 554/19** *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachment 1, 2, 3 and 4 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.*
- 555/19** *That the Chief Executive Officer provide a confidential briefing to elected state and federal MPs on the progress of the Cultural Precinct.*

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

Against:
Councillors Greenaway, Gale Collins, Pilon, McLachlan, Marquart and Best

A division was called by Councillors Marquart and Best.

Questions on Notice

Q110/19 QON - Committees
Councillor Lisa Matthews

Can staff please list all of the committees , reference groups we currently have and advise how often each meet and makeup of community members, staff and Councillors?

Q111/19 QON - Arthouse Board Members
Councillor Lisa Matthews

Can staff please advise the names of the Art House Board and is it still considered a skills based board?

Q112/19 QON - Rawson Road and Oceanb Beach Road
Councillor Richard Mehrtens

Did Council seek funding for the election announcement by the Federal Government for upgrades to the intersection at Rawson Road and Ocean Beach Road? What plans does Council have for these major road works?

**Q113/19 QON - Liquid Trade Waste
Councillor Louise Greenaway**

Council's Liquid Trade Waste Policy specifically lists cat litter as a prohibited substance. Would it be possible to notify the Companion Animals Advisory Committee of this so when it convenes, the committee can address concerns of cat owners as to best practice for cat litter disposal?

**Q114/19 QON - Warnervale Land
Councillor Louise Greenaway**

Would staff please provide an update on the proposed sale of the Warren Rd Warnervale land as it is now 9 months since the resolution was passed and many in the community had expected a sale well within that time frame especially given that the property has been sold before?

**Q115/19 QON - Safety Concerns
Councillor Rebecca Gale Collins**

Can Council investigate safety concerns and possible need for Armco railing on Carlton Road in Erina Heights due to community concerns about recent accidents?

**Q116/19 QON - Response to QON
Councillor Bruce McLachlan**

With regards to my Question on Notice from last week could I please have a response to advise whether or not I can get the Wyong Employment Zone/Warnervale Councillor briefing put on the website?

**Q117/19 QON - Possible Recycling Program
Councillor Doug Vincent**

Could staff please advise if it would be possible to run a "Garbage Starver", "Don't feed the red bin" or similar program, to further encourage residents to reduce waste going into red bins and increase recycling?

**Q118/19 QON - Paper Bark Trees
Councillor Doug Vincent**

Could staff please advise if the old paperbark trees of cultural significance at McKenzie reserve Budgewoi - which were previously acknowledged and protected under the old Wyong Shire tree policy - are protected by any Central Coast Council policies?

If the trees are not protected, what would be the best approach or policy to reinstate ongoing protection for these trees?

Q119/19 QON - Council Grants
Councillor Kyle MacGregor

Can Council please provide an update on the number of grants applied for by Central Coast Council split up by the ward they are in and the number of successful grant applications in the relevant ward over the past 12 months?

Q120/19 QON - Vegetation Clearing Entitlement
Councillor Kyle MacGregor

Is number 3 Ethel Close Narara NSW 2250 within the 10/50 vegetation clearing entitlement area?

Q121/19 QON - Council Owned Machinery
Councillor Jillian Hogan

Does Council currently own any 'cherry pickers' or 'scissor lifts' i.e one or multiple AWP, EMP, or MEWP or does council hire these items of plant and machinery as required for works as they arise?

Q122/19 QON - Management of Lakes and Waterways
Councillor Jillian Hogan

There are many points of view as to how we should manage our lakes and waterways. Could staff please provide me with:

- 1) how we currently manage our waterways; and
- 2) a report on the ecology of our waterways?

The Meeting closed at 11.03pm.