



Central Coast Council

Minutes of the
Ordinary Meeting of Council
held in the Council Chamber
2 Hely Street, Wyong
on 27 November 2017
commencing at 6.30pm

Present

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

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 6.34pm 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, 1.4, 3.3, 6.8 and 1.2 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.

Apology

Councillor Troy Marquart has submitted an apology due to medical reasons.

1.1 Disclosure of Interest

1.4 – Mayoral Minute - Kangy Angy

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions

Councillor Matthews declared a not significant non-pecuniary interest in the matter as her husband is an employee of Sydney Trains which is a division of Transport NSW.

Councillor Greenaway declared a not significant non-pecuniary interest in the matter.

3.3 – Mangrove Mountain and Spencer Advisory Committee

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions.

3.7 – Stronger Communities Fund Round 3

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for, San Remo Neighbourhood Centre, has applied for funding. Councillor Hogan left the chamber at 9.40pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Holstein declared a significant non-pecuniary interest in the matter as he works part time for two of the applicants. Councillor Holstein left the chamber at 9.34pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Matthews declared a significant non-pecuniary interest in the matter as she is the president of an organisation that has applied for funding. Councillor Matthews left the chamber at 9.40pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Pilon declared a not significant non-pecuniary interest in the matter for sponsorship and donations.

Councillor McLachlan declared a not significant non-pecuniary interest in the matter as there are several organisations in the grants program with which he has involvement as a participant. Ie: is not a member of a committee and receives no financial benefits.

Councillor Vincent declared a not significant non-pecuniary conflict in the matter as he has children who attend local high schools and some of the applications relate to those schools.

3.8 – Draft Central Coast Aviation Hub Concept Plan – Proposed Public Consultation

Councillor Gale Collins declared a not significant non-pecuniary interest in the matter as she has a contact within the New South Wales Gliding Association.

Councillor Matthews declared a not significant non-pecuniary interest in the matter as her cousin uses Warnervale airport for business purposes.

Councillor Greenaway declared a not significant non-pecuniary interest in the matter as she was a former board member of the Community Environment Network and an officer at the Bateau Bay Progress Association both of which have made submissions in relation to the matter.

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions.

4.2 – Community Grant Program Update

Councillor Hogan declared a significant pecuniary interest in the matter as the organisation she works for, San Remo Neighbourhood Centre, will be applying for grant funding. Councillor Hogan did not leave the chamber as this item was resolved under the exception method.

Councillor Holstein declared a significant non-pecuniary interest in the matter as he works part time for two of the applicants. Councillor Holstein did not leave the chamber as this item was resolved under the exception method.

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is involved with organisations that have made submissions.

Councillor Pilon declared a not significant non-pecuniary interest in the matter for sponsorship and donations.

Councillor Gale Collins declared a not significant non-pecuniary interest in the matter as she has contacts within some of the applicants.

6.1 – Notice of Motion - Medical Centre Zoning

Councillor McLachlan declared a significant pecuniary interest in the matter as he owns land that is currently in negotiations with a medical centre. Councillor McLachlan left the chamber at 11.00pm during consideration of this item, did not vote and returned at 11.10pm.

6.5 – Notice of Motion - Adopt Apprenticeship Ratio for all Council Projects

Councillor Best declared a significant non-pecuniary interest in the matter as he is the General Manager of Central Coast Group Training, an employer of apprentices on the Central Coast and also contracts to Council. Councillor Best left the chamber at 11.19pm during consideration of this item, did not vote and returned at 11.31pm.

6.9 – Notice of Motion - Amendment to Chapter 3.6 of Wyong Shire Development Control Plan 2013

Councillor Greenaway declared a not significant non-pecuniary interest in the matter she has been a long standing member of the Bateau Bay Bush Care Group, was formerly on the State Executive of Land Care NSW, a former board member of Community Environment Network, a former member of Trees Bateau Bay and has association with Save Wyong Trees. She received no remuneration from any positions held and therefore elected to remain in the chamber.

7.2 – Notice of intention to remain as a member of Statewide Mutual

Mr Bell, Council's Chief Executive Officer, declared a significant non-pecuniary interest in the matter as he represents the Central Coast and Hunter Councils local government councils on the board of Statewide Mutual. This item was deferred.

Moved: Councillor Burke

Seconded: Councillor Gale Collins

Resolved

712/17 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

Procedural Item

Moved Cr Sundstrom

Seconded Cr Pilon

Resolved

713/17 To suspend standing orders to allow Councillor Holstein to make a presentation to the Director of Connected Communities of a publication acknowledging the 25 year Anniversary of Coast Shelter.

For:

Unanimous

Procedural Motion – Address by Invited Speakers

Moved: Councillor Mehrtens

Seconded: Councillor Holstein

Resolved

714/17 That Council invite the following speakers to address Council:

- *Ms Susan Zgraja and Mr Alton Caldersmith, speaking in favour of the motion of item 1.4 - Mayoral Minute – Kangy Angy*
- *Mr Stephen Goodwin, speaking in favour of the motion of item 3.3 - Mangrove Mountain and Spencer Advisory Committee*
- *Ms Shayne Silvers, speaking in favour of item 6.2 – Domestic Violence*
- *Mr John Limpus, speaking in favour of item 6.8 - Notice of Motion - Asbestos Tipping Charges Moratorium*

For:

Unanimous

Procedural motion

Moved: Councillor Vincent

Seconded: Councillor Best

Resolved

715/17 That Council consider items 1.6 and 3.3 now that the speakers for those matters have addressed Council and then subsequently consider items 6.2 and 6.8 after the speakers for those matters address Council.

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: Councillor Matthews

Seconded: Councillor Pilon

Resolved

716/17 That Council confirm the minutes of the previous Ordinary Meeting held on Monday 23 October 2017. With the following amendment:

- *Spelling of Councillor Mehrtens' surname.*

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Closed Session

Councillor Vincent left the chamber at 8.30pm during consideration of this item.

Moved: Councillor Gale Collins

Seconded: Councillor Sundstrom

717/17 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(d)(ii) and (g) of the Local Government Act 1993:

Report 7.1 Q7/17 – Chambers Audio System

Report 7.2 Notice of intention to remain as a member of Statewide Mutual

718/17 That the Council note the reason for considering Report No 7.1 – Q7/17 – Chambers Audio System in closed session is that the report contains

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

719/17 That the Council note the reason for considering Report 7.2 Notice of intention to remain as a member of Statewide Mutual in closed session is that the report contains

2(d) commercial information of a confidential nature that would, if disclosed:

(ii) confer a commercial advantage on a competitor of the Council

720/17 That the Council request the Chief Executive Officer to report on these matters in open session of Council.

For:

Mayor Smith and Councillors Holstein, Sundstrom, Gale Collins and Burke

Against

Councillors Mehrtens, Matthews, MacGregor, Pilon, McLachlan, Greenaway, Hogan and Best

The motion was put to the vote and declared lost.

1.4 Mayoral Minute - Kangy Angy

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions

Councillor Matthews declared a not significant non-pecuniary interest in the matter as her husband is an employee of Sydney Trains which is a division of Transport NSW.

Councillor Greenaway declared a not significant non-pecuniary interest in the matter.

Ms Susan Zgraja addressed Council at 6.47pm.

Mr Alton Caldersmith addressed Council at 6.51pm.

Moved: Mayor Smith

Resolved

721/17 That Central Coast Council write to Transport for NSW requesting that they reconsider the Kangy Angy site (map1) for the proposed Train Maintenance Facility and instead move to the Warnervale site adjacent to the Link Road (map 2).

For:
Mayor Smith and Councillors Mehrstens, Sundstrom, Matthews, MacGregor, Pilon, McLachaln, Greenaway, Vincent and Hogan

Against
Holstein, Best, Burke and Gale Collins

1.5 Mayoral Minute - Council Advisory Committees

Councillor Vincent left the chamber at 8.30pm and returned at 8.34pm during consideration of this item.

Moved: Mayor Smith

Resolved

722/17 That Council defer this item for consideration at the 18 December 2017 Ordinary Meeting.

