



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
49 Mann Street Gosford
on 23 October 2017
Commencing at 6.30pm

Present

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

In Attendance

Brian Bell (Chief Executive Officer), Mike Dowling (Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Brian Glendenning (Executive Manager Governance) and Vivienne Louie (Chief Financial Officer).

The Mayor, Jane Smith, declared the meeting open at 6.32pm 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.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 2.1, 2.2 and 3.1 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.

Leaves of Absence

Councillor Jillian Hogan
Councillor Greg Best

Apologies

Nil.

1.1 Disclosure of Interest

3.3 Draft Central Coast Open Pile Burning Policy

Councillor Sundstrom declared a not significant non-pecuniary interest in the matter as he is an employee of Fire and Rescue NSW and may attend at a fire as a result of a pile burn.

4.4 Terrigal Lagoon Walking Track - Marine Discovery Centre Application for NSW Regional Growth - Environment and Tourism Fund

Mayor Smith declared a significant non-pecuniary interest in the matter as she is on the board of the Central Coast Marine Discovery Centre. The Mayor left the chamber at 8.06pm during consideration of this item and returned at 8.18pm.

6.2 Notice of Motion - Opposition to the Proposed Wallarah 2 Coal Project

Councillor Gale Collins submitted a not significant non-pecuniary interest in the matter as a family member works in a coal mine within NSW but not in the Central Coast region.

Moved: Councillor Matthews

Seconded: Councillor Burke

Resolved

655/17 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

Procedural Motion – Address by Invited Speakers

Moved: Councillor Matthews

Seconded: Councillor Holstein

Resolved

656/17 That Council invite the following speaker to address Council:

- **Mr Mike Campbell, speaking in favour of the motion of item 6.2 - Notice of Motion - Opposition to the Proposed Wallarah 2 Coal Project**

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: Councillor Gale Collins

Seconded: Councillor Pilon

Resolved

657/17 That Council confirm the minutes of the previous Ordinary Meeting held on Monday 9 October 2017 with the insertion of a transcript of Councillor Burke's address in relation to the minute silence for the passing of former Councillor Bob Ward and a correction to the spelling of Councillor Mehrtens' name.

For:

Unanimous

2.1 Mayoral Minute - Proposed Central Coast Airport

Moved: Mayor Smith

That Council request the Chief Executive Officer do each of the following:

- 1 Make an 'authorised proactive release' of information relating to the future development of the Wyong Employment Zone (including the Warnervale Airport/Central Coast Airport) under s. 7 of the Government Information (Public Access) Act 2009, with such information to be made available on the Council website by the end of 2017.*
- 2 Provide a report to Council in respect to any documents that the Chief Executive Officer determines should not be disclosed, including the reasons for coming to that decision by the end of 2017.*
- 3 Provide a report to the last ordinary meeting in November 2017 on the draft Masterplan including supporting documents for the Central Coast Airport.*
- 4 Provide a briefing on the proposed strategic development of the Wyong Employment Zone prior to the last ordinary meeting in November 2017 with further information requested from the Department of Planning including an option for a briefing.*
- 5 Suspend all works on the Central Coast Airport until the last ordinary meeting in November 2017, 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.*
- 6 Invite the NSW Department of Planning and Environment to provide a briefing to the council.*

Amendment Moved: Councillor McLachlan

Amendment Seconded: Councillor Marquart

That Council request the Chief Executive Officer do each of the following:

- 1 Make an 'authorised proactive release' of information relating to the future development of the Wyong Employment Zone (including the Warnervale Airport/Central Coast Airport) under s. 7 of the Government Information (Public Access) Act 2009, with such information to be made available on the Council website by the end of 2017.*
- 2 Provide a report to Council in respect to any documents that the Chief Executive Officer determines should not be disclosed, including the reasons for coming to that decision by the end of 2017.*
- 3 Provide a report to the last ordinary meeting in November 2017 on the draft Masterplan including supporting documents for the Central Coast Airport.*
- 4 Provide a briefing on the proposed strategic development of the Wyong Employment Zone prior to the last ordinary meeting in November 2017 with further information requested from the Department of Planning including an option for a briefing.*
- 5 Invite the NSW Department of Planning and Environment to provide a briefing to the council.*

For:
Councillors Marquart, Gale Collins, Pilon,
McLachlan and Burke

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

The amendment was put and declared lost.

Resolved

658/17 That Council request the Chief Executive Officer do each of the following:

- 1 Make an 'authorised proactive release' of information relating to the future development of the Wyong Employment Zone (including the Warnervale Airport/Central Coast Airport) under s. 7 of the Government Information (Public Access) Act 2009, with such information to be made available on the Council website by the end of 2017.**
- 2 Provide a report to Council in respect to any documents that the Chief Executive Officer determines should not be disclosed, including the reasons for coming to that decision by the end of 2017.**
- 3 Provide a report to the last ordinary meeting in November 2017 on the draft Masterplan including supporting documents for the Central Coast**

Airport.

- 4 Provide a briefing on the proposed strategic development of the Wyong Employment Zone prior to the last ordinary meeting in November 2017 with further information requested from the Department of Planning including an option for a briefing.**
- 5 Suspend all works on the Central Coast Airport until the last ordinary meeting in November 2017, 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.**
- 6 Invite the NSW Department of Planning and Environment to provide a briefing to the council.**

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

Abstain (Recorded as against):
Councillors Marquart and Gale Collins

2.2 Mayoral Minute - Mangrove Mountain and Spencer Advisory Committee – Administrative matters

Moved: Mayor Smith

Resolved

- 659/17 That the Deputy Mayor, Cr Marquart and Cr Mehrtens be appointed as the councillor members of the Mangrove Mountain and Spencer Advisory Committee.**
- 660/17 That Council request that the Chief Executive Officer invite expressions of interest from persons who seek to be appointed as the community stakeholder members of the Mangrove Mountain and Spencer Advisory Committee, and report on those expressions of interest to the last ordinary meeting of the Council in November 2017.**
- 661/17 That the first meeting of the Advisory Committee be deferred until the community stakeholder positions are filled.**
- 662/17 That Council invite other Councillors to nominate if they wish to join this committee with a further report to the next Ordinary Meeting in November 2017 if nominations are received.**

For:
Unanimous

Procedural Motion

Moved: **Councillor Smith**
Seconded: **Councillor Matthews**

Resolved

663/17 ***That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:***

Item	Title
3.1	Development Applications Approved with a Variation to Development Standards
3.3	Draft Central Coast Open Pile Burning Policy
4.1	Local Government NSW Annual Conference - Attendance and Voting
4.3	Amended Code of Meeting Practice Report
4.4	Terrigal Lagoon Walking Track - Marine Discovery Centre Application for NSW Regional Growth - Environment and Tourism Fund
6.1	Notice of Motion - Status of Women's Advisory Group
6.2	Notice of Motion - Opposition to the Proposed Wallarah 2 Coal Project

For:
Unanimous

Procedural Motion

Moved: **Councillor Smith**
Seconded: **Councillor Matthews**

Resolved

664/17 ***That Council adopt the following items en-masse and in accordance with the report recommendations.***

Item	Title
3.2	Planning Proposal -1 Reads Road, Wamberal - Outcomes of Public Exhibition - RZ/87/2016
3.4	Planning Proposal - 137 Johns Road, Wadalba
3.5	Fire Safety Inspection Report - 2A Watt Street, Gosford
3.6	Fire Safety Inspection Report - 355 Mann St North Gosford
3.7	Fire Safety Inspection Report - 344 Mann Street Gosford
3.8	Fire Safety Inspection Report - 29 Wollong St, North Gosford
3.9	Fire Safety Inspection Report - 4/283 Mann St, Gosford
4.2	Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy
5.1	Investment report for September 2017

For:
Unanimous

3.1 Development Applications Approved with a Variation to Development Standards

Moved: Councillor Holstein
Seconded: Councillor Sundstrom

Resolved

665/17 That Council receive and note the report on development consents that included variation to relevant development standards.

