



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber  
2 Hely Street, Wyong  
on 27 August 2018  
Commencing at 6.30PM

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#### **Present**

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

#### **In Attendance**

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning) and Brian Glendenning (Executive Manager Governance).

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

The Mayor, Jane Smith read an acknowledgement of country statement.

#### **Apologies/Leave of Absence**

Councillor Best and Councillor Holstein.

Council, at its meeting held 13 August 2018 resolved:

*821/18 That Councillor Hogan be granted leave of absence from 21 August 2018 to 9 September 2018.*

**1.1 Disclosure of Interest**

**2.1 Deferred Item - Mayoral Minute - Review of Community Facilities**

Councillor Gale Collins declared a pecuniary interest in the matter as she is the Director of Coast Community Connections which leases a Central Coast Council hall. This item was deferred to the Ordinary Meeting being held on 24 September 2018.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter by virtue of her membership association with community groups. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict will not affect her ability to carry out her public duty. This item was deferred to the Ordinary Meeting being held on 24 September 2018.

**4.1 Deferred Item - Miscellaneous Amendment to GLEP2014 and WLEP2013**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the owner is a former client but no longer has any business interests. Councillor McLachlan chose to remain in the chamber.

**7.1 Deferred Item - Notice of Motion - Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution**

Councillor Vincent declared a pecuniary interest in the matter as he is an employee at a local power station. Councillor Vincent left the chamber at 7.53pm, returning at 7.55pm and not participate in discussion and voting.

**7.2 Deferred Item - Notice of Motion - DA 44/2018 - 6, 8 and 10 Dunleigh Street, Toukley**

Councillor Burke declared a pecuniary interest in the matter as a Joint Regional Planning Panel (JRPP) committee member. Councillor Burke left the chamber at 7.55pm, returning at 8.01pm and did not participate in discussion and voting.

Councillor MacGregor declared a pecuniary interest in the matter as he gets paid for attending Joint Regional Planning Panel (JRPP) meetings. Councillor MacGregor left the chamber at 7.55pm, returning at 8.01pm and did not participate in discussion and voting.

**7.6 Notice of Motion - Public Workshops on Sea Level Rise and Planned Retreat**

Councillor Matthews declared a pecuniary interest in the matter as she declared in the last meeting on the climate change policy. This motion talks about that matter. Councillor Matthews left the chamber at 9.02pm, returning at 9.27pm and did not participate in discussion and voting.

**7.7 Notice of Motion - Reclassification**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary Chief Executive Officer/Board member of the Community Environment Network (CEN).

CEN may have made submissions related to this matter.

Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she assisted the Community Environment Network (CEN) with a submission against the reclassification of many parcels of land, wrote submissions and media releases on behalf of the Bateau Bay/Shelley Beach Progress Association and wrote an online article for a site now known as the Parents' Voice. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect her ability to carry out her public duty.

### **8.1 Deferred Item - Further Legal Advice - Wallarah 2 Coal Mine**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary Chief Executive Officer/Board member of the Community Environment Network (CEN). CEN may have made submissions related to this matter. Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is acquainted with some people working within the industry. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance does not impact her view on progress on the Central Coast.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has worn the 'Water Not Coal' t-shirt and attended meetings in opposition to Wallarah2 and further, despite having a law degree and practicing for some years, I no longer have a practicing certificate and will be receiving and considering the legal advice on this matter. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as the conflict is minor, or only perceived, and will not affect her ability to carry out her public duties.

### **8.2 Further Legal Advice - Commercial Dispute**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary Chief Executive Officer/Board member of the Community Environment Network (CEN). CEN may have made submissions related to this matter. Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as despite having a law degree and practicing for some years, I no longer have a practicing certificate and will be receiving and considering the legal advice on this matter. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as the conflict is minor (mainly perceived) and will not affect her ability to carry out her public duties.

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

**Resolved**

**822/18** That Council receive the report on Disclosure of Interest and note advice of disclosures.

**For:**  
**Unanimous**

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**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved:** Councillor Mehrtens  
**Seconded:** Councillor MacGregor

**Resolved**

**823/18** That Council confirm the amended minutes of the Ordinary Meeting of the Council held on 13 August 2018 with the following items corrected within the minutes;

- **Disclosure of Interest (8.2 – Notice of Motion – Recognition of former Wyong Mayor, Tony Sheridan OAM)**
- **Disclosure of Interest (5.3 - Sport Central Coast Group)**
- **Item 2.2 – Mayoral Minute - Review of Community Facilities - Deferred to the Ordinary Meeting of 24 September 2018**
- **Item 5.1 – Climate Change Report**
- **Amendment to Resolution - Item 6.2 – Integrated Seniors Living Accommodation, New Registered Club and Retail Tenancies at Woy Woy**
- **Item 9.1 – Rescission Motion – Open Pile Burning Policy**

**For:**  
**Unanimous**

**Procedural Motion - Urgency Motion**

**Moved:** Councillor Mehrtens  
**Seconded:** Councillor Vincent

**Resolved**

**824/18** That Council consider a motion of urgency regarding 8.3 – Mangrove Mountain Landfill Site and Related Proceedings noting that it is a Confidential Item.

**For:**  
**Unanimous**

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

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

**Resolved**

**825/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(g) of the Local Government Act 1993 for the following reasons:**

**Item: 8.1**

**Title: Deferred Item - Further Legal Advice – Wallarah 2 Coal Mine**

**Reason for considering in closed session:**

**2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

**Item: 8.2**

**Title: Further Legal Advice – Commercial Dispute**

**Reason for considering in closed session:**

**2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

**Item: 8.3**

**Title: Legal Advices – Mangrove Mountain Landfill Site and Related Proceedings**

**Reason for considering in closed session:**

**2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

**For:**  
**Mayor Smith and Councillors Vincent, Burke, Greenaway, MacGregor, Matthews, Sundstrom, Gale Collins, Marquart and Mehrtens**

**Abstain:**  
**Councillors McLachlan and Pilon**

**Procedural Motion – Exception**

**Moved:** Councillor Pilon  
**Seconded:** Councillor Matthews

**Resolved**

**826/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

## Minutes of the Ordinary Meeting of Council 27 August 2018 contd

Item 3.1 - Strategic Biodiversity Certification Project
Item 4.1 - Deferred Item - Miscellaneous Amendment to GLEP2014 and WLEP2013
Item 4.2 - Extraordinary Meeting of Council on 3 September 2018
Item 4.4 - Comparison of Delegations for Chief Executive Officer
Item 4.5 - Approval of 2017-18 capital projects to be continued in 2018-19
Item 4.6 - Amendments to the Councillor Expenses and Facilities Policy
Item 4.7 – Amended Item - Community Grants and Sponsorship Program Review
Item 5.3 - Investment Report for July 2018
Item 5.4 - Response to Notice of Motion - Gwandalan Playground
Item 7. 1 - Deferred Item - Notice of Motion - Assessment of Pollution Risk from PFAS, ash dams and air pollution
Item 7.2 - Deferred Item - Notice of Motion - DA 44/2018 - 6, 8 and 10 Dunleigh Street, Toukley
Item 7.3 - Notice of Motion - Parking Fines
Item 7.4 - Notice of Motion - Central Coast Drought Assistance and Central Coast Water Security
Item 7.5 - Notice of Motion - Renaming Wards and Improving Communications
Item 7.6 - Notice of Motion - Public Workshops on Sea Level Rise and Planned Retreat
Item 7.7 - Notice of Motion - Reclassification
Item 7.8 - Notice of Motion - Council After Hours Call Centre Relocated to Central Coast
Item 8.1 - Deferred Item - Further Legal Advice - Wallarah 2 Coal Mine
Item 8.2 - Further Legal Advice - Commercial Dispute
Item 8.3 – Legal Advice – Mangrove Mountain Landfill Site and Related Proceedings

**827/18** *That Council adopt the following items en-masse and in accordance with the report recommendations:*

Item 2.2 – Additional Item – Mayoral Minute – Gosford DCP Exhibition
Item 4.3 - Adoption of additional 2018-19 Fees and Charges
Item 5.1 - Deferred Item - Response to Notice of Motion - Position of Council Employment
Item 5.2 - Activities of the Development Assessment and Environment and Certification Units - April to June 2018 Quarter 4

**For:**  
**Unanimous**

### **2.1 Deferred Item - Mayoral Minute - Review of Community Facilities**

An amendment to the 13 August 2018 Ordinary Meeting Minutes was resolved to defer this item to the 24 September 2018 Ordinary Meeting during consideration of item 2.1 – Confirmation of Minutes of Previous Meetings.

## **2.2 Mayoral Minute – Gosford DCP Exhibition**

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**Moved:** Councillor Pilon  
**Seconded:** Councillor Matthews

**Resolved**

**828/18 That Council request that:**

- 1 The Department of Planning and Environment extend the public exhibition period on the draft Gosford City Centre Development Control Plan 2018 until Thursday, 18 October, 2018**
- 2 The Department of Planning and Environment conduct two community consultation workshops to outline the proposed changes in the draft Development Control Plan**
- 3 The Chief Executive Officer write to the Minister for Planning with the request outlined in 1 and 2 above.**

**For:**  
**Unanimous**

## **3.1 Strategic Biodiversity Certification Project**

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

**Resolved**

- 829/18 That Council note the request from the Coordinator General for the Central Coast for Council to support and participate in the Strategic Biodiversity Certification Project.**
- 830/18 That Council provide in principle support for the Strategic Biodiversity Certification Project.**
- 831/18 That Council request the Chief Executive Officer to write to the Coordinator General for the Central Coast, advising of the Council's in principle support and participation in the Strategic Biodiversity Certification Project.**
- 832/18 That Council request the Chief Executive Officer provide an initial briefing then quarterly reports on the progress of the project including activities and key decision points.**

**For:**  
**Mayor Smith and Councillors Vincent, Burke, Greenaway, McLachlan, Pilon, Matthews, Sundstrom, Gale Collins, Marquart and Mehrtens**

**Abstain:**  
**Councillor MacGregor**

**4.1 Deferred Item - Miscellaneous Amendment to GLEP2014 and WLEP2013**

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Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the owner is a former client but no longer has any business interests. Councillor McLachlan chose to remain in the chamber.

**Moved:** Councillor Gale Collins

**Seconded:** Councillor Marquart

**Resolved**

**833/18 That Council note the deferred Miscellaneous Amendment to GLEP2014 and WLEP2013 report which is Attachment 1 to this report.**

**834/18 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013 to address minor issues and correct anomalies, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979.**

**835/18 That Council include in the planning proposal the recommended amendments to Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013, as outlined in the report to Council of 26 March 2018, subject to the following changes:**

- **A new clause to specify a minimum lot size for dual occupancy development in Wyong Local Environmental Plan 2013.**
- **Removal of the proposed listing of Glover's Lane as part of the Lakeside Plaza Key Site in Wyong Local Environmental Plan 2013.**
- **Removal of the proposed amendment to update the property addresses in Schedule 5 – Environmental Heritage of Gosford Local Environmental Plan 2014.**
- **Remove Clause 6.3 from Gosford Local Environmental Plan 2014 and Wyong Local Environmental Plan 2013**

**836/18 That Council forward the planning proposal to the NSW Minister for Planning requesting a Gateway Determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plans, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979.**

**837/18 That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements, pursuant to Schedule 1 cl 4 and Section 3.35 of the Environmental Planning and Assessment Act, 1979.**

**838/18 That Council consider a further report on results of the agency and community consultation.**



**For:**  
**Mayor Smith and Councillors Vincent, Burke, Greenaway, Pilon, Matthews, Sundstrom, Gale Collins, Marquart and Mehrtens**

**Against:**  
**Councillor MacGregor**

**Abstain:**  
**Councillor McLachlan**

**4.2 Extraordinary Meeting of Council on 3 September 2018**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Vincent

**Resolved**

- 839/18 That Council note that the review of the structure has commenced and Councillors have received two briefings to date.**
- 840/18 That Council request the Chief Executive Officer bring a report on the review of the structure to the Ordinary Meeting being held on 10 September 2018.**
- 841/18 That Council defer the report on the Gosford Regional Library and RPACC to the Ordinary Meeting being held on 10 September 2018.**

**For:**  
**Unanimous**

**4.3 Adoption of additional 2018-19 Fees and Charges**

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**Moved:** Councillor Pilon  
**Seconded:** Councillor Matthews

**Resolved**

- 842/18 That Council note that proposed further and amended Fees and Charges for 2018-19 were publicly exhibited from Thursday 5 July 2018 to Thursday 2 August 2018 in accordance with ss. 610F and 705 of the Local Government Act 1993.**
- 843/18 That Council further note that there were no submissions received by Council during the public exhibition of the proposed further and amended Fees and Charges for the 2018-19 financial year.**
- 844/18 That Council determine, pursuant to s. 610F of the Local Government Act 1993, to approve the exhibited proposed further and amended Fees and Charges for 2018-19.**

**For:**  
**Unanimous**

#### **4.4 Comparison of Delegations for Chief Executive Officer**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Mehrtens

**Resolved**

**845/18 That Council receive the report on Comparison of Delegations for Chief Executive Officer.**

**846/18 That Council give further consideration to delegations as part of the Chief Executive Officer's performance review process.**

**For:**  
**Unanimous**

#### **4.5 Approval of 2017-18 capital projects to be continued in 2018-19**

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**Moved:** Councillor Vincent  
**Seconded:** Councillor MacGregor

**Resolved**

**847/18 That Council approve the proposed capital projects to be continued in 2018-19 as detailed in this report.**

**848/18 That Council approve a \$14.8 million increase to the 2018-19 capital budget to accommodate projects continuing from 2017-18 as detailed in attachment 1 to this report.**

**849/18 That Council approve a \$926,650 increase to the 2018-19 capital budget to accommodate grant funded projects as detailed in attachment 1 to this report.**

**For:**  
**Unanimous**

#### **4.6 Amendments to the Councillor Expenses and Facilities Policy**

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**Moved:** Councillor Mehrtens  
**Seconded:** Councillor Sundstrom

*That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report.*

**Amendment Moved:** Councillor Greenaway  
**Amendment Seconded:** Councillor Burke

- 1 *That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report.*
- 2 *That Council amend Clause 87 to provide administrative and secretarial support to Councillors to assist them with their civic duties.*

*For:*  
*Councillors MacGregor, Greenaway and Burke*

*Against:*  
*Mayor Smith and Councillors Vincent, Pilon, Matthews, Marquart and Mehrtens*

*Abstain:*  
*Councillors Sundstrom and Gale Collins*

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

**Moved:** **Councillor Mehrtens**  
**Seconded:** **Councillor Sundstrom**

**Resolved**

- 850/18** ***That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report.***
- 851/18** ***That Council request the Chief Executive Officer review support provided to Councillors in light of results of the current Councillor survey and briefing feedback.***

***For:***  
***Mayor Smith and Councillors Vincent, Burke, Pilon, Matthews, McLachlan, Sundstrom, Marquart and Mehrtens***

***Abstain:***  
***Councillors Gale Collins and Greenaway***

**4.7** **Community Grants and Sponsorship Program Review**

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**Moved:** **Mayor Smith**  
**Seconded:** **Councillor Vincent**

**Resolved**

- 852/18** ***That Council receives the Community Grants and Sponsorship Program Review Report.***
- 853/18** ***That Council endorse the recommended changes to the Community Grants and Sponsorship Programs.***
- 854/18** ***That Council endorse the recommended changes to the Policy for Community Grants and Policy for Sponsorship Management to reflect the recommended Program changes.***
- 855/18** ***That Council implement Budget Option A, that an increase of \$300,000 be***

*allocated to the Community Infrastructure Fund.*

**856/18** *That Council review the relevant policies and guides regarding sustainable events and amend the policy for community grants to include reference to Council's sustainable events policy and guide.*

**For:**

**Unanimous**

**5.1** **Deferred Item - Response to Notice of Motion - Position of Council Employment**

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**Moved:** **Councillor Pilon**

**Seconded:** **Councillor Matthews**

**Resolved**

**857/18** *That Council note the deferred Response to Notice of Motion – Position of Council Employment report which is Attachment 1 to this report.*

**858/18** *That Council receive the report on Deferred Item - Response to Notice of Motion - Position of Council Employment.*

**For:**

**Unanimous**

**5.2** **Activities of the Development Assessment and Environment and Certification Units - April to June 2018 Quarter 4**

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**Moved:** **Councillor Pilon**

**Seconded:** **Councillor Matthews**

**Resolved**

**859/18** *That Council receive the report on Activities of the Development Assessment and Environment and Certification Units - April to June 2018 Quarter 4.*

**For:**

**Unanimous**

**5.3 Investment Report for July 2018**

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**Moved:** Councillor McLachlan

**Seconded:** Councillor Marquart

**Resolved**

**860/18 That Council receive the Investment Report for July 2018.**

**For:**

**Unanimous**

**5.4 Response to Notice of Motion - Gwandalan Playground**

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**Moved:** Councillor Vincent

**Seconded:** Mayor Smith

**Resolved**

**861/18 That Council receive the report on Response to Notice of Motion – Gwandalan Playground.**

**For:**

**Unanimous**

**7.1 Deferred Item - Notice of Motion - Assessment of Pollution Risk from PFAS, ash dams and air pollution**

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Councillor Vincent declared a pecuniary interest in the matter as he is an employee at a local power station. Councillor Vincent left the chamber at 7.53pm, returning at 7.55pm and did not participate in discussion and voting.

