



## Central Coast Council

Minutes of the  
**Ordinary Council Meeting**  
Held in the Council Chamber  
2 Hely Street, Wyong  
on 22 July 2019

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### **Present**

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

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

Reports are recorded in their correct agenda sequence.

### **Leave of Absence**

Councillor Marquart was granted a Leave of Absence at the meeting of 8 July 2019 for the Ordinary Meeting 22 July 2019.

**1.1 Disclosure of Interest**

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**Item 3.1 - DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has had contact from the developer and objectors. Councillor Hogan chose to remain in the chamber and participate in discussion and voting, as she doesn't have an interest and simply listened to concerns and will remain objective.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor McLachlan declared a pecuniary interest in the matter as the applicant is a former client of his company. Councillor McLachlan left the chamber at 7.02pm, returned at 7.13pm and did not participate in discussion or voting.

**Item 3.2 - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach**

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he held meetings with residents to gather information and in response to them seeking him out. Councillor Sundstrom chose to remain the chamber and participate in discussion and voting as he will make all of his decisions based on the facts presented to him.

**Item 5.4 - Grant Funding Update as at 30 June 2019**

Mayor Smith declared a less than significant non pecuniary interest in the matter as it references Central Coast Marine Discovery Centre of which she is a committee member. Mayor Smith chose to remain in the chamber and participate in discussion and voting as no decision was being made on the matter.

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

**Resolved**

**664/19      That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**1.2 Confirmation of Minutes of Previous Meetings**

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

**Resolved**

**665/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 8 July 2019.**

**For:**  
**Unanimous**

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

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

**Resolved**

**666/19 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**

**667/19 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

**Item 2.1 - Deferred Item - Mayoral Minute - Consolidated LEP and Deferred Matters**

**Item 3.1 - DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong**

**Item 3.2 - DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach**

**Item 4.1 - Local Government NSW Annual Conference - Attendance and Voting**

**Item 5.1 - Terrigal Water Quality Audit Program**

**Item 5.4 - Grant Funding Update as at 30 June 2019**

**Item 8.1 - Notice of Motion – Integrity and Ethical Standards Unit**

**Item 8.2 - Notice of Motion – Sculptures by the Sea**

**668/19 That Council adopt the following items en-masse and in accordance with the report recommendations:**

**Item 4.2 - Central Coast Flying-fox Management Strategy**

**Item 5.2 - Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion**

**Item 5.3 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019**

**Item 5.5 - Investment Report for June 2019**

**For:**

**Unanimous**

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**2.1 Deferred Item - Mayoral Minute - Consolidated LEP and Deferred Matters**

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**Moved: Mayor Smith**

**Resolved**

**669/19 That Council note that Council has resolved to exhibit the Draft Urban Spatial Plan - A Framework for the Local Strategic Planning Statement to provide a spatial framework to guide the Central Coast Region's future growth and development over the next 20 years.**

**670/19 That Council note that this will in effect commence the process of developing a Comprehensive LEP and DCP for the Central Coast.**

**671/19 That Council note the proposed outcomes of the Consolidated LEP included "retention of current development standards mapped within the Gosford LEP 2014 and Wyong LEP 2013" as included in the Council report dated 23 November, 2016.**

**672/19 That Council note concerns that the draft Consolidated LEP varies development standards, in particular;**

**a Reducing the minimum lot size in R2 from 550 sqm to 450 sqm**

**b Moving height controls in R2 from the LEP to the DCP**

**673/19 That Council note concerns in mapping environmental lands across to less than equivalent zones in the new LEP.**

**674/19 That Council request the Chief Executive Officer provide a minimum of one day (or equivalent) Councillor workshop;**

- a To gain a full understanding of implications of the proposed Consolidated LEP**
- b Consider submissions**
- c Discuss the process for the Comprehensive LEP including the community engagement process**

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

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

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**3.1 DA/1484/2018 - Boarding House containing 24 rooms and Manager's residence - 15 Leppington Street, Wyong**

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Councillor Hogan declared a less than significant non pecuniary interest in the matter as she has had contact from the developer and objectors. Councillor Hogan chose to remain in the chamber and participate in discussion and voting, as she doesn't have an interest and simply listened to concerns and will remain objective.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor McLachlan declared a pecuniary interest in the matter as the applicant is a former client of his company. Councillor McLachlan left the chamber at 7.02pm, returned at 7.13pm and did not participate in discussion or voting.

**Moved: Councillor Best**  
**Seconded: Councillor Gale Collins**

**Resolved**

**675/19 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.**

**676/19 That Council advise those who made written submissions of its decision.**

**For:**  
**Mayor Smith and Councillors Matthews, Mehrtens, Sundstrom, Greenaway, Gale Collins, Pilon, Holstein, Burke, Hogan and Best**

**Against:**  
**Councillors Vincent and MacGregor**

**3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach**

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Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he has spoken to and received correspondence from the applicant and objectors. Councillor MacGregor chose to remain in the chamber and participate in discussion and voting as the conversations and correspondence were for him to listen to concerns and not to declare a position or sway his views.

