



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
2 Hely Street, Wyong
on 25 September 2019

Present

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

In Attendance

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

The Mayor, Lisa Matthews, declared the meeting open at 6.30pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

The Mayor, Lisa Matthews 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 Mayor, Lisa Matthews made an opening speech.

At the commencement of the ordinary meeting report no. 7.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

Moved: **Councillor Pilon**
Seconded: **Councillor Gale Collins**

Resolved

891/19 ***That the apology from Councillor Marquart be accepted.***

For:
Unanimous

The Mayor, Lisa Matthews, invited Councillor Greenaway to present an award she accepted on behalf of Central Coast Council from the Wyong District Garden Club Committee. The certificate of appreciation was accepted by Gary Murphy, Chief Executive Officer.

1.1 Disclosures of Interest

Item 3.1 Community Support Grant Program - July 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows or works with many community groups who may be recipients. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she associates with many community groups. This item was resolved by the exception method.

Item U2/19 Gosford Regional Library

Councillor Holstein declared a pecuniary interest in the matter as he is a casual employee of a tenant of current premises at Parkside. Councillor Holstein left the chamber at 9.28pm, did not return and did not participate in discussion and voting.

Councillor Best declared a less than significant non pecuniary interest in the matter as his company is a local non for profit organisation that is involved in negotiations for the provision of services. Councillor Best chose to remain in the chamber as the conflict is minor.

Moved: **Councillor Gale Collins**
Seconded: **Councillor MacGregor**

Resolved

892/19 ***That Council receive the report on Disclosure of Interest and note advice of disclosures.***

For:
Unanimous

Procedural Motion – Urgency Motion

Moved: Councillor Smith
Seconded: Councillor Sundstrom

Resolved

893/19 *That Council consider a motion of urgency regarding Gosford Regional Library as there are current commercial and legal negotiations to be undertaken.*

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

1.2 Notice of Intention to Deal with Matters in Confidential Session

Councillor Holstein left the chamber at 6.41pm, returned at 6.43pm, and did not participate in discussion or voting.

Moved: Councillor Smith
Seconded: Councillor Sundstrom

Resolved

894/19 *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 U2/19 – Urgency Motion – Gosford Regional Library

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 Council's ability to obtain value for money services for the Central Coast community.

For:

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

1.3 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins

Seconded: Councillor Mehrtens

Resolved

895/19 That Council confirm the minutes of the previous Ordinary Meetings of Council held on 9 September 2019 and 23 September 2019.

For:

Unanimous

Procedural Motion – Exception

Moved: Councillor MacGregor

Seconded: Councillor Vincent

Resolved

896/19 That Council adopt the following items en-masse and in accordance with the report recommendations:

Item 2.1 - Proposed acquisition of part of 35 Boronia Road, Lake Munmorah (part Lot 11 DP25568) for construction of roundabout

Item 3.1 - Community Support Grant Program - July 2019

Item 4.1 - Investment Report for August 2019

897/19 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports listed:

Item 3.2 - Response to Notice of Motion - Kayaking and Canoeing Tourism Opportunities
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Item 3.3 - Response to Notice of Motion - Raise the Rate

Item 6.1 - Deferred Item - Notice of Motion - Water Security Emergency

Item 6.2 - Deferred Item - Notice of Motion - Council welcomes the Central Coast Local Planning Panel
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Item 6.3 - Notice of Motion - Council Seeks to Avoid Dismissal

Item 6.4 - Notice of Motion - Flood Study
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Item 6.5 - Notice of Motion - Terrigal Water Quality

Item 7.1 - Rescission Motion - DA/708/2018 - Multi-dwelling housing comprising 54 dwellings and community title subdivision - 7 Stratford Avenue, Charmhaven

For:

Unanimous

Procedural Motion – Order of Business

Moved: Councillor Best

Seconded: Councillor Gale Collins

Resolved

898/19 That Council bring Item 7.1 - Rescission Motion - DA/708/2018 - Multi-dwelling housing comprising 54 dwellings and community title subdivision - 7 Stratford Avenue, Charmhaven forward for consideration.

For:

Unanimous

2.1 Proposed acquisition of part of 35 Boronia Road, Lake Munmorah (part Lot 11 DP25568) for construction of roundabout

This item was resolved by the exception method.

Moved: Councillor MacGregor

Seconded: Councillor Vincent

Resolved

899/19 That Council resolve to acquire the following land for the purpose of a road ('Land'): That part of Lot 11 DP 25568 at 35 Boronia Road, Lake Munmorah as public road.

900/19 That Council authorise the CEO to execute all necessary documentation relevant to the acquisition of the Land.

901/19 That Council resolve to acquire all or some of the portions comprising the Land by compulsory process for the purposes of a road, pursuant to Section 177 of the Roads Act 1993 and in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of all or some of the portions comprising the Land with the relevant property owner or owners cannot be satisfactorily resolved.

902/19 *That Council resolve to make an application to the Minister for Local Government and the Governor for approval to acquire all or some of the portions comprising the Land by compulsory process pursuant to the Land Acquisition (Just Terms Compensation) Act 1991, in the event that negotiations for the acquisition of the Land with the relevant property owner or owners cannot be satisfactorily resolved.*

For:

Unanimous

3.1 Community Support Grant Program - July 2019

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she knows or works with many community groups who may be recipients. This item was resolved by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she associates with many community groups. This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Vincent**

Resolved

903/19 *That Council allocate \$24,435.07 from the 2019-20 grants budget to the community grant programs as outlined in the following report and Attachment 1.*

904/19 *That Council decline applications for the reasons indicated in Attachment 2 and the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

3.2 Response to Notice of Motion - Kayaking and Canoeing Tourism Opportunities

Moved: **Councillor Smith**

Seconded: **Councillor MacGregor**

Resolved

905/19 *That Council receive the report on kayaking and canoeing tourism opportunities.*

906/19 *That Council note that activating Central Coast Waterways is a key focus in both the Central Coast Destination Management Plan and the Tourism Opportunity Plan.*

907/19 *That Council refer the matter to the Tourism Advisory Committee for further consideration with a view to convening a workshop of relevant Council staff and key stakeholders to develop a draft action plan to promote and support the growth of this sector.*

For:

Unanimous

3.3 Response to Notice of Motion - Raise the Rate

Moved: **Councillor MacGregor**

Seconded: **Councillor Hogan**

Resolved

908/19 *That Council receive the report on Response to Notice of Motion – Raise the Rate.*

909/19 *That Council note a copy of the formal submission is provided as Attachment 1 to this report.*

For:

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

Against:

Councillors Pilon and Burke

Abstained: Councillor Gale Collins

A division was called by Councillors Vincent and MacGregor.

For:

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

Against:

Councillors Pilon and Burke

Abstained: Councillor Gale Collins

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

4.1 Investment Report for August 2019

This item was resolved by the exception method.

Moved: **Councillor MacGregor**

Seconded: **Councillor Vincent**

Resolved

910/19 That Council receive the Investment Report for August 2019.

For:

Unanimous

6.1 Deferred Item - Notice of Motion - Water Security Emergency

Moved: Councillor Best

Seconded: Councillor Pilon

Resolved

911/19 That Council defer consideration of moving to Level 2 restrictions at 50% capacity of Mangrove Creek Dam until after the briefing scheduled for 21 October 2019.

For:

Unanimous

6.2 Deferred Item - Notice of Motion - Council welcomes the Central Coast Local Planning Panel

Moved: Councillor Pilon

Seconded: Councillor Best

- 1 *That Council notes that the Central Coast Council is now managing a large and growing population and economy.*
- 2 *That Council supports and recognises the position taken by the State Government, to appoint a Local Planning Panel to the Central Coast Council expected to commence early in 2020 for developments between \$5million and \$20million.*
- 3 *That Council notes that the Local Planning Panel will consist of independent government-endorsed experts who make decisions on sensitive, complex and high-value development applications on behalf of Council.*
- 4 *That Council recognises this will bring greater transparency and accountability to our region's planning system.*
- 5 *That Council acknowledges Independent reviews of existing panels in NSW have demonstrated they are performing very well to deliver better planning outcomes, which is why an LPP has been established for the Central Coast.*

- 6 *That Council is aware this change has been backed by the Gosford/Erina & Coastal Chamber of Commerce, the Peninsula Chamber of Commerce, the Darkinjung Aboriginal Land Council, and the Central Coast chapter of Urban Development Australia.*
- 7 *That Council notes that the panel will free up Councillors to focus on the long-term strategic planning to deliver the region's goals and priorities across its large jurisdiction.*
- 8 *That Council notes that Council can now focus on establishing the LEP which is overdue to set the planning guidelines.*

For:
*Councillors Gale Collins, Pilon, McLachlan,
Burke and Best*

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

Abstained: Councillor Holstein

The motion was put to the vote and declared LOST.

6.3 Notice of Motion - Council Seeks to Avoid Dismissal

Moved: Councillor Best
Seconded: Councillor McLachlan

- 1 *That Council notes with great concern recent media statements attributed to our State MP for Terrigal Mr Adam Crouch that identifies Council as being in "a state of chaos."*
- 2 *That Council recognises that such a view is tantamount to a vote of no confidence and could if escalated lead to the dismissal of this Council.*
- 3 *That Council now urgently seek to engage the State Government through offering a 'without prejudice' whole of Council Meeting, (i.e. All Councillors) with our State Member and his Advisors.*
- 4 *That such a Meeting should seek to re-establish a more congenial working relationship whilst looking at various issues from a strategic perspective, important to our broader Coast Community.*

Amendment moved: Councillor Holstein
Amendment seconded: Councillor Best

That Council request the Mayor and Chief Executive Officer seek a meeting with Terrigal MP, Adam Crouch, regarding his media release on 9 September 2019.

Amendment For:
*Councillors Gale Collins, Pilon, McLachlan,
Holstein and Burke*

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

The Amendment was put to the vote and declared LOST.

Moved: Councillor Best
Seconded: Councillor McLachlan

- 1 *That Council notes with great concern recent media statements attributed to our State MP for Terrigal Mr Adam Crouch that identifies Council as being in "a state of chaos."*
- 2 *That Council recognises that such a view is tantamount to a vote of no confidence and could if escalated lead to the dismissal of this Council.*
- 3 *That Council now urgently seek to engage the State Government through offering a 'without prejudice' whole of Council Meeting, (i.e. All Councillors) with our State Member and his Advisors.*
- 4 *That such a Meeting should seek to re-establish a more congenial working relationship whilst looking at various issues from a strategic perspective, important to our broader Coast Community.*

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

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

The motion was put to the vote and declared LOST.

6.4 Notice of Motion - Flood Study

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

Resolved

- 912/19** ***That Council notes the ongoing flood mitigation problems in the business and residential areas of the Lower Wyong River Floodplain, including Mardi and Tuggerah.***
- 913/19** ***That Council notes the flooding that occurred at the end of August/ beginning of September and perhaps more recently, and the risk, inconvenience and disruption to businesses and homes that was caused.***
- 914/19** ***That Council request the Chief Executive Officer to provide a report on the recommendations contained within the Lower Wyong River Floodplain Risk Management Plan adopted by the fWSC on 27 October 2010. This report is to include;***
- a) *whether all the recommendations were implemented and if not, the rationale for not implementing them.***

- b) whether the LWRF is being addressed in the Wyong River Floodplain Risk Management Study and Plan, noting that community consultation in respect to this closed on 26 April 2019.**
- c) a copy of the Report prepared pursuant to Resolutions 302/13 305/13, (or advice that it wasn't prepared).**
- d) any recommendations to address the flooding at the intersection of Woodbury Park Dr/ Johnson Rd and Gavenlock Road.**

For:

Unanimous

6.5 Notice of Motion - Terrigal Water Quality

Councillor Best left the chamber at 9:24pm, returned at 9:40pm and did not participate in discussion and voting.