**Moved:** Mayor Smith

**Seconded:** Councillor MacGregor

**Resolved**

**862/18 That Council note the deferred Notice of Motion – Assessment of Pollution Risk from PFAS, ash dams and air pollution report which is Attachment 1 to this report.**

**863/18 That Council request the Chief Executive Officer to provide a report and briefing to Councillors by the end of November 2018 on the following:**

- a. Current knowledge and status of existing or potential impacts of pollutants of PFAS, ash dams, and power stations on the Central Coast**
- b. Current monitoring activities (including sites) undertaken by Council and other agencies or organisations**

- c. ***Current responsibilities and management actions of relevant agencies, Council and other stakeholders in relation to these pollutants***
- d. ***Any proposed actions from relevant agencies regarding monitoring and management of risk from these pollutants or sources***
- e. ***Recommendations regarding Council's role, if any, in monitoring and management of risks from these pollutants, including the value of a community consultative committee and willingness of stakeholder organisations to participate in such a committee.***

**For:**

**Unanimous**

**7.2 Deferred Item - Notice of Motion - DA 44/2018 - 6, 8 and 10 Dunleigh Street, Toukley**

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Councillor Burke declared a pecuniary interest in the matter as a JRPP committee member. Councillor Burke left the chamber at 7.55pm, returning at 8.01pm and did not participate in discussion and voting.

Councillor MacGregor declared a pecuniary interest in the matter as he gets paid for attending JRPP meetings. Councillor MacGregor left the chamber at 7.55pm, returning at 8.01pm and did not participate in discussion and voting.

**Moved: Councillor Vincent**  
**Seconded: Councillor Mehrtens**

**Resolved**

**864/18 That Council note the deferred Notice of Motion - DA 44/2018 – 6, 8 and 10 Dunleigh Street, Toukley report which is Attachment 1 to this report.**

**865/18 That Council request the Chief Executive Officer provide the assessment report for DA 44/2018, 6, 8 and 10 Dunleigh Street, Toukley to Council prior to being considered by the Hunter and Central Coast Joint Regional Planning Panel.**

**866/18 That Council then determine whether it will make a submission to the Hunter and Central Coast Joint Regional Planning Panel in relation to this Development Application.**

**For:**  
**Mayor Smith and Councillors Vincent, Greenaway, McLachlan, Matthews, Sundstrom, Marquart and Mehrtens**

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

**7.3 Notice of Motion - Parking Fines**

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

**Resolved**

**867/18** *That Council, upon legislation being adopted for the discretionary reduction in parking fines, a report be submitted to Council to consider the exercise or implementation of that discretion (if any).*

<b>For:</b> <b>Mayor Smith and Councillors Burke, McLachlan, MacGregor, Pilon, Matthews, Gale Collins, Marquart and Mehrrens</b>	<b>Against:</b> <b>Councillors Sundstrom and Vincent</b>
	<b>Abstain:</b> <b>Councillor Greenaway</b>

**7.4 Notice of Motion - Central Coast Drought Assistance and Central Coast Water Security**

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**Moved:** Councillor Pilon  
**Seconded:** Councillor Marquart

*That Council defer consideration of this item to the Ordinary Meeting being held on 10 September 2018.*

**Amendment Moved:** Councillor Greenaway  
**Amendment Seconded:** Councillor MacGregor

- 1 *That Council request the Chief Executive Officer to report on what options, initiatives and general support Council and indeed the Central Coast Community could consider to provide much needed assistance to our New South Wales Farm Communities now ravaged by 100% drought.*
  
- 2 *That Council request the Chief Executive Officer to issue a media release encouraging the Central Coast community to support organisations that are seeking to assist in drought relief, such as;*
  - *Australian Red Cross*
  - *Rural Aid/Buy a Bale*
  - *Drought Angels*
  - *Aussie Helpers*
  - *Lions Need for Feed*
  - *Foundation for Rural and Regional Renewal*
  - *Salvation Army*

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

*Against:*  
*Councillors Marquart, Gale Collins, Pilon  
and Burke*

***The amendment was put to the vote and CARRIED, thereby becoming the motion. The motion was then put.***

***Moved: Councillor Greenaway  
Seconded: Councillor MacGregor***

***868/18 That Council request the Chief Executive Officer to report on what options, initiatives and general support Council and indeed the Central Coast Community could consider to provide much needed assistance to our New South Wales Farm Communities now ravaged by 100% drought.***

***869/18 That Council request the Chief Executive Officer to issue a media release encouraging the Central Coast community to support organisations that are seeking to assist in drought relief, such as;***

- Australian Red Cross***
- Rural Aid/Buy a Bale***
- Drought Angels***
- Aussie Helpers***
- Lions Need for Feed***
- Foundation for Rural and Regional Renewal***
- Salvation Army***