For: Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Greenaway and Burke	Against: Councillor Vincent
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3.2 Planning Proposal -1 Reads Road, Wamberal - Outcomes of Public Exhibition - RZ/87/2016

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

666/17 That Council support the planning proposal as exhibited to rezone 1 Reads Road, Wamberal from zone 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings) under Interim Development Order No. 122 – Gosford to R2 Low Density Residential under Gosford Local Environmental Plan 2014.

667/17 That Council request the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (21 March 2017) for PP/87/2016 and proceed with the steps for drafting and making of Amendment No. 31 to Gosford Local Environmental Plan 2014.

668/17 That Council advise all those who made public submissions of its decision.

For:
Unanimous

3.3 Draft Central Coast Open Pile Burning Policy

Councillor Sundstrom declared a not significant non-pecuniary interest in the matter as he is an employee of Fire and Rescue NSW and may attend at a fire as a result of a pile burn.

Moved: Councillor Marquart

Seconded: Councillor Gale Collins

Resolved

669/17 That Council adopt the draft Central Coast Open Pile Burning Policy for the purpose of public exhibition.

670/17 That Council exhibit the draft Central Coast Open Pile Burning Policy for a period of 28 days.

671/17 That Council consider a further report on the outcomes of community consultation.

672/17 That Council note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:

- a The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- b Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- c Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

673/17 That if adopted, the Central Coast Open Pile Burning Policy be reviewed within two years.

For:

Unanimous

3.4 Planning Proposal - 137 Johns Road, Wadalba

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

674/17 That Council support the planning proposal as exhibited.

675/17 That Council seek the concurrence of the Secretary of the Department of Planning and Environment to determine that the inconsistencies of the planning proposal with Section 117 Ministerial Direction 4.3 Flood Prone Land and 5.1 Implementation of Regional Strategies are of minor significance.

676/17 That Council request, upon the receipt of the concurrence requested by resolution 2, the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (10 February 2015) for RZ/1/2013 and proceed with the steps for drafting and making of Amendment No. 30 to Wyong Local Environmental Plan 2013.

677/17 That Council adopt Chapter 6.17 of Wyong Development Control Plan 2013 – Warnervale East/Wadalba North West as amended as follows:

- **Inclusion of a requirement in Clause 3.1.1 for a suitably qualified archaeological assessment to be conducted on undisturbed parts of 137 Johns Road, Wadalba as part of any development application.**

678/17 That Council request the Chief Executive Officer exercise his Delegation to execute the draft Voluntary Planning Agreement prior to the finalisation of the rezoning, including any changes which are required to allow for the payment of any applicable Section 94 Contribution Plan charge attributable to the development.

679/17 That Council advise all those who made a submission of the decision.

For:
Unanimous

3.5 Fire Safety Inspection Report - 2A Watt Street, Gosford

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

- 680/17 That Council note the result of the site inspection carried out on the 4 September 2017.**
- 681/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**
- 682/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

For:
Unanimous

3.6 Fire Safety Inspection Report - 355 Mann St North Gosford

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

- 683/17 That Council note the result of the site inspection carried out on the 4 September 2017.**
- 684/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**
- 685/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

For:
Unanimous

3.7 Fire Safety Inspection Report - 344 Mann Street Gosford

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

686/17 That Council note the result of the site inspection carried out on the 4 September 2017.

687/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.

688/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

3.8 Fire Safety Inspection Report - 29 Wollong St, North Gosford

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

689/17 That Council note the result of the site inspection carried out on the 4 September 2017.

690/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.

691/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

3.9 Fire Safety Inspection Report - 4/283 Mann St, Gosford

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

- 692/17 That Council note the result of the site inspection carried out on the 4 September 2017.**
- 693/17 That Council resolve to exercise its power to issue an order 6 under s.121B of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW.**
- 694/17 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.**

For:
Unanimous

4.1 Local Government NSW Annual Conference - Attendance and Voting

Councillor MacGregor left the chamber at 7.57pm and did not vote on item 4.1.

Moved: Councillor Smith
Seconded: Councillor Greenaway

Resolved

- 695/17 That Council appoint the following seven voting delegates for voting on Policy Motions and for the election of Officer Bearers at the Local Government NSW Annual Conference 2017:**
- a Clr Burke**
 - b Clr Sundstrom**
 - c Clr Gale Collins**
 - d Clr Pilon**
 - e Clr MacGregor**
 - f Clr Smith**
 - g Clr Matthews**
- 696/17 That in the event that Clr Matthews and Clr MacGregor are unable to attend the conference, that Clr Greenaway, Clr McLachlan or Clr Vincent are appointed as voting delegates.**
- 697/17 That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than Wednesday, 1 November 2017.**

698/17 *That Council support the following Motions for submission to the Conference Business Paper and advise Local Government NSW accordingly:*

- a That Local Government NSW (LGNSW) request the NSW Department of Planning and Environment (DP&E) to amend the standard Instrument (SI) Principal Local Environment Plan (LEP) to include, within the Land Use Table a new zone, Zone E5 Public Conservation.*
- b That Local Government NSW request the Minister for Planning to issue guidance to Councils on the reasonable application of cl. 4.6 of the Standard Instrument Local Environment Plan (SI LEP) in consultation with local councils.*

For:

Unanimous

4.2 Public Exhibition of proposed amendments to the adopted Councillor Facilities and Expenses Policy

Moved: **Councillor Smith**

Seconded: **Councillor Matthews**

Resolved

699/17 *That Council resolve, for the purposes of section 253(1) and 252(1) of the Local Government Act 1993, to give public notice of, and to publicly exhibit for not fewer than 28 days, the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" set out in Attachment 1 to this report.*

700/17 *That the Council note that the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" comply with the 'Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW' issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993.*

For:

Unanimous

4.3 Amended Code of Meeting Practice Report

Councillor MacGregor left the chamber at 7.57pm and returned during consideration of this item at 7.59pm.

Moved: Councillor Holstein
Secinded: Councillor McLachlan

Resolved

701/17 That Council defer this item for a further briefing on the proposed committees.

702/17 That Council resolve that the next three ordinary meetings of the Council be held as follows, in substitution to times and dates set out in the current adopted Code of Meeting Practice of the Council for those next three meetings:

- a Monday 27 November 2017 at the Wyong Chambers commencing at 6.30pm;**
- b Monday 18 December 2017 at the Gosford Chambers commencing at 6.30pm; and**
- c Monday 26 February 2018 at the Wyong Chambers commencing at 6.30pm.**

For:
Unanimous

4.4 Terrigal Lagoon Walking Track - Marine Discovery Centre Application for NSW Regional Growth - Environment and Tourism Fund

Mayor Smith declared a significant non-pecuniary interest in the matter as she is on the board of the Central Coast Marine Discovery Centre. The Mayor left the chamber at 8.06pm and took no part in debate or voting on item 4.4.

Deputy Mayor Holstein took the chair.

Moved: Councillor Mehrtens
Secinded: Councillor Sundstrom

Resolved

703/17 Council resolves to support the Marine Discovery Centre's application for Regional Growth – Environment and Tourism Funding through the construction of an increased educational facility walking track around Terrigal Lagoon by:

- Including an allowance of \$250,000 in Council's draft 2018/19 FY budget, and**
- An allowance of \$250,000 in Council's draft 2019/20 FY budget.**

For:
Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan and Burke

Against:
Councillors MacGregor, Greenaway, Vincent

The Mayor returned to the meeting and resumed the chair at 8.18pm.

5.1 Investment report for September 2017

Moved: Councillor Smith
Seconded: Councillor Matthews

Resolved

704/17 That Council receive the Investment report for September 2017.

