



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
2 Hely Street, Wyong
on 10 December 2018
Commencing at 6.30pm

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Louise Greenaway, Kyle McGregor, Bruce McLachlan, Jilly Pilon, Lisa Matthews, Jeff Sundstrom, Rebecca Gale Collins, Chris Holstein, Troy Marquart and Richard Mehrstens.

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director, Roads Transport Drainage and Waste), Julie Vaughan (Director, Connected Communities), Scott Cox (Director, Environment and Planning), Bileen Nel (Director, Water and Sewer), Shane Sullivan (Acting Director, Governance) and Vivienne Louie (Unit Manager Financial Performance, Responsible Accounting Officer).

Leave of Absence

Councillor Burke submitted a leave of absence at the 12 November 2018 Ordinary Meeting for the 26 November 2018 and the 10 December 2018 Ordinary Meetings due to medical reasons and was granted leave.

Apologies

Councillor Doug Vincent (arrived at 7.08pm).

The Mayor, Jane Smith, declared the meeting open at 6.40pm 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 ordinary meeting reports were considered in the following order 1.1, 4.2, 1.2, 1.3, 4.5, 4.9, 4.10, 5.1, 5.2, 5.3, 5.4, 5.6, 5.7, 5.9, 5.9, 5.10, 2.1,3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 4.1, 4.3,4.4, 4.7, 4.8, 4.11, 5.5, 5.8, 7.1, 7.2, U7/18, 8.1 and 4.6. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

Councillor Vincent arrived at 7.08pm and did not participate in discussion or voting of this item.

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units & 23 On-site Car Parking Spaces

Councillor Pilon declared a pecuniary interest in the matter as her business may be quoting on the work. Councillor Pilon left the chamber at 7.36pm, returning at 7.49pm and did not participate in discussion and voting.

3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the applicant is known to him, but is not a client and he does not have a pecuniary interest. Councillor McLachlan chose to remain in chambers and participate in discussion and voting.

4.6 Meeting Record of the Protection of the Environment Trust Management Committee Held on 30 October 2018

Mayor Smith declared a pecuniary interest in the matter as she is connected with two of the organisations that may receive funding. Mayor Smith left the Chamber at 10.59pm, returning at 11.01pm and did not participate in the discussion or voting.

4.8 Grants and Sponsorship Program 2018/19 Round 1

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she had worked with many organisations seeking community grants. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non pecuniary interest as he works casually for Regional Youth Support Services. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is connected with various community groups on the coast. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was her campaign manager in the Local Government elections. Councillor Matthews left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Mayor Smith declared a less than significant non as former voluntary CEO and Board member of the Community Environment Network. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

4.10 Community Support Grant Program 2018-19

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she has worked with many of these community grants. The matter was dealt with by the exception method.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. The matter was dealt with by the exception method.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was her campaign manager in the Local Government elections. The matter was dealt with by the exception method.

4.11 Community Support Grants - Council Meeting 26 November 2018

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who is seeking a grant. Councillor Best left the chamber at 9.37pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.35pm, returning at 9.57pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter as he works casually for Coast Shelter. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as he intends to investigate employment of an apprentice through Central Coast Group Training in 2019. Councillor Marquart chose to remain in the chamber and participate in discussion and voting.

Councillor Pilon declared a less than significant non pecuniary interest as she is considering employing apprentices through Central Coast Group Training. Councillor Pilon chose to remain in the chamber and participate in discussion and voting.

7.1 Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council

Councillor Best declared a significant non pecuniary interest in the matter as the not for profit organisation that he works at will likely be included for such a program. Councillor Best left the chamber at 10.20pm, returning at 10.30pm and did not participate in discussion and

voting.

Councillor Gale Collins declared a pecuniary interest in the matter as she is the Deputy President of Coast Community Connections. Councillor Gale Collins left the chamber at 10.21pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as she works in the social services sector and has a professional relationship with numerous local NGO services who may also have an interest in this motion. Councillor Hogan left the chamber at 10.19pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as she works in the social services sector. Councillor Matthews left the chamber at 10.18pm, returning at 10.30pm and did not participate in discussion and voting.

Moved: Councillor MacGregor
Seconded: Councillor Gale Collins

Resolved

1178/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1179/18 That Council suspend standing orders to allow item 4.2 to be brought forward for consideration.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Gale Collins
Seconded: Councillor MacGregor

Resolved

1180/18 That Council confirm the minutes of the Ordinary Meeting of the Council

held on 26 November 2018.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Best

Seconded: Councillor Marquart

Resolved

1181/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c)(d) of the Local Government Act 1993 for the following reasons:

8.1 Tender CPA/1298 – After Hours Call Centre

Reason for considering in closed session:

2(c) – Contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

4.6 Meeting Record of the Protection of the Environment Trust Management Committee Held on 30 October 2018

Reason for considering in closed session:

2(d) - commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it

For:

Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, McLachlan, Vincent, Hogan and Best

Against:

Councillors MacGregor, Pilon and Greenaway

Procedural Motion – Exception

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1182/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

2.1	Mayoral Minute – Save our Recycling Campaign
3.1	DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units & 23 On-site Car Parking Spaces
3.2	DA 53031/2017 - 231 & 241 Wisemans Ferry Road, Somersby
3.3	DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham
3.4	DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights
3.5	Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights
3.6	Gosford Community Based Heritage Study
4.1	Deferred Item - Town Centre Review
4.3	Central Coast Section 7.12 Contributions Plan Report
4.4	Winney Bay Clifftop Walk - Stage 2 - Community Consultation
4.7	Progress of Actions of the Destination Management Plan 2018-2021
4.8	Grants and Sponsorship Program 2018/19 Round 1
4.11	Community Support Grants - Council Meeting 26 November 2018
5.5	Baker Park and Race Course Master Plan
5.8	Permanent Protection of Porters Creek Wetland - Outcome of Investigations
5.11	Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
5.12	Management Activities at Wamberal and Terrigal Beaches
7.1	Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council
7.2	Notice of Motion - Thank you to Staff
8.1	Confidential item - Rescission Motion - Tender CPA/1298 - After Hours Call Centre Contract
	U7/18 Motion of Urgency - Support for 2019 NSW Aboriginal Rugby League Knockout

1183/18 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

4.5	Biodiversity Offsets
4.9	Heritage Grant Program Round 1 2018-19
4.10	Community Support Grant Program 2018-19
5.1	2020 Local Government Elections
5.2	Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018
5.3	Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018
5.4	Gosford Traffic & Transport Study
5.6	Record of Community Strategic Plan Community Reference Group meeting held on 30 October 2018
5.7	Response to Notice of Motion - Mystery Shop

5.9 Response to Notice of Motion - Short Term Rental Accommodation
5.10 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018

For:
Unanimous

2.1 Mayoral Minute – Save our Recycling Campaign

Moved: Mayor Smith

Resolved

- 1184/18 That Council endorse Local Government NSW's campaign 'Save Our Recycling' to realise the reinvestment of 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.**
- 1185/18 That Council make representation to the local State Members on the Central Coast, Member for Terrigal, Adam Crouch MP, Member for Gosford Liesel Tesch MP, Member for The Entrance, David Mehan MP, Member for Wyong, David Harris MP and Member for Swansea, Yasmin Catley MP in support of this campaign objective – for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling, resource recovery and waste management infrastructure.**
- 1186/18 That Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage and Deputy Opposition Leader, the Hon Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.**
- 1187/18 That Council take a lead role in activating the Local Government NSW 'Save Our Recycling' campaign locally.**
- 1188/18 That Council endorse the distribution and display of Local Government NSW 'Save Our Recycling' information on Council premises, as well as involvement in any actions arising from the initiative.**
- 1189/18 That Council formally advise Local Government NSW that Council has endorsed the 'Save Our Recycling'; advocacy initiative.**

For:
Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Matthews,

Against:
Councillors Marquart, Gale Collins and Pilon

**MacGregor, McLachlan, Greenaway,
Vincent, Hogan and Best**

3.1 DA 52083/2017 - 5-7 Church Street, Terrigal - 2 Ground-Floor Shops, 12 Residential Units & 23 On-site Car Parking Spaces

Councillor Pilon declared a pecuniary interest in the matter as her business may be quoting on the work. Councillor Pilon left the chamber at 7.36pm, returning at 7.49pm and did not participate in discussion and voting.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1190/18 That Council refuse the application for the following reasons:

- a failure to comply with provisions of the Gosford DCP 2013 including:**
 - i the development exceeds the number of storeys by 25%**
 - ii the external wall height is a 23.55% variation**
 - iii Max width of enclosed floor space at 5th level exceedance by 13-26%**
 - iv No setback to Hudson Lane, representing a 100% variation**
 - v No communal space is provided, representing a 100% variation**
 - vi No deep soil zones are provided, representing a 100% variation**
 - vii No side boundary setbacks for visual privacy, representing a 100% variation**
 - vii the proposed development does not activate the Hudson laneway frontage as is envisaged by the provisions within GDCP 2013 for the Terrigal Village Centre**
- b the provision of the first floor parking area facing Church Street and Hudson Lane is inconsistent with the Desired Character recommendations in GDCP 2013 in that "on-site carparking and service areas should not be visible from any street frontage, and should be located in basements or behind occupied floorspace such as shops"**
- c the development is not in the public interest as it will create an expectation that similar non-compliance with Council's planning controls is acceptable.**

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

Against:
**Councillors Marquart, Holstein, Gale
Collins, Matthews, McLachlan and Best**

3.2 DA 53031/2017 - 231 & 241 Wisemans Ferry Road, Somersby

Moved: Mayor Smith
Seconded: Councillor Mehrtens

Resolved

1191/18 That Council defer consideration of this item until a site inspection has been conducted.

For: Mayor Smith, Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, MacGregor, Pilon, McLachlan, Greenaway, Vincent, Hogan and Best	Against: Councillor Gale Collins
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3.3 DA 54082/2018 Staged Development - Stage 1: Conversion of Existing Church into a Dwelling and construction of a Garage - Stage 2: Addition to Dwelling at No. 3 Oak Road, Matcham

Moved: Councillor Matthews
Seconded: Councillor Gale Collins

Resolved

1192/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1193/18 That Council advise those who made written submissions of its decision.

For: Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan, Greenaway, Vincent, Hogan and Best	Against: Councillor MacGregor
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3.4 DA 54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road Killcare Heights

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as the applicant is known to him, but is not a client or any pecuniary interest. Councillor McLachlan chose to remain in chamber and participate in discussion and voting.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

Amendment Moved: Councillor Best
Amendment Seconded: Councillor Marquart

1 *That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and other relevant issues.*

2 *That Council advise those who made written submissions of its decision.*

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

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

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

1194/18 That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

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

3.5 Building Information Certificate Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road Killcare Heights

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

1195/18 That Council defer this item for consideration at the 29 January 2019 Ordinary Council Meeting.

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

3.6 Gosford Community Based Heritage Study

Moved: Councillor Sundstrom

Seconded: Councillor Mehrtens

Resolved

1196/18 That Council support the finalisation of the planning proposal as amended, specifically by the deletion of the following items:

- a 11 The Cedars Close Bensville (Lot 15 DP 861965)**
- b 10 Pine Avenue Davistown (Lot 3 DP 5820)**
- c 89 John Whiteway Drive Gosford (Lot 100 DP 1075037)**
- d 152 Mann Street Gosford (Lot 18 DP 248521)**
- e 332A Mann Street Gosford (Lot 1 DP 156665)**
- f 24 Jacaranda Ave Patonga (Lot 14 DP 9435)**
- g 30 Cornelian Ave Pearl Beach(Lot 1271 DP 554493)**
- h 5301 Wisemans Ferry Road Spencer (Lot 1032 DP 1106937).**

1197/18 That Council note that the following items will be considered as part of the next heritage review expected to commence within 12 months of the finalisation of this planning proposal:

- a 89 John Whiteway Drive Gosford (Lot 100 DP 1075037)**
- b 152 Mann Street Gosford (Lot 18 DP 248521)**
- c 24 Jacaranda Ave Patonga (Lot 14 DP 9435)**
- d 30 Cornelian Ave Pearl Beach(Lot 1271 DP 554493)**
- e 5301 Wisemans Ferry Road Spencer (Lot 1032 DP 1106937).**

1198/18 That Council undertake further investigation and consultation with NPWS on potential heritage listing of the Governor Phillip landing point at Lobster Beach, Pretty Beach.

1199/18 That the Planning Proposal be referred to Council's Heritage Advisory Committee for their comments.

1200/18 Subject to no further recommendations from the Heritage Advisory Committee, that Council request the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (4 September 2017) and proceed with the steps for drafting and making of Amendment No. 36 to Gosford Local Environmental Plan 2014 and Interim Development Order No. 122 Gosford.

1201/18 That Council advise all those who made a public submission of the decision.

For:
Mayor Smith and Councillors Marquart,

Abstain:
Councillor Gale Collins

*Holstein, Mehrstens, Sundstrom, Matthews,
MacGregor, Pilon, McLachlan, Greenaway,
Vincent, Hogan and Best*

4.1 Deferred Item - Town Centre Review

Moved: Councillor Matthews

Seconded: Councillor MacGregor

Resolved

1202/18 That Council note the report and attachments.

1203/18 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 2 is to be treated and remain as confidential as it contains matters affecting security of Council, Councillors, Council Staff or Council Property.

1204/18 That the Council request the Chief Executive Officer to provide a further report back to Council to the Jan 2019 meeting which details:

- **Roles to be undertaken by Council**
- **Proposed Role of regional board**
- **The role of Councils Employment and Economic Development Committee**
- **Local/place focus**
- **Regional focus**
- **Options to engage with stakeholders and Local Communities on Town Centre Activities**
- **An Oversight Committee of interested Councillors.**

1205/18 That Council work with the GBID, Greater Toukley Vision, Wyong Business Chamber, the NSW Business Chamber and all other relevant Business Chambers to develop a regional approach to specifically support local economic and business development initiatives.

1206/18 That the Council request the Chief Executive Officer to appropriately resource a dedicated team within Council to provide internal coordination for all identified town centres for the following roles and functions:

- **Asset management**
- **Contract management**
- **Events**

1207/18 That Council resolve to extend the funding agreement with the current third party entities, Gosford Business Improvement District, Greater Toukley Vision, and Wyong Regional Chamber of Commerce, for an additional three months from 31 March 2019 to allow for an appropriate transition period.

For:
**Mayor Smith and Councillors Marquart,
Holstein, Mehrtens, Sundstrom, Gale
Collins, Matthews, MacGregor, Pilon,
Greenaway, Vincent, Hogan and Best.**

Abstain:
Councillor McLachlan

4.2 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council for the period 1 July 2017 to 30 June 2018

Councillor Vincent arrived at 7.08pm during consideration of this item.

James Sugumar from the Audit Office of NSW presented the Audit Report to Council.

Moved: Councillor Best
Seconded: Councillor Gale Collins

Resolved

- 1208/18 That Council note that the audited financial reports including the auditor's reports have been presented to this meeting of the Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").**
- 1209/18 That Council note that the external auditor, addressed the Council on the auditor's report on Central Coast Council's 2017-18 Financial Reports in accordance with s. 419(2) of the LG Act.**
- 1210/18 That Council adopt the audited 2017-18 financial reports for Central Coast Council as presented in accordance with ss. 413(2)(c) and 377(1)(k) of the LG Act, and cl. 215(1)(a) of the Local Government (General) Regulation 2005.**
- 1211/18 That Council include the audited 2017-18 Consolidated Financial Reports as an Addendum to Council's 2017-18 Annual Report in accordance with s.428(4)(a) of the LG Act.**
- 1212/18 That Council make available on Council's website the 2017-18 Annual Report including audited 2017-18 Financial Reports and a copy be provided to the Minister of Local Government in accordance with s. 428 (5) of the LG Act.**

For:
Unanimous

4.3 Central Coast Section 7.12 Contributions Plan Report

Moved: Mayor Smith

Seconded: Councillor MacGregor

That this item be deferred to be discussed at the Councillor Workshop to be held in February 2019.

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Gale Collins

- 1 *That Council adopt the draft Central Coast Section 7.12 Contributions Plan for the purpose of public exhibition.*
- 2 *That Council exhibit the draft Central Coast Section 7.12 Contributions Plan for a minimum period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Regulations 2000.*
- 3 *That Council consider a further report on the outcomes of the public exhibition period.*
- 4 *That Council exhibit amendments to all former Wyong Shire Section Council 7.11 contributions plans to end the discounted contributions rate for secondary dwellings and levy contributions at the rate applicable within the existing contributions plans simultaneously with the exhibition of the draft Central Coast Section 7.12 Contributions Plan.*
- 5 *That Council apply s7.12 Contributions to Secondary Dwellings in the former Gosford Local Government Area.*

For:
Councillors Marquart, Holstein, Gale Collins,
Pilon, McLachlan, Greenaway and Best

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

The Amendment was put to the vote and declared LOST on the casting vote of the Mayor. The motion was then put.

Moved: Mayor Smith

Seconded: Councillor MacGregor

Resolved

1213/18 That Council defer this item to be discussed at the Councillor Workshop to be held in February 2019.

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

**Against:
Councillors Marquart, Holstein, Gale
Collins, Pilon, McLachlan, Greenaway and
Best**

The motion was CARRIED on the casting vote of the Mayor.

The meeting adjourned at 8.54pm and resumed at 9.09pm.

4.4 Winney Bay Clifftop Walk - Stage 2 - Community Consultation

Moved: Councillor Sundstrom

Seconded: Councillor Mehrtens

Resolved

1214/18 That Council note the feedback from the community consultation undertaken for Stage 2 of the Winney Bay Cliff Top Walk.

1215/18 That council note the wide acceptance of the recently opened Chertsey Boardwalk, in Springfield and note that the design is sympathetic and has minimal environmental impact.

1216/18 That Council note that community feedback on the project has been strongly divided with key issues raised through the community consultation process including:

- a. Perception of conflict between maintaining the objectives of COSS land and the objective of creating a major tourist attraction accessed from the Copacabana village.**
- b. Amelioration of the potential environmental impact of the project.**
- c. The provision of disabled access to the clifftop.**
- d. Whole of life costs.**
- e. Indigenous heritage.**
- f. Potential hazards associated with the clifftop environment.**
- g. Deletion of the market stall components.**

1217/18 That Council prepare an amended design for Stage 2 of the project with the following alterations:

- a. A pathway with a maximum 2m width, following the existing informal track and using materials that have minimal environmental impact.**
- b. Deletion of the proposed 3m wide concrete access road and bridge.**
- c. Relocation of the lookout to the vicinity of the southern side of the former proposed bridge.**
- d. Deletion of the market stall components.**
- e. Rehabilitation and restoration of the native vegetation on the site.**
- f. Investigate ways to improve inclusive access to the proposed lookout, noting that this may require a suitable hard surface in this section.**
- g. Investigate options to ensure that the project reflects and promotes Aboriginal connection and significance.**
- h. Provision of information / education signage at the commencement of Stage 2 promoting the 5 Lands Walk, the features of the site and the funding source.**

1218/18 *Discuss with the funding body any potential changes including other related tourist and community projects such as safe pedestrian access for those participants of the 5 lands walk that use Del Monte Place to walk to the Captain Cook lookout and the existing Whale Viewing Platform at the Copacabana Beachfront.*

1219/18 *That staff liaise with the funding body about the proposed variation to the design.*

1220/18 *That the revised design be place on exhibition for community comment.*

1221/18 *Results of the community consultation be brought back to Council prior to construction commencing on Stage 2 of the Winney Bay Cliff Top Walk.*

1222/18 *That Council adhere to the provisions of the previous resolution by this Council, that required there be no contracts signed until all the matters arising from community consultation have been dealt with.*

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

Against:
Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan and Best

4.5 Biodiversity Offsets

Moved: **Councillor Vincent**
Seconded: **Councillor Pilon**

Resolved

1223/18 *That Council note the information contained within this report.*

1224/18 *That Council staff prepare a further report for Council on the outcome of investigations and negotiations prior to finalisation of any Biodiversity Stewardship Agreements by the NSW Biodiversity Conservation Trust.*

For:
Unanimous

4.7 Progress of Actions of the Destination Management Plan 2018-2021

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

Resolved

1225/18 *That Council receive the report on the progress of actions of the Central Coast Destination Management Plan 2018-2021.*

1226/18 *That Council receive a further report on the progress of the Destination Management Plan in twelve months.*

For:

Unanimous

4.8 Grants and Sponsorship Program 2018/19 Round 1

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as prior to being sworn into Council, she has worked with many of these community grants. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non pecuniary interest as he works casually for Regional Youth Support Services. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she is connected with various community groups on the coast. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was my campaign manager in the Local Government elections. Councillor Matthews left the chamber at 9.30pm, returning at 9.34pm and did not participate in discussion and voting.

Mayor Smith declared a less than significant non as former voluntary CEO and Board member of the Community Environment Network. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Moved: **Mayor Smith**

Seconded: **Councillor Sundstrom**

Resolved

1227/18 *That Council allocate \$142,000 from the sponsorship budget, to be paid over the 2018-19, 2019-20 and 2020-21 financial years to the applicants outlined in the table (Attachment 1).*

- 1228/18 *That Council allocate \$158,697.23 from the 2018-19 grants budget to the Community Events and Place Activation Program as outlined in the tables (Attachment 2).*
- 1229/18 *That Council defer the application for Central Coast Mountain Bike Club for consideration in the next round after further consultation with the applicant.*
- 1230/18 *That Council allocate \$187,959.70 from the 2018-19 grants budget to the Community Development Grant Program as outlined in the tables (Attachment 3) with the exception of 3 above.*
- 1231/18 *That Council allocate \$107,367.00 from the 2018-19 grants budget to the Community Infrastructure Grant Program as outlined in the tables (Attachment 4).*
- 1232/18 *That Council allocate \$114,675.58 from the 2018-19 grants budget to the Social and Creative Enterprise Program as outlined in the tables (Attachment 5).*
- 1233/18 *That Council decline the Grants and Sponsorship program applications for the reasons indicated in the Tables (Attachment 1,2,3,4 and 5), and the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

4.9 Heritage Grant Program Round 1 2018-19

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

- 1234/18 *That Council allocate \$102,779.65 from the 2018-19 grants budget to the Heritage Grant Programs as outlined in the in the following report and Attachment 1.*
- 1235/18 *That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.*

For:

Unanimous

4.10 Community Support Grant Program 2018-19

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as

prior to being sworn into Council, she has worked with many of these community grants. The matter was dealt with by the exception method

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. The matter was dealt with by the exception method.

Councillor Matthews declared a pecuniary interest in the matter as the CEO at Charmhaven Tennis Club (grant application) was my campaign manager in the Local Government elections. The matter was dealt with by the exception method.