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

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

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**7.5 Notice of Motion - Renaming Wards and Improving Communications**

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***Moved: Councillor Marquart  
Seconded: Councillor Burke***

***Resolved***

***870/18 That Council recognises the community frustration and ambiguity that exists around the current ward names, that has created ongoing difficulty for our 330,000 residents and ratepayers in their efforts to effectively communicate with ward councillors and indeed staff.***



**871/18** *That Council now investigate the necessary process to seek to rename the five electoral wards that make up the Central Coast Council Local Government Area prior to the 2020 Election.*

**872/18** *That Council, subject to 2 above and a staff report, engage in a suitable Community Consultation Process.*

**For:**  
**Mayor Smith and Councillors Vincent, Burke, McLachlan, MacGregor Matthews, Sundstrom, Gale Collins, Marquart and Mehrstens**

**Abstain:**  
**Councillors Greenaway and Pilon**

## **7.6 Notice of Motion - Public Workshops on Sea Level Rise and Planned Retreat**

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Councillor Matthews declared a pecuniary interest in the matter as she declared in the last meeting on the climate change policy. This motion talks about that matter. Councillor Matthews left the chamber at 9.02pm, returning at 9.27pm and did not participate in discussion and voting.

*Moved:* Councillor Gale Collins  
*Seconded:* Councillor Marquart

*That Council hold workshops for residents across all five wards, and use overlay maps to bring awareness on the suburbs impacted by sea level rise and planned retreat, as endorsed through the new Climate Change Policy.*

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

*That Council increase the number of workshops to five, that being one in each ward, on the draft Climate Change Policy including addressing such issues as referenced in D10.*

**For:**  
**Mayor Smith and Councillors Marquart, Mehrstens, Sundstrom, Gale Collins, MacGregor, Pilon, Greenaway, Burke and Vincent**

**Against:**  
**Councillor McLachlan**

***The amendment was put to the vote and CARRIED, thereby becoming the motion. The motion was then put.***

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

**Resolved**

**873/18 That Council increase the number of workshops to 5, one in each ward, on the draft Climate Change Policy including addressing such issues as referenced in D10.**

**For:** Mayor Smith and Councillors Marquart, Mehrstens, Sundstrom, Gale Collins, MacGregor, Pilon, Greenaway, Burke and Vincent  
**Against:** Councillors McLachlan

## **7.7 Notice of Motion - Reclassification**

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Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary Chief Executive Officer/Board member of the Community Environment Network (CEN). CEN may have made submissions related to this matter. Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she assisted the Community Environment Network (CEN) with a submission against the reclassification of many parcels of land, wrote submissions and media releases on behalf of the Bateau Bay/Shelley Beach Progress Association, and wrote an online article for a site now known as the Parents' Voice. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect her ability to carry out her public duty.

**Moved:** Councillor Greenaway  
**Seconded:** Councillor MacGregor

**Resolved**

**874/18 That Council request the Chief Executive Officer give public notice in compliance with Section 34 of the Local Government Act of the proposal to reclassify the following properties from operational to community:**

**Chittaway Point Hall, 72-76 Geoffrey Rd, Chittaway Point  
Chittaway Bay Hall and oval 91 Chittaway Rd, Chittaway Bay  
1-3 Berkeley Road, Berkeley Vale  
36-38 Kitchener Road, Long Jetty  
1W Wolseley Avenue, Tacoma  
7W Sir Joseph Banks Drive, Bateau Bay  
19-21 and 29 Keren Avenue, Berkeley Vale**

**2-18 Newbridge Road, Berkeley Vale**  
**38W Wombat Street and 19W Marlborough Place, Berkeley Vale**  
**151W – 153W Wyong Road, Berkeley Vale**  
**75 Panorama Avenue, Charmhaven**  
**2W Bundeena Road, Glenning Valley**  
**13W Palm Springs Avenue, Glenning Valley**  
**30W and 32 Sandra Street, Jilliby**  
**231 Hue Hue Road, Jilliby**  
**1W Merro Close, Lake Haven**  
**105W Woodbury Park Drive and 309 Old Maitland Road, Mardi**  
**60W Burns Road, Ourimbah**  
**40W Coachwood Drive, Ourimbah**  
**15W Footts Road, Ourimbah**  
**23 Shirley Street, Ourimbah**  
**1 Teralba Street and 1W Pacific Highway, Ourimbah**  
**50 Wilfred Barrett Drive, Norah Head**  
**10 Summerland Road, Summerland Point**  
**102W Yermaba Road, Summerland Point**  
**1W Wolseley Drive, Tacoma**  
**8 Titania Avenue, Tuggerah**  
**7 Wyong Road, Tuggerah**  
**11W Molsten Avenue, Tumby Umbi**  
**1W Britannia Drive, Watanobbi**  
**375 Pacific Highway, Wyong**  
**40 – 50 Pollock Avenue, Wyong**