For:
Unanimous

6.1 Notice of Motion - Status of Women's Advisory Group

Moved: Councillor Matthews
Seconded: Councillor MacGregor

Resolved

705/17 That Council staff develop a Terms of Reference to form a Central Coast Status of Women's Advisory Group to promote the role women in leadership roles within local government and report back to Council before the last meeting of Council for 2017.

706/17 That all Councillors be provided the opportunity to be a member of the group.

707/17 That the group have at least 10 community members including but not limited to one woman being indigenous, one being under 25, one being from non English speaking background and one with a disability.

708/17 That \$20,000 of funding be provided to the group to allow it to perform its role.

For:
Mayor Smith and Councillors Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Greenaway, Burke and Vincent

Against:
Councillors Marquart

6.2 Notice of Motion - Opposition to the Proposed Wallarah 2 Coal Project

Councillor Gale Collins submitted a not significant non-pecuniary interest in the matter as a family member works in a coal mine within NSW but not in the Central Coast region.

Mr Mike Campbell addressed council at 6.37pm.

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

- 1 *That Council continues opposition to the proposed Wallarah 2 Coal Project as previously continually opposed by the former Wyong and Gosford Councils, and consistent with the Central Coast Council's resolution.*

- 2 *That Council, having formally submitted in writing at the 2017 Planning Assessment Commission hearing its opposition to the Wallarah 2 Coal Project, continue to support the community opposition to the Wallarah 2 Coal Project for the following reasons:*
 - *loss of integrity of the Wyong water catchment valleys (Dooralong and Yarramalong),*
 - *loss of the town water supply,*
 - *unacceptable damage to public infrastructure in the subsidence area.*

- 3 *That the Mayor immediately write to the Premier and the Planning Minister affirming its opposition to the Wallarah 2 Coal Project and call upon the Government to honour its ironclad promise and guarantee, made both in public and in writing as Liberal Party Policy, to legislate to not allow mining in the Wyong water catchment valleys.*

Amendment Moved: Councillor Burke

Amendment Seconded: Councillor Marquart

That Council refer this matter to the independent Planning Assessment Commission (PAC).

The amendment was put to the vote and declared lost.

Resolved

709/17 ***That Council continues opposition to the proposed Wallarah 2 Coal Project as previously continually opposed by the former Wyong and Gosford Councils, and consistent with the Central Coast Council's resolution.***

710/17 ***That Council, having formally submitted in writing at the 2017 Planning Assessment Commission hearing its opposition to the Wallarah 2 Coal Project, continue to support the community opposition to the Wallarah 2 Coal Project for the following reasons:***

- ***loss of integrity of the Wyong water catchment valleys (Dooralong and Yarramalong),***
- ***loss of the town water supply,***
- ***unacceptable damage to public infrastructure in the subsidence area.***

711/17 *That the Mayor immediately write to the Premier and the Planning Minister affirming its opposition to the Wallarah 2 Coal Project and call upon the Government to honour its ironclad promise and guarantee, made both in public and in writing as Liberal Party Policy, to legislate to not allow mining in the Wyong water catchment valleys.*

Councillor Burke stood and called for a division, seconded by Councillor Marquart.

For:
Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Greenaway and Vincent

Against:
Councillors Marquart and Burke

Questions on Notice

Q5/17 Submission of DA52491/2017 and DA53119/2017
Councillor Richard Mehrstens

I note that DA52491/2017 was withdrawn in August 2017, and that this week DA53119/2017 was submitted. DA53119 seems broadly similar to that previously withdrawn. Is Council aware of why DA52491 was withdrawn? What are the differences between the two DAs that might warrant resubmission?

Q6/17 Employment of Waste Management Staff
Councillor Doug Vincent

In reference to the resolution of item 3.1 at Ordinary Meeting 7 August 2017, could Council staff please advise if workers from the existing waste management services will all be offered employment or engagement on terms and conditions comparable to their previous employment?

Q7/17 Chamber Audio System
Councillor Lisa Matthews

Could staff please advise the cost of the new chamber audio system?

The Meeting closed at 9.09pm.