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1236/18 That Council allocate \$10,000 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1.

1237/18 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

For:

Unanimous

4.11 Community Support Grants - Council Meeting 26 November 2018

Councillor Best declared a pecuniary interest in the matter as he is the General Manager of Central Coast Group Training who is seeking a grant. Councillor Best left the chamber at 9.37pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as the organisation she works for may receive a grant and she works with several of the other organisations who applied. Councillor Hogan left the chamber at 9.35pm, returning at 9.57pm and did not participate in discussion or voting.

Councillor Holstein declared a significant non pecuniary interest in the matter as he works casually for Coast Shelter. Councillor Holstein left the chamber at 9.30pm, returning at 9.57pm and did not participate in discussion and voting.

Councillor Marquart declared a less than significant non pecuniary interest in the matter as he intends to investigate employment of an apprentice through Central Coast Group Training in 2019. Councillor Marquart chose to remain in the chamber and participate in discussion and voting.

Councillor Pilon declared a less than significant non pecuniary interest as she is considering employing apprentices through Central Coast Group Training. Councillor Pilon chose to

remain in the chamber and participate in discussion and voting.

Moved: Councillor Marquart
Seconded: Councillor Gale Collins

Resolved

1238/18 That Council approve the funding application for Central Coast Group Training for the amount of \$5,000.00.

For: Mayor Smith and Councillors Marquart, Mehrstens, Sundstrom, Gale Collins, Matthews, Pilon and McLachlan	Against: Councillors MacGregor, Greenaway and Vincent
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5.1 2020 Local Government Elections

Moved: Councillor Vincent
Seconded: Councillor Pilon

Resolved

1239/18 That Council receive the report on 2020 Local Government Elections.

For:
Unanimous

5.2 Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018

Moved: Councillor Vincent
Seconded: Councillor Pilon

Resolved

1240/18 That Council receive the report on Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 24 October 2018.

For:
Unanimous

5.3 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018

Moved: Councillor Vincent

Seconded: **Councillor Pilon**

Resolved

1241/18 ***That Council note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 31 October 2018 that is Attachment 1 to this report.***

For:
Unanimous

5.4 Gosford Traffic & Transport Study

Moved: **Councillor Vincent**
Seconded: **Councillor Pilon**

Resolved

1242/18 ***That Council note the contents of the progress report for the Gosford Traffic & Transport Study.***

1243/18 ***That Council provide a further update of the study in June 2019.***

For:
Unanimous

5.5 Baker Park and Race Course Master Plan

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

Resolved

1244/18 ***That Council receive the report on Baker Park and Race Course Master Plan.***

For:
Unanimous

5.6 Record of Community Strategic Plan Community Reference Group meeting held on 30 October 2018

Moved: **Councillor Vincent**
Seconded: **Councillor Pilon**

Resolved

1245/18 That Council receive and note the Meeting Record of the Community Strategic Plan Community Reference Group held on 30 October 2018 as set out in Attachment 1 to this report.

For:

Unanimous

5.7 Response to Notice of Motion - Mystery Shop

Moved: Councillor Vincent

Seconded: Councillor Pilon

Resolved

1246/18 That Council receive the report on Response to Notice of Motion – Mystery Shop to test Council Service.

For:

Unanimous

5.8 Permanent Protection of Porters Creek Wetland - Outcome of Investigations

Moved: Mayor Smith

Seconded: Councillor MacGregor

Resolved

1247/18 That Council receive and note the report on Permanent Protection of Porters Creek Wetland-outcome of investigation.

1248/18 That the Chief Executive Officer initiate a process to reclassify the public land in the Porters Creek Wetland (identified as the SEPP14 Wetland) that is classified as Operational Land to the classification of community land.

1249/18 Engage a consultant with expertise in wetlands and their management to;

- a Initiate a Biodiversity Stewardship Agreement process**
- b investigate a declaration of Porters Creek Wetland as a wetland of international importance (eg. Ramsar wetland)**
- c liaise with NPWS and if appropriate, prepare a submission for declaration of Porters Creek wetland as a protected area under the National Parks and Wildlife Act**
- d provide draft planning text to be included in an LEP and /or DCP to ensure that activities, including development, in the catchment do not negatively impact on the environmental values of Porters Creek**

Wetland

- e **Consider any measures that would minimise current impacts from surrounding areas.**

1250/18 That the Chief Executive Officer provide an update to Council on this resolution by June 2019.

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

Against:
Councillor McLachlan

Abstain:
Councillors Gale Collins, Pilon and Best

5.9 Response to Notice of Motion - Short Term Rental Accommodation

Moved: Councillor Vincent
Seconded: Councillor Pilon

Resolved

1251/18 That Council receive the report on Short-term rental accommodation.