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

**Against:**  
**Councillors Marquart, Pilon and**  
**McLachlan**

**Abstain:**  
**Councillor Gale Collins**

**7.8 Notice of Motion - Council After Hours Call Centre Relocated to Central Coast**

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**Moved: Councillor Gale Collins**  
**Seconded: Councillor Burke**

**875/18 That Council request the Chief Executive Officer provide a report on the Central Coast Council after hours call centre operation including service level delivery, opportunities and potential cost implications of going to a local provider or in house.**

**For:**  
**Unanimous**

**Questions on Notice**

**Q142/18 QON – Cleaning Staff**  
**Councillor Richard Mehrtens**

*Does Council allow sub and pyramid contracting in their contracts? Are Council staff aware of the precarious situation of some cleaning staff who face sacking without cause or notice, and while ostensibly do work for Council such as city centre management, actually work for a company who is subcontracted by another company with little accountability for working conditions?*

**Q143/18 QON - Hawk Head Drive, Hardy's Bay - Asbestos**  
**Councillor Rebecca Gale Collins**

*Some residents in Hawke Head Drive, Hardys Bay are concerned about the Road Mill product used on the road. Can the planned air quality test include testing for asbestos?*

**Q144/18 QON - Warnervale Town Centre Plan**  
**Councillor Rebecca Gale Collins**

*Can I please have an update on the Warnervale Town Centre planning?*

**Q145/18 QON - Dying Trees - Warnervale**  
**Councillor Lisa Matthews**

*Could Council have a look at what is causing the die off of trees east of the rail line south of Warnies at Warnervale?*

**Q146/18 QON - Colorbond Fences - Jilliby**  
**Councillor Kyle MacGregor**

*How many Colorbond fences are council aware of in the suburb of Jilliby that are off the boundary fence, but are still on peoples properties and how many if any are intended to be removed at the behest of Central Coast Council?*

**Q147/18 QON - Skate Park Upgrades**  
**Councillor Kyle MacGregor**

*Does council currently have any plans to expand, upgrade or conduct any additional works or improvements at skate parks in the Central Coast Council area in addition to the potential upgrades at Umina that were mooted in a previous Council meeting?*

**Q148/18 QON - Asbestos Report**  
**Councillor Jilly Pilon**

*The asbestos report that came the other week that we deferred, which I thought was going to the next meeting, hasn't come back. Just to question if that is likely to come back to the next meeting*

**Q149/18 QON - State Government Grants**  
**Councillor Jilly Pilon**

*With State Government Grants currently available for large tourism projects, can Council staff and Councillors meet asap with Darren McLean from Pico Pty Ltd to be briefed on their experience in the tourism and leisure industry and discuss any potential projects for the Central Coast Region please?*

**Q150/18 QON - Litter Report**  
**Councillor Bruce McLachlan**

*I would like an update on the litter report which was passed early in our Council.*

**Response from Scott Cox, Director Environment and Planning:**

*We are aiming for the last meeting in September.*

**Q151/18 QON - Risk Management Policies**  
**Councillor Louise Greenaway**

*In relation to Council's risk management there appears to be policies addressing infrastructure risk, risks to health and safety, financial risk, public liability and legal risk however I haven't been able to locate anything on reputational risk. Does council have a policy on reputational risk?*

**Q152/18 QON - Section 94 Plans**  
**Councillor Louise Greenaway**

*Just regarding the Section 94 plans, they were originally estimated to be completed in April then there was to be presentation to Councillors on a draft development contribution plan in June with a report coming to Council in July and I don't think anything has come back, so I just wondered if we could have an update on when the likelihood is of those plans being finalised so we can take advantage of some of those contributions?*

**Q153/18 QON - Tuggerwong Bike Track Grant  
Councillor Chris Burke**

*Have we got any news on the grant application for the Tuggerwong bike track?*

**Q154/18 QON - Tuggerwong Hall  
Councillor Chris Burke**

*What is the classification of Tuggerwong Hall which is the double water front block at 326 Tuggerwong Road, Tuggerwong?*

**Q155/18 QON - Searchable PDF Business Paper  
Councillor Doug Vincent**

*Could council staff please work towards providing a business paper, amended items and attachments fully searchable, within the PDF format, to enable residents, businesses and Councillors to find all items when searching on the web and hub. For example, Item 4.5 - 2017-18 Capital Upgrades, cannot be fully searched as it has imbedded copied pictures*

**Q156/18 QON – Buy Local Policies  
Councillor Doug Vincent**

*Could staff please advise if the previous Wyong or Gosford Councils had buy local policies or weightings for local service providers. If previous policies existed, could staff please circulate to all Councillors for their review*

The meeting was adjourned at 10.16pm and resumed at 10.29pm.