Moved: Councillor Greenaway

Seconded: Councillor Sundstrom

Resolved

- 915/19 That Council notes the ongoing water quality issues at Terrigal Beach and that the solutions require a multi-faceted approach from a number of Directorates.**
- 916/19 That Council notes that Terrigal residents, businesses and visitors remain concerned about the water quality and its potential impacts to health, the economy and to the environment.**
- 917/19 That Council request the Chief Executive Officer to prepare a report on the results of compliance action undertaken from 1 January 2019 to date, and provide a summary of other potential pollution sources that have been identified as part of the Terrigal Water Quality Audit.**
- 918/19 That Council ensure the report timing be in line with the regular water quality reporting to the Terrigal Water Quality subcommittee.**
- 919/19 That this report outline:**
 - a) the number and nature of any illegal sewer connections and the status for each (e.g. whether it is an illegally plumbed toilet and/or shower, or stormwater being connected to the sewer and whether this has been rectified, is being rectified or whether formal compliance action is being undertaken).**
 - b) issues relating to damaged/antiquated Council-owned assets.**
 - c) the reasons for the \$2.3 m Terrigal Stormwater Harvesting Scheme not being used; and**

- d) ***what measures, if any, are being implemented to bring it back into operation.***

For:

Unanimous

The meeting was adjourned at 9:28 and reconvened at 9:40pm.

7.1 Rescission Motion - DA/708/2018 - Multi-dwelling housing comprising 54 dwellings and community title subdivision - 7 Stratford Avenue, Charmhaven

Moved: Councillor Best

Seconded: Councillor Gale Collins

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

- 1 That Council defer the matter to allow for a site visit for interested Councillors and residents regarding traffic and road issues.*
- 2 That Council in the interim request the Chief Executive Officer to seek advice as to whether an additional condition of consent can be imposed to regulate car parking on site and the likelihood of success.*

For:

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

Against:

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

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

The meeting was adjourned at 7.15pm by the Mayor in accordance with Clause 15.13 of the Code of Meeting Practice due to disorder in the chamber and resumed at 7.30pm.

Confidential Session

Councillor Holstein declared a pecuniary interest in the matter as he is a casual employee of a tenant of current premises at Parkside. Councillor Holstein left the chamber at 9.28pm, did not return and did not participate in discussion and voting.

Councillor Best declared a less than significant non pecuniary interest in the matter as his company is a local non for profit organisation that is involved in negotiations for the provision of services. Councillor Best chose to remain in the chamber as it is a minor conflict that he has no present involvement with.

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

Resolved

920/19 That the meeting move into Confidential Session.

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

At this stage of the meeting being 9:45pm 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:-

U2/19 Urgency Motion – Gosford Regional Library

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 Council's ability to obtain value for money services for the Central Coast community.

Procedural Motion – Extend Meeting

Moved: **Councillor MacGregor**
Seconded **Councillor Gale Collins**

Resolved

921/19 That Council extend the meeting for a period of 5 minutes.

For:
Unanimous

Open Session

The meeting resumed in open session at 10.34pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

**U2/19 Gosford Regional Library
Councillor Smith**

Moved: Councillor Smith

Seconded: Councillor Sundstrom

Resolved

922/19 That Council notes the matters raised in the Gosford Cultural Precinct Audit workshop and the opportunity to review the business case for individual items included in the Concept;

923/19 That Council authorise the Chief Executive Officer to secure and formalise any current funding opportunities to deliver the Gosford Regional Library and deliver this important public infrastructure;

924/19 That Council notes that the need and urgency for the delivery of the Gosford Regional Library should not be held up by the Gosford Cultural Precinct review and that it should be pursued in isolation as a separate project;

925/19 That Council immediately review the two sites previously identified, being the sites known as "Parkside" and "Broadwater", for the most suitable site for the Gosford Regional Library;

926/19 That Council request the Chief Executive Officer withdraw from undertaking further work on the Gosford Cultural Precinct in its current form, including negotiations for the acquisition of land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).

927/19 That Council request the Chief Executive Officer provide an update report to Councillors at the first meeting in December 2019 on the preferred site for the Gosford Regional Library (between Parkside and the Broadwater), including a timeline to proceed with design, development application and anticipated commencement and completion of works (subject to an approved DA).

928/19 That Council meet relevant stakeholders to discuss developments within six weeks.

For:

Unanimous

The Meeting closed at 10.36pm