For:
Unanimous

5.10 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018

Moved: Councillor Vincent
Seconded: Councillor Pilon

Resolved

1252/18 That Council note the draft Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 7 November 2018 that is Attachment 1 to this report.

For:
Unanimous

Procedural Motion

Moved: Councillor Holstein
Seconded: Councillor Best

Resolved

1253/18 *That Council suspend standing orders to allow items 7.1, 7.2, 8.1 and U7/18 be brought forward for consideration and items 5.11 and 5.12 be deferred until the 29 January 2019 Ordinary Council Meeting.*

For:
Unanimous

5.11 **Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches**

Moved: **Councillor Holstein**
Seconded: **Councillor Best**

Resolved

1254/18 *That Council defer consideration of this item until the 29 January 2019 Ordinary Council Meeting.*

For:
Unanimous

5.12 **Management Activities at Wamberal and Terrigal Beaches**

Moved: **Councillor Holstein**
Seconded: **Councillor Best**

Resolved

1255/18 *That Council defer consideration of this item until the 29 January 2019 Ordinary Council Meeting.*

For:
Unanimous

7.1 **Deferred Item - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council**

Councillor Best declared a significant non pecuniary interest in the matter as the not for profit organisation that he works at will likely be included for such a program. Councillor Best left the chamber at 10.20pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Gale Collins declared a pecuniary interest in the matter as she is the Deputy President of Coast Community Connections. Councillor Gale Collins left the chamber at 10.21pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Hogan declared a pecuniary interest in the matter as she works in the social services sector and has a professional relationship with numerous local NGO services who may also have an interest in this motion. Councillor Hogan left the chamber at 10.19pm, returning at 10.30pm and did not participate in discussion and voting.

Councillor Matthews declared a pecuniary interest in the matter as she works in the social services sector. Councillor Matthews left the chamber at 10.18pm, returning at 10.30pm and did not participate in discussion and voting.

Moved: Councillor MacGregor

Seconded: Councillor Mehrtens

Resolved

- 1256/18 That Council note the deferred item Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council.**
- 1257/18 That Central Coast Council establish a Social Issues Committee by April 2019 to be consisted of interested Councillors and (X) community members to work hand in hand with community, the 3 tiers of government, local service agencies and sector experts to inquire into social issues in the Central Coast Council area, co-ordinate and formulate a collective response and to provide advocacy and solutions for the various social issues affecting our community on the Central Coast.**
- 1258/18 That the committee consider conducting an inquiry into social issues in the Wyong Ward as a pilot programme for the committee at its initial meeting.**
- 1259/18 That the scope of this committee and issues to be investigated be initially limited to the Wyong Ward for a period of the initial 12 months, with a view to reviewing the efficacy of the committee and potential success of any of the committees endeavours.**
- 1260/18 That this initial inquiry conform to the above scope unless by determination of council to extend the scope in the initial 12 months to additional wards/geographical areas or social demographics.**
- 1261/18 That the committee meet bi-monthly unless determined otherwise by the committee members and the initial meeting of the committee will set the agenda and business for the committee to investigate in coming meetings and months.**
- 1262/18 That Council advertise for seek and accept submissions/input from the following (but not limited to) prior to the initial meeting of the committee: local youth and community service organisations, relevant NSW Government**

or Federal Government agencies, NSW Police, the health and education sector, local Indigenous groups and other interested community or advocacy groups on the Central Coast.

1263/18 *That a briefing be held for Councillors with staff subject to the establishment of the Committee to discuss the structure, function and operations.*

For:
Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, MacGregor, McLachlan, Greenaway and Vincent

Against:
Councillors Marquart and Pilon

7.2 Notice of Motion - Thank you to Staff

Moved: *Councillor Hogan*
Seconded: *Councillor Matthews*

Resolved

1264/18 *That the Councillors note that the staff have worked tirelessly and diligently throughout the year and since amalgamation to transform the Coast to 'One Central Coast' through sound governance, harmonisation, accountability and forward planning.*

1265/18 *The Councillors wish to thank all staff for their dedication, expertise and support throughout a difficult period of uncertainty and change.*

1266/18 *The Councillors wish to thank the Mayor, Jane Smith, the Chief Executive Officer, Gary Murphy, the Executive Leadership Team and Councillor Support team for their leadership, guidance and support.*

1267/18 *The Councillors wish to acknowledge that although we have differing opinions, ideals, values, beliefs and political persuasions, that as individuals we have worked to serve within the best interests of the Community as we all pledged with the Councillor's Oath.*

1268/18 *The Councillors thank you again and wish all staff and their families a very Merry Christmas and a happy and safe New Year.*

For:
Unanimous

The Mayor determined that it was appropriate that Council determine whether this matter should be considered as a matter of urgency.