**Procedural Motion – Extend Meeting to Consider Items**

**Moved:** *Mayor Smith*

**Seconded:** *Councillor Gale Collins*

**Resolved**

**876/18** *That Council extend the Ordinary Meeting of Council to consider Confidential Items 8.1, 8.2, 8.3 in accordance with the adopted Code of Meeting Practice.*

**For:**

**Unanimous**

**Procedural Motion – Closed Session**

**Moved:** Mayor Smith  
**Seconded:** Councillor Burke

**Resolved**

**877/18 That Council move into closed session to consider Confidential Items 8.1, 8.2 and 8.3.**

**For:**  
**Unanimous**

At this stage of the meeting being 10.30pm 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:-

*2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**Procedural Motion – Open Session**

**Moved:** Councillor Macgregor  
**Seconded:** Councillor Mehrtens

**Resolved**

**878/18 That Council move into open session.**

**For:**  
**Unanimous**

The meeting resumed in open session at 11.44pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

**8.1 Deferred Item - Further Legal Advice - Wallarah 2 Coal Mine**

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

**Resolved**

**879/18 That Council note the deferred Further Legal Advice – Wallarah 2 Coal Mine report which is Attachment 1 to this report.**

- 880/18 ***That Council receive and note the legal advices set out in the attached report and confidential attachment 1 to the report.***
- 881/18 ***That resolution of 492/18 of the ordinary meeting of the Council on 28 May 2018 be amended by deleting all words after "Incorporated".***
- 882/18 ***That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that the attached report and confidential attachment 1 to the report remain confidential, on the basis that this report and that attachment contain legal advice from legal practitioners that are subject to client legal privilege.***
- 883/18 ***That Council note that this issue is of significant public interest as demonstrated by community submissions and representation through the decision making process.***

***For:***

***Mayor Smith and Councillors Vincent, MacGregor, Matthews, Sundstrom and Mehrtens***

***Against:***

***Councillors Marquart, Gale Collins, Pilon, McLachlan and Burke***

## **8.2 Further Legal Advice - Commercial Dispute**

***Moved: Mayor Smith***

***Seconded: Councillor MacGregor***

***Resolved***

- 884/18 ***That the Council note that resolution 614/18 of 25 June 2018 was complied with.***
- 885/18 ***That the Council receive and note the confidential legal advice set out in this report.***
- 886/18 ***That the Council resolve to enter in to the draft 'Deed of Settlement and Release' that is confidential attachment 1 to this report.***
- 887/18 ***That the Council resolve, for the purposes of cl. 400(2) of the Local Government (General) Regulation 2005, that the seal of the Council be affixed to the draft 'Deed of Settlement and Release' that is confidential attachment 1 to this report and that the affixing of that seal be witnessed by the Mayor and another councillor.***
- 888/18 ***That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachment 1 to this report remain confidential, for the following reasons:***
- (a) ***this report contains legal advice to the Council from legal practitioners that is subject to client legal privilege (s. 10A(2)(g) of the Local Government Act 1993); and***



- (b) attachment 1 includes commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (s. 10A(2)(d)(i) of the Local Government Act 1993).**

*A division was called by Councillor Marquart.*

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

**Against:**  
**Councillors Marquart, Gale Collins, Pilon, McLachlan and Burke**

### **8.3 Mangrove Mountain Landfill Site and Related Proceedings**

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Mehrtens

**Resolved**

**889/18 That Council receive and note the legal advices set out in confidential attachments 1, 2 and 3 to this report.**

**890/18 That Council resolve to endorse the recommendation set out in confidential attachment 1 to this report.**

**891/18 That Council request the Chief Executive Officer provide a further confidential report to the Council on the completion of the action set in in paragraph 3.1 of confidential attachment 1 to this report.**

**892/18 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that confidential attachments 1, 2 and 3 to this report remain confidential, on the basis that each of those attachments contain legal advice from legal practitioners that are subject to client legal privilege.**

**For:**  
**Unanimous**

**The Meeting** closed at 11.49pm