For:
Unanimous

Procedural Motion

Moved: **Councillor Matthews**
Seconded: **Councillor Gale Collins**

Resolved

723/17 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Item	Title
3.1	Extraordinary Meeting of Council on 7 December 2017
3.2	Council Meetings: Code of Meeting Practice
3.4	Annual Report 2016-17
3.5	2017-18 Q1 Business Report
3.6	Policy for Investment Management
3.7	Stronger Communities Fund Round 3
3.8	Draft Central Coast Aviation Hub Concept Plan – Proposed Public Consultation
6.1	Notice of Motion - Medical Centre Zoning
6.3	Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection
6.4	Notice of Motion - Recording Marriage Equality Survey
6.5	Notice of Motion - Adopt Apprenticeship Ratio for all Council Projects
6.6	Notice of Motion - Speed Mitigation Work in Kanwal
6.7	Notice of Motion - Community Precinct Committees
6.9	Notice of Motion - Amendment to Chapter 3.6 of Wyong Shire Development Control Plan 2013
7.1	Q7/17 – Chamber Audio System
7.2	Notice of intention to remain as a member of Statewide Mutual

724/17 That Council adopt the following items en-masse and in accordance with the report recommendations.

Item	Title
2.1	Planning Proposal 89 Rosella Road and 203 Empire Bay Drive, Empire Bay Supplementary Report
4.1	Investment Report for October 2017
4.2	Community Grant Program Update

For:
Unanimous

2.1 Planning Proposal 89 Rosella Road and 203 Empire Bay Drive, Empire Bay Supplementary Report

Moved: Councillor Matthews

Seconded: Councillor Gale Collins

Resolved

725/17 That Council decline to support the preparation of a planning proposal to rezone part of Lot 13 DP 38230 (Rosella Road, Empire Bay) and part of Lot 421 DP 607969 (Empire Bay Drive, Empire Bay) from E2 Environmental Conservation to R2 Low Density Residential for the following reasons:

- a The land contains attributes consistent with the existing E2 zone and which are unsuitable to be included in the R2 zone;**
- b The proposed rezoning would adversely impact on the biodiversity of the locality as it would facilitate significant vegetation removal to establish access, services, construction and bushfire asset protection; and**
- c The proposed rezoning would result in land identified in a flood planning area to be zoned R2 Low Density Residential;**
- d The proposed rezoning is inconsistent with Ministerial Section 117 Direction 2.1 Environmental Protection Zones which requires the protection and conservation of environmentally sensitive areas. The proposed rezoning is contrary to this objective as it proposes to reduce the extent of environmentally sensitive areas and habitat for threatened species.**
- e The proposed rezoning is inconsistent with Ministerial Direction 4.3 which requires that land must not be rezoned within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.**

726/17 That Council advise the applicant of its decision.

For:

Unanimous

3.1 Extraordinary Meeting of Council on 7 December 2017

Councillor Mehrtens left the chamber at 8.51pm and returned at 8.54pm during consideration of this item.

Councillor Gale Collins left the chamber at 8.56pm during consideration of this item.

Moved: Councillor Best

Seconded: Councillor Holstein

Resolved

727/17 That Council resolve to hold an extraordinary meeting of the Council to be held at 6.30pm on Thursday 7 December 2017 in the Council Chambers at 2 Hely Street, Wyong, with the matter to be dealt with at that meeting to be:

- **Draft 2016-17 financial statements for Central Coast Council.**

728/17 That Council give public notice of this meeting.

For:

Unanimous

3.2 Council Meetings: Code of Meeting Practice

Councillor Gale Collins left the chamber at 8.56pm and returned at 9.00pm during consideration of this item.

Councillor Best left the chamber at 9.00pm and returned at 9.01pm during consideration of this item.

Moved: Councillor Sundstrom

Seconded: Councillor Smith

- 1 That Council, subject to resolution 4, give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days.*
- 2 That Council note that a further report will be provided to Council setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations in respect to the adoption of that proposed amended Code.*
- 3 That Council note that the schedule that is attachment 2 to this report sets out the ordinary meetings of Council that will apply if the proposed amended Code is adopted in early 2018.*

- 4 *That Council amend the draft policy to:*
- a) remove the strikeout of business arising as an order of business*
 - b) provide that the deadline for Notice of Motions to be close of business*
 - c) remove the requirement to stand when asking a question*
- 5 *That Council review the policy in 12 months.*

Amendment moved: Councillor McLachlan

Amendment seconded: Councillor Best

- 1 *That Council, subject to resolution 4, give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days.*
- 2 *That Council note that a further report will be provided to Council setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations in respect to the adoption of that proposed amended Code.*
- 3 *That Council note that the schedule that is attachment 2 to this report sets out the ordinary meetings of Council that will apply if the proposed amended Code is adopted in early 2018.*
- 4 *That Council amend the draft policy to:*
- a) remove the strikeout of business arising as an order of business*
 - b) provide that the deadline for Notice of Motions to be close of business*
 - c) provide that the requirement to stand is at the councillor's discretion*
- 5 *That Council review the policy in 12 months.*

The amendment was subsequently withdrawn by the mover.

Moved: Councillor Sundstrom

Seconded: Councillor Smith

Resolved

- 729/17** ***That Council, subject to resolution 732/17, give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days.***

730/17 That Council note that a further report will be provided to Council setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations in respect to the adoption of that proposed amended Code.

731/17 That Council note that the schedule that is attachment 2 to this report sets out the ordinary meetings of Council that will apply if the proposed amended Code is adopted in early 2018.

732/17 That Council amend the draft policy to:

- a) remove the strikeout of business arising as an order of business*
- b) amend that the deadline for NOMs to be close of business*
- c) the requirement to stand when asking a question*

733/17 That Council review the policy in 12 months.

For:

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

Against

Councillors Best and McLachlan

3.3 Mangrove Mountain and Spencer Advisory Committee

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions.

Mr Stephen Goodwin addressed Council at 7.02pm.

Moved: Mayor Smith

Seconded: Councillor Greenaway

Resolved

734/17 That Council determine the community members of the Mangrove Mountain and Spencer Advisory Committee as follows:

- **Mr John Asquith**
- **Mr Gary Chestnut**
- **Mr Stephen Goodwin**
- **Mr Wolfgang Koerner**
- **Ms Margaret Pontifex**
- **Ms Marilyn Steiner**
- **Mr Danny Willmott**
- **Mr Stephen Rickards**

- **Ms Pam O'Sullivan**
- **Ms Joy Cooper**
- **Ms Lillias Bovell**

735/17 That Council determine the following Councillor to be an additional councillor member of the Mangrove Mountain and Spencer Advisory Committee as follows (in addition to the Mayor, Deputy Mayor, Councillor Marquart and Councillor Mehrtens):

- **Councillor MacGregor**

736/17 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that the attachment 1 to this report remain confidential as that attachment includes "personnel information" about individuals who are not councillors.

737/17 That Council request the Chief Executive Officer convene the first meeting of the Mangrove Mountain and Spencer Advisory Committee, to be held in Mangrove Mountain no later than 31 January 2018.

For:

Unanimous

3.4 Annual Report 2016-17

Councillor Vincent left the chamber at 9.18pm and returned at 9.20pm during consideration of this item.

Councillor Greenaway left the chamber at 9.18pm and returned at 9.19pm during consideration of this item.

Moved: Councillor Best

Seconded: Councillor Vincent

Resolved

738/17 That Council adopt the Annual Report 2016-17.

739/17 That Council authorise the Chief Executive Officer to make final editorial amendments to the Annual Report 2016-17 to ensure correctness and clarity.

740/17 That Council upload the Annual Report 2016-17 on Council's website.

741/17 That Council advise the Minister for Local Government of Council's URL link to access the Annual Report.

For:

Unanimous

3.5 2017-18 Q1 Business Report

Moved: Councillor Best

Seconded: Councillor Mehrtens

Resolved

742/17 That Council defer this item for consideration at the 18 December 2017 Ordinary Meeting.

For:

Unanimous

3.6 Policy for Investment Management

Moved: Councillor Best

Seconded: Councillor Holstein

Resolved

743/17 That Council note that a review of the Policy for Investment Management has been undertaken.

744/17 That Council adopt the Policy for Investment Management.

For:

Unanimous

3.7 Stronger Communities Fund Round 3

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for, San Remo Neighbourhood Centre, has applied for funding. Councillor Hogan left the chamber at 9.40pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Holstein declared a significant non-pecuniary interest in the matter as he works part time for two of the applicants. Councillor Holstein left the chamber at 9.34pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Matthews declared a significant non-pecuniary interest in the matter as she is the president of an organisation that has applied for funding. Councillor Matthews left the chamber at 9.40pm during consideration of this matter, did not vote and returned at 9.41pm.

Councillor Pilon declared a not significant non-pecuniary interest in the matter for sponsorship and donations.

Councillor McLachlan declared a not significant non-pecuniary interest in the matter as there are several organisations in the grants program with which he has involvement as a participant. He is not a member of a committee and receives no financial benefits.

Councillor Vincent declared a not significant non-pecuniary conflict in the matter as he has children who attend local high schools and some of the applications relate to those schools.

Moved: Councillor Matthews

Seconded: Councillor Greenaway

Resolved

745/17 That Council resolve the motion of item 3.7 Stronger Communities Fund Round 3 with the exception of applications 463, 52R3, 17R3 and 44R3 as follows.

746/17 That Council adopt the recommendations in Round 3 of the Stronger Communities Fund – Community Grants (Confidential Attachment 2).

747/17 That Council advise all applicants of Council's decision.

748/17 That Council ensure recipients of the Stronger Communities Fund – Community Grants sign a funding agreement prior to funds being released.

749/17 That Council carry forward the remainder of funding in Round 3 into Round 4 of the Stronger Communities Fund – Community Grants Program.

750/17 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachments 2 and 3 are to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.

For:

Unanimous

Councillors Matthews and Hogan left the chamber 9.40pm during consideration of this item, did not vote and returned 9.41pm.

Moved Mayor Smith

Seconded Councillor McLachlan

Resolved

That Council now resolve Stronger Communities Fund Round 3 applications 463, 52R3, 17R3 and 44R3 of item 3.7 as follows.

751/17 That Council adopt the recommendations in Round 3 of the Stronger Communities Fund – Community Grants (Confidential Attachment 2).

- 752/17** *That Council advise all applicants of Council's decision.*
- 753/17** *That Council ensure recipients of the Stronger Communities Fund – Community Grants sign a funding agreement prior to funds being released.*
- 754/17** *That Council carry forward the remainder of funding in Round 3 into Round 4 of the Stronger Communities Fund – Community Grants Program.*
- 755/17** *That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachments 2 and 3 are to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.*

For:

Unanimous

3.8 Draft Central Coast Aviation Hub Concept Plan – Proposed Public Consultation

Councillor Gale Collins declared a not significant non-pecuniary interest in the matter as she has a contact within the New South Wales Gliding Association.

Councillor Matthews declared a not significant non-pecuniary interest in the matter as her cousin uses Warnervale airport for business purposes.

Councillor Greenaway declared a not significant non-pecuniary interest in the matter as she was a former board member of the Community Environment Network and an officer at the Bateau Bay Progress Association both of which have made submissions in relation to the matter.

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is a former CEO and former board member of the Community Environment Network which made submissions.

The following items were tabled by Councillor Greenaway during consideration of this matter:

- D12894103 - Submission Warnervale Airport - Lake Macquarie City Council
- D12894108 - Submission - Warnervale Airport - Newcastle Airport

Moved: Councillor Vincent

Seconded: Councillor Greenaway

- 1 That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996);*
- 2 That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996);*

- 3 *That Council not immediately extend or remove the current 1196 metre runway;*
- 4 *That Council not alter the position, length, width, thickness or strength of the current runway;*
- 5 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract*
- 6 *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy*
- 7 *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2;*
- 8 *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary*
- 9 *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting.*

Amendment moved: Councillor Holstein

Amendment seconded: Councillor Best

That Council defer the matter pending a briefing and allow to a site inspection of the airport and surrounding areas to be undertaken.

Councillor MacGregor moved that the motion be put, seconded by Councillor Matthews

<i>For:</i>	<i>Against</i>
<i>Councillors Holstein, Gale Collins, Pilon, McLachlan and Best</i>	<i>Mayor Smith and Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Greenaway, Burke, Vincent and Hogan</i>

The amendment was put to the vote and declared lost.

Moved: Councillor Vincent

Seconded: Councillor Greenaway

Resolved

756/17 That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).

757/17 That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).

- 758/17** *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17** *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17** *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17** *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17** *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17** *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*
- 764/17** *That Council staff prepare a report to protect the Porters Creek Wetland, as per item 8, and the report be brought back to council for approval on the 26th February meeting.*

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

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

4.1 Investment Report for October 2017

Moved: **Councillor Matthews**
Seconded: **Councillor Gale Collins**

Resolved

765/17 *That Council receive the Investment Report for October 2017.*

For:
Unanimous

4.2 Community Grant Program Update

Councillor Hogan declared a significant pecuniary interest in the matter as the organisation she works for, San Remo Neighbourhood Centre, will be applying for grant funding. Councillor Hogan did not leave the chamber as this item was resolved under the exception method.

Councillor Holstein declared a significant non-pecuniary interest in the matter as he works part time for two of the applicants. Councillor Holstein did not leave the chamber as this item was resolved under the exception method.

Mayor Smith declared a not significant non-pecuniary interest in the matter as she is involved with organisations that have made submissions.

Councillor Pilon declared a not significant non-pecuniary interest in the matter for sponsorship and donations.

Councillor Gale Collins declared a not significant non-pecuniary interest in the matter as she has contacts within some of the applicants.

Moved: Councillor Matthews

Seconded: Councillor Gale Collins

Resolved

766/17 That Council note the report on the Community Grant Program Update.

For:

Unanimous

Mayor Smith adjourned the meeting at 10.52pm and reconvened at 11pm.

6.1 Notice of Motion - Medical Centre Zoning

Councillor McLachlan declared a significant pecuniary interest in the matter as he owns land that is currently in negotiations with a medical centre. Councillor McLachlan left the chamber at 11.00pm during consideration of this item, did not vote and returned at 11.10pm.

Moved: Councillor Gale Collins

Seconded: Councillor Pilon

Resolved

767/17 That Council staff investigate whether there is appropriate land use zones currently in place to enable the establishment of GP Surgery's and other health consulting rooms to service the medical needs of a growing population across the Central Coast region within a two month period and supply a report back to Council.

For:

Unanimous

6.2 Notice of Motion - Domestic Violence

Ms Shayne Silvers addressed Council at 7.35.

Moved: Councillor Sundstrom

Seconded: Councillor Holstein

Resolved

768/17 That The Central Coast Council note with concern that our region is approaching the highest level of Domestic Violence in NSW and that Domestic Violence may and does take many forms.

769/17 That The Central Coast Council acknowledge that a more community wide approach, which includes all levels of government is needed to take a stand and reject this unacceptable behaviour and to provide suitable assistance to all Council employees.

770/17 That the CEO ensure that staff urgently develop a policy in consultation with relevant Unions and in line with that resolution passed by the former Gosford Council, in relation to domestic violence leave provisions for Central Coast Council's employees. The policy should include and reference:-

- Suitable provisions for staff that they require such leave. This leave should open-ended in duration and be separate from other leave provisions (eg Parental Leave, holidays, sick leave etc.) and not be reliant on other such leave being exhausted.**
- Support services currently offered by Council in relation to escaping and recovering from Domestic Violence.**
- Other support services which could be offered to employees who are victims or perpetrators of Domestic Violence.**
- Suitable anonymity and discretion be maintained for the employees that may avail themselves of the provision.**

771/17 That a report be prepared for an open council meeting in February 2018.

For:

Unanimous

6.3 Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection

Moved: Councillor Sundstrom

Seconded: Councillor Vincent

Resolved

772/17 That Council defer consideration of this item to the 18 December 2017 Ordinary Meeting.

For:

Unanimous

6.4 Notice of Motion - Recording Marriage Equality Survey

Moved: Councillor MacGregor

Seconded: Councillor Matthews

Resolved

773/17 That Council note the result of the historic marriage equality survey with 61% of the Australian public supporting the enactment of marriage equality as public policy for our nation, our local electorates of Robertson (65%) Dobell (65%) Shortland (67%) voted overwhelmingly in favour of marriage equality.

774/17 That Council affirm its support of the principles of equality and social justice and that all are welcome to our council area regardless of their sexuality, ethnicity, disability, economic status, gender or religion.

775/17 That Council staff prepare a briefing for Councillors on the potential social and economic benefits of the enactment of marriage equality for the Central Coast community.

For:

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

Abstain (recorded as against)

Pilon

6.5 Notice of Motion - Adopt Apprenticeship Ratio for all Council Projects

Councillor Best declared a significant non-pecuniary interest in the matter as he is the General Manager of Central Coast Group Training, an employer of apprentices on the Central Coast and also contracts to Council. Councillor Best left the chamber at 11.19pm during consideration of this item, did not vote and returned at 11.31pm.

Moved: Councillor MacGregor

Seconded: Councillor Vincent

That Council adopt an apprenticeship ratio of 15% for all council projects.

Amendment moved: Councillor Pilon

Amendment seconded: Councillor Smith

That Council adopt an apprenticeship ratio of 15% for all council projects where appropriate.

For:

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

Against

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

The amendment was put to the vote and declared lost.

Moved: Councillor MacGregor

Seconded: Councillor Vincent

Resolved

776/17 That Council adopt an apprenticeship ratio of 15% for all council projects.

For:

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

Against

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

6.6 Notice of Motion - Speed Mitigation Work in Kanwal

Moved: Councillor MacGregor

Seconded: Councillor Matthews

Resolved

777/17 That Council request the Chief Executive Officer provide an urgent report to the ordinary meeting on 18 December 2017 on the additional traffic management measures that can be implemented in Pearce, Craigie and Wahroonga Roads, and Hughes, Walker and Dalton Avenues, in Kanwal, and Byron Street, Anzac Avenue Wyong, Hakone and Mataram Roads Woongarra, Hiawatha and Louisiana Roads Hamlyn Terrace and Warnervale Road Warnervale such measures to include potential alteration of speed limits and construction of traffic control devices within those public roads.

778/17 That Council request the Chief Executive Officer arrange an urgent meeting with the Local Commander of the NSW Police Force to request an urgent increase in enforcement actions by the Police in these roads.

779/17 That Council defer the appointment of Councillors to the Traffic Committee to 18 December 2017 Ordinary Meeting.

For:

Unanimous

6.7 Notice of Motion - Community Precinct Committees

Moved: Councillor Best

Seconded: Councillor MacGregor

Resolved

780/17 That Council request that the Chief Executive Officer convene community workshops, in each of its 5 wards, to inform a report to Council on the most effective ways for the community to liaise with the Council.

781/17 That Council request that the Chief Executive Officer convene those workshops and report back to the last ordinary meeting of Council in March 2018.

For:

Unanimous

6.8 Notice of Motion - Asbestos Tipping Charges Moratorium

Councillor Hogan left the chamber at 8.02pm and returned at 8.05pm during consideration of this item.

Councillor Matthews left the chamber at 8.03pm and returned at 8.05pm during consideration of this item.

Mr John Limpus addressed Council at 8.03pm.

Moved: Councillor Best

Seconded: Councillor Pilon

782/17 That in the knowledge that asbestos has now killed many thousands and is predicted to kill thousands more over the next 20 years. Council now takes a leadership role and consider its options to better meet this public health epidemic.

783/17 That Council also questions the conventional wisdom of charging significant amounts to dispose of this deadly material and notes that this approach appears to be fuelling further public health issues as illegal dumping escalates.

784/17 That Council recognises there will be some administrative and regulatory challenges around this progressive initiative. However the alternative to accept the current situation playing out over the next 20 years is unacceptable.

785/17 That staff report on the innovative initiative that Cumberland and Parramatta councils currently conduct around 'residential asbestos removal' and that the report include protections against out of region capitalising on this initiative.

786/17 That further staff report on how Council can facilitate more flexible access arrangements to councils waste management facilities.

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

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

The motion was put to the vote and declared lost.

6.9 Notice of Motion - Amendment to Chapter 3.6 of Wyong Shire Development Control Plan 2013

Councillor Greenaway declared a not significant non-pecuniary interest in the matter she has been a long standing member of the Bateau Bay Bush Care Group, was formerly on the State Executive of Land Care NSW, a former board member of Community Environment Network, a former member of Trees Bateau Bay and has association with Save Wyong Trees. She received no remuneration from any positions held and therefore elected to remain in the chamber.

Moved: Councillor Greenaway

Seconded: Councillor Sundstrom

- 1 *That Council seeks legal advice on the ramifications of the state government's withdrawal of clause 5.9 of Wyong Local Environmental Plan 2013 (WLEP 2013) and the introduction of State Environmental Planning Policy (Vegetation in Non-rural areas) 2017 (SEPP 2017), particularly with regard to chapter 3.6 of the Wyong Development Control Plan 2013 (WDCP 2013).*
- 2 *That to attain consistency throughout the Central Coast Council area, Council proposes to amend chapter 3.6 of the WDCP 2013 by replacing that chapter with chapter 6.6 of Gosford Development Control Plan 2013 (GDGP 2013), substituting "Central Coast" for "Gosford City" throughout.*
- 3 *That in accordance with clause 18 of the Environment Planning and Assessment Regulation 2000 the amendment to the Development Control Plan be placed on exhibition for 28 days.*
- 4 *At the completion of the exhibition a report be brought back to Council within 28 days on the outcome of the exhibition.*

An amendment was moved by Councillor Best and seconded by Councillor McLachlan

That this matter now be deferred pending a thorough briefing regarding the former Wyong and Gosford Council's tree policies.

For:

Councillors Gale Collins, Pilon, McLachlan and Best

Against

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

The amendment was put to the vote and declared lost.

***Moved:* Councillor Greenaway**

***Seconded:* Councillor Sundstrom**

Resolved

787/17 That Council seeks legal advice on the ramifications of the state government's withdrawal of clause 5.9 of Wyong Local Environmental Plan 2013 (WLEP 2013) and the introduction of State Environmental Planning Policy (Vegetation in Non-rural areas) 2017 (SEPP 2017), particularly with regard to chapter 3.6 of the Wyong Development Control Plan 2013 (WDCP 2013).

788/17 *That to attain consistency throughout the Central Coast Council area, Council proposes to amend chapter 3.6 of the WDCP 2013 by replacing that chapter with chapter 6.6 of Gosford Development Control Plan 2013 (GDGP 2013), substituting "Central Coast" for "Gosford City" throughout.*

789/17 *That in accordance with clause 18 of the Environment Planning and Assessment Regulation 2000 the amendment to the Development Control Plan be placed on exhibition for 28 days.*

790/17 *At the completion of the exhibition a report be brought back to Council within 28 days on the outcome of the exhibition.*

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

Against
Councillors Gale Collins, Pilon, McLachlan and Best

Procedural Motion

Moved: *Mayor Smith*

Seconded: *Councillor MacGregor*

Resolved

791/17 *That Council defer the remaining items being 7.1 Q7/17 Chambers Audio System and 7.2 Notice of intention to remain as a member of Statewide Mutual for consideration at 18 December 2017 Ordinary Meeting.*

Questions on Notice

Q8/17 **Paths Scheme**
Councillor Lisa Matthews

Can Council staff please advise if we have young persons on the Paths scheme? And if so, how many people?

Q9/17 **Sewerage Services Maintenance Regime**
Councillor Kyle MacGregor

Can Council staff please advise what the current maintenance regime is for sewerage services and related infrastructure in the Wyong Ward of the Central Coast Council? How many incidences of overflow and/or disruption to services have occurred and how many emergency call outs have been made in the previous 2 years?

Q10/17 Pedestrian Safety Around Schools
Councillor Rebecca Gale Collins

Saturday 19 November was world remembrance day for road traffic victims, I would like a report on the update traffic and pedestrian safety around all schools in the Central Coast region particularly Melbourne Avenue and Hobart Avenue near Umina Beach Public School and Havenview Road and Bellbird Avenue near Terrigal Public School?

Q11/17 Roadworks at Wandewoi Avenue San Remo
Councillor Greg Best

My question is on behalf of a local ratepayer, Mr Slucher of Wandewoi Avenue San Remo.

Mr Slucher is a senior gentleman who suffers from a significant respiratory complaint and has repeatedly sought to contact staff to determine when the dust omitting roadworks will be completed outside his home. Could you please have staff contact him urgently?

Further, in discussions with many of my Council colleagues, similar situations seem to be occurring around the LGA. As General Manager, could you please look into the ratepayer call-back protocols and advise how this can be improved?

The Meeting closed at 12:16pm.