Procedural Motion

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

1269/18 That Council consider a motion of urgency regarding support for 2019 NSW Aboriginal Rugby League Knockout.

For:
Unanimous

U7/18 Motion of Urgency – Support for 2019 NSW Aboriginal Rugby League Knockout

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

1270/18 That Council provides a formal response to support the conduct and hosting of the 2019 NSW Aboriginal Rugby League Knockout at Central Coast Regional Sport and Recreation Complex in October 2019 to the value of \$150,000.00 of in-kind and financial support.

For:
Unanimous

Confidential Session

Moved: Councillor Sundstrom
Seconded: Mayor Smith

Resolved

1271/18 That the meeting move into Confidential Session.

For: Mayor Smith and Councillors Marquart, Holstein, Mehrstens, Sundstrom, Gale Collins Matthews, McLachlan, Vincent, Hogan and Best	Against: Councillors MacGregor, Pilon and Greenaway
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At this stage of the meeting being 10.47 pm 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 s.10A of *The Local Government Act, 1993* as the items listed come within the following provisions:-

10A *Which parts of a meeting can be closed to the public?*

(2) *The matters and information are the following:*

(c) *Contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

(d) *Contains commercial information of a confidential nature that would, if disclosed prejudice*

The meeting resumed in open session at 11.01 pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

4.6 Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018

Resolved

1272/18 *That Council note the draft Meeting Record of the Protection of the Environment Trust Management Committee held on 30 October 2018 that is Attachment 1 to this report.*

1273/18 *That Council release the funds in accordance with the information provided in the confidential table outlining the 3 SmartyGrants applications received, as set out in Attachment 2 to this report.*

1274/18 *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 2 to this report remain confidential as the attachment includes commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

8.1 Rescission Motion - Tender CPA/1298 - After Hours Call Centre Contract

The motion was put to the vote and declared LOST.

Questions on Notice

**Q237/18 Wyong Coastal Zone Management Plan
Councillor Troy Marquart**

The Wyong Coastal Zone Management Plan posted on the current Council link notes that: Page 4: "Councils long term strategy is managed retreat of assets and infrastructure from coastal risk areas."

Page 12: "Councils risk treatment strategy is planned or managed retreat."

The draft Climate Change Policy is out to public consultation now, so Planned Retreat is not currently adopted. Why are the above incorrect statements in the WCZMP?

**Q238/18 Davistown Wetlands
Councillor Rebecca Gale Collins**

Can we please get an update on the purchase of Davistown Wetlands as I believe the update /report of the previous motion was due by this last Ordinary Meeting of 2018?

**Q239/18 Terrigal Boat Ramp
Councillor Rebecca Gale Collins**

Given the Terrigal boat ramp trailer parking signage is not legible due to fading, will Council be reimbursing costs or stopping tickets being issued?

**Q240/18 Leases
Councillor Kyle MacGregor**

How many organisations or entities does Council extend leases to for over 30 years for less than \$500 per year?

**Q241/18 Renewable Energy
Councillor Kyle MacGregor**

Does Central Coast Council generate any renewable energy and are there plans to either do so in future or generate additional renewable energy sources if we currently do not?

**Q242/18 Briefing on Points of Order
Councillor Louise Greenaway**

Could Councillors please be provided with a briefing on Points of Order, if possible before the next meeting of 29 January 2019?

Q243/18 Procurement Process
Councillor Jillian Hogan

Could staff please look at the procurement process because 'local' food and entertainment providers feel that they have been locked out of events.

Julie Vaughan provided a response: There isn't one simple list as Council undertakes a procurement process from an expression of interest process that they are required to undertake to ensure that they do not promote one business over another. This question will be taken on notice as she may be able to provide additional information.

Q244/18 LEP DCP
Councillor Bruce McLachlan

I note that the draft LEP DCP asserts the previous policy of Gosford Council as assessing the ongoing viability of land below 4 metres AHD and the proposal is to do the same with the new LEP DCP subject to any changes precipitated by future climate change policy.

Has Council published any maps identifying any land or all land under the 4m AHD to which this assessment could apply?

Has Council identified how many commercial and residential lots are now subject to determination of future viability?

What does assessment of future viability mean?

Q245/18 Sea Levels
Councillor Bruce McLachlan

Why does the policy reference a previous seas level rise policy of Gosford Council is 90cm at 2100. Didn't Council acknowledge that this policy was amended to 74cm in by vote of Council in March of 2015 and these new levels applied to Council?

The Meeting closed at 11.04 pm.