Councillor Sundstrom declared a less than significant non pecuniary interest in the matter as he held meetings with residents to gather information and in response to them seeking him out. Councillor Sundstrom chose to remain the chamber and participate in discussion and voting as he will make all of his decisions based on the facts presented to him.

**Moved: Councillor Sundstrom**  
**Seconded: Councillor MacGregor**

**Resolved**

**677/19 That Council defer deliberation on Item 3.2 DA/54334/18 - Proposed Dwelling, Carport & Swimming Pool at 48 High View Road Pretty Beach until such time as interested Councillors and staff have had time to complete a site visit, with the site to include height poles if possible.**

**For:**  
**Mayor Smith and Councillors Matthews, Mehrstens, Sundstrom, Holstein, Burke, Vincent, MacGregor and Hogan**

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

**Abstained: Councillor Greenaway**

**4.1 Local Government NSW Annual Conference - Attendance and Voting**

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

**Resolved**

**678/19 That Council appoint seven delegates for voting on policy motions and for the election of Officer Bearers and the Board at the Local Government NSW Annual Conference 2019, as follows;**

- **Mayor Smith**
- **Councillor Matthews**
- **Councillor Sundstrom**
- **Councillor Greenaway**
- **Councillor Gale Collins**
- **Councillor MacGregor**
- **Councillor Hogan**
- **Alternate - Councillor Mehrstens**

**679/19**     ***That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Friday 20 September 2019.***

**680/19**     ***That Council consider any motions submitted by Councillors for inclusion on the Conference Business Paper and advise Local Government NSW accordingly.***

***For:***  
***Unanimous***

**4.2**           **Central Coast Flying-fox Management Strategy**

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

***Resolved***

**681/19**     ***That Council endorse the Central Coast Flying-Fox Strategy attached to the report.***

***For:***  
***Unanimous***

**5.1**           **Terrigal Water Quality Audit Program**

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***Moved:***           ***Mayor Smith***  
***Seconded:***       ***Councillor Greenaway***

***Resolved***

**682/19**     ***That Council receive and note the status report on Terrigal Water Quality Audit Program***

***For:***  
***Unanimous***

**5.2**           **Response to Notice of Motion - Draft DCP Hazard Category Conformation Motion**

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

***Resolved***

**683/19 That Council receive the report on the Draft DCP Hazard Category Conformation Motion.**

**For:**

**Unanimous**

**5.3 Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019**

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**Moved: Councillor Vincent**

**Seconded: Councillor Gale Collins**

**Resolved**

**684/19 That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 29 May 2019 .**

**For:**

**Unanimous**

**5.4 Grant Funding Update as at 30 June 2019**

---

Mayor Smith declared a less than significant non pecuniary interest in the matter as it references Central Coast Marine Discovery Centre of which she is a committee member. Mayor Smith chose to remain in the chamber and participate in discussion and voting as no decision was being made on the matter.

**Moved: Councillor MacGregor**

**Seconded: Councillor Vincent**

**685/19 That Council receive the report on Grant Funding Update as at 30 June 2019.**

**686/19 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council 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**

**5.5 Investment Report for June 2019**

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

**687/19 That Council receive the report on Investment Report for June 2019.**

**For:**  
**Unanimous**

**8.1 Notice of Motion - Integrity and Ethical Standards Unit**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Hogan

**Resolved**

**688/19 That Council note the objective of the Community Strategic Plan to 'communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect'.**

**689/19 That Council note that Councils of a similar size and scale have established Integrity Units for effective complaint management and organisational integrity.**

**690/19 That Council supports the establishment of an Integrity and Ethical Standards Unit within the Governance Directorate at Central Coast Council for the investigation and resolution of complaints, organisational integrity, information integrity, ethics and accountability with the objective of ensuring decision making and Council processes are open, transparent and held to a high ethical standard.**

**691/19 That the Chief Executive Officer report back to Council by the end of October 2019 on a mechanism and process to establish this Unit with the report to include consideration of budget implications and input from the Audit, Risk and Improvement Committee.**

**For:**  
**Unanimous**

**8.2 Notice of Motion - Sculptures by the Sea**

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**Moved:** Councillor Sundstrom  
**Seconded:** Councillor Vincent

**Resolved**

- 692/19**     *That Council request the Chief Executive Officer to contact the organisers of Sculptures by the Sea in order to express an interest in relocating the event within the Central Coast Local Government Area.*
- 693/19**     *That Council request the Chief Executive Officer to identify suitable potential coastal locations and investigate the feasibility and costs of a similar type of event to be staged within Central Coast Local Government Area.*
- 694/19**     *That Council request the Chief Executive Officer to provide a report back to Council to consider options for staging a similar type of event, including an estimate of costs.*

**For:**

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

**Against:**

**Councillor Gale Collins**

**The Meeting** closed at 8.20pm.