



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber  
2 Hely Street, Wyong  
on 11 February 2019  
Commencing at 6.30pm

#### Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Chris Burke, Louise Greenaway, Kyle MacGregor, 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) and Shane Sullivan (Acting Director Governance).

The Mayor, Jane Smith, declared the meeting open at 6.49pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

#### Apologies

Councillor Doug Vincent

#### Leaves of Absence

**Moved:**            **Councillor Pilon**  
**Seconded:**      **Councillor Sundstrom**

#### Resolved

**71/19      That Council resolve to accept the following leave of absence requests:**

- **Councillor Marquart for the Council Meetings of 25 February 2019 and 11 March 2019, due to medical reasons.**
- **Councillor Matthews for the Council Meeting of 25 February 2019, due to medical reasons.**

**For:**  
**Unanimous**

**1.1 Disclosures of Interest**

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**2.1 DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach**

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with the Peninsula Chamber of Commerce Board Members. Councillor Gale Collins chose to remain in chambers and participate in discussion and voting.

**6.4 Notice of Motion - Draft DCP Hazard Category Conformation Motion**

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with the Peninsula Chamber of Commerce Board Members. Councillor Gale Collins chose to remain in chambers and participate in discussion and voting.

**Moved: Councillor Matthews**

**Seconded: Councillor Mehrtens**

**Resolved**

**72/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved: Councillor MacGregor**

**Seconded: Councillor Pilon**

**Resolved**

**73/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 29 January 2019.**

**For:**

**Unanimous**

**Procedural Motion**

**Moved:** Councillor Gale Collins

**Seconded:** Councillor McLachlan

**Resolved**

**74/19** That Council receive and note the tabled petition from the Davistown Progress Association regarding the Draft Climate Change Policy.

**For:**

**Unanimous**

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

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Sundstrom

**Resolved**

**75/19** That Council receive the report and note that no matters have been tabled to deal with in a closed session.

**For:**

**Unanimous**

**Procedural Motion – Exception**

**Moved:** Councillor Gale Collins

**Seconded:** Councillor MacGregor

**Resolved**

**76/19** That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

<b>2.1</b>	<b>DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach</b>
<b>3.1</b>	<b>Deferred Item - Town Centre Review - Additional Information</b>
<b>3.2</b>	<b>Conduct of the 2020 Local Government Elections</b>
<b>3.3</b>	<b>Unsolicited Proposals Policy</b>
<b>3.4</b>	<b>Water Security</b>
<b>3.6</b>	<b>Winney Bay Cliff Top Walk Project</b>
<b>4.1</b>	<b>Deferred Item - Reports Due to Council</b>
<b>6.1</b>	<b>Deferred Item - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection</b>

<b>6.2 Notice of Motion - Riggs on the Horizon II</b>
<b>6.3 Notice of Motion - 2020 Tuggerah Lakes Restoration Project</b>
<b>6.4 Notice of Motion - Draft DCP Hazard Category Conformation Motion</b>

**77/19**      ***That Council adopt the following items en-masse and in accordance with the report recommendations:***

<b>3.5 Community Facilities Review Progress Status Report</b>
<b>4.2 Meeting Record of the Employment and Economic Development Committee held 12 December 2018</b>
<b>4.3 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018</b>
<b>4.4 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018</b>

**For:**  
**Unanimous**

**2.1            DA/52563/2017 - Mixed Use Development - 211 - 213 West Street, Umina Beach**

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Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with the Peninsula Chamber of Commerce Board Members. Councillor Gale Collins chose to remain in chambers and participate in discussion and voting.

**Moved:**            **Councillor Mehrtens**  
**Seconded:**       **Councillor Best**

**Resolved**

**78/19**      ***That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***

**79/19**      ***That Council advise those who made written submissions of its decision.***

<b>For:</b> <b>Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan, Burke, Hogan and Best</b>	<b>Against:</b> <b>Mayor Smith and Councillors MacGregor and Greenaway</b>
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**3.1 Deferred Item - Town Centre Review - Additional Information**

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**Moved:** Councillor Holstein

**Seconded:** Mayor Smith

**Resolved**

**80/19** That Council note the Deferred Item – Town Centre Review – Additional Information which is Attachment 1 to this report.

**81/19** That Council receive the report on the Town Centre Review – additional information.

**82/19** That Council note that the Place Activation section of Council will be responsible for the coordination of the key town centre management functions including asset management and maintenance, infrastructure delivery, contract management, place activation and delivery of events.

**83/19** That Council establish a Town Centres Advisory Committee by June 2019 consisting of interested Councillors, relevant Council staff and up to ten community/business members to monitor and provide advice on Town Centre Management.

**84/19** That Council receive an additional report in 12 months reporting on program and outcomes delivered by the Town Centre Advisory Committee.

**For:**

**Unanimous**

**3.2 Conduct of the 2020 Local Government Elections**

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**Moved:** Councillor Mehrtens

**Seconded:** Councillor MacGregor

**Resolved**

**85/19** That Council, as advised by the Office of Local Government, postpone making a resolution pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) (the Act) to enter into an Election arrangement with any provider to administer Council's future Elections, polls and constitutional referenda.

**86/19** That Council request the Chief Executive Officer provide a further report back to Council dealing with the findings of the IPART report to the Minister for Local Government and the Election arrangement for the September 2020 Council Election.

**87/19** That Council resolves, pursuant to s.11(3) of the Local Government Act 1993, that the attachments to this report remain confidential as the attachments include "commercial information of a confidential manner".

**For:**

**Unanimous**

### **3.3 Unsolicited Proposals Policy**

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**Moved:** Mayor Smith

**Seconded:** Councillor MacGregor

**Resolved**

**88/19** That Council publicly exhibit the Central Coast Council Unsolicited Proposals Policy as set out in Attachment 1 to this report for a period of 28 days and a further report be provided to Council.

**For:**

**Unanimous**

### **3.4 Water Security**

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**Moved:** Councillor Marquart

**Seconded:** Councillor Best

**Resolved**

**89/19** That Council note the contents of this report in regards to current water resource planning activities and drought response.

**90/19** That Council endorse the Chief Executive Officer to amend the trigger points for the introduction and removal of the existing stages of Central Coast water restrictions to those outlined in Table 1.

**Table 1: Proposed New Levels**

<b>Restriction Level</b>	<b>Proposed New Restriction Level. Mangrove Creek Dam reduces to</b>	<b>Remove Restriction Level when Mangrove Creek Dam rises to</b>
<b>Level 1</b>	<b>50%</b>	<b>52%</b>
<b>Level 2</b>	<b>40%</b>	<b>42%</b>
<b>Level 3</b>	<b>35%</b>	<b>37%</b>
<b>Level 4</b>	<b>30%</b>	<b>32%</b>
<b>Level 5</b>	<b>25%</b>	<b>27%</b>

**For:**  
**Unanimous**

### **3.5 Community Facilities Review Progress Status Report**

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

**Resolved**

**91/19 That Council note the report on Community Facilities Review Progress Status Report.**

**92/19 That Council request the Chief Executive Officer to provide a further status report on the Community Facilities Review in April 2019.**

**For:**  
**Unanimous**

### **3.6 Winney Bay Cliff Top Walk Project**

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

*That Council advise Infrastructure NSW that it will accept the funding of \$4.615 million for RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2 and request the Chief Executive Officer to sign the final funding agreement for the funding. The project would continue as per its original scope, and would not be consistent with Council resolution 1217/18 of 10 December 2018.*

**Procedural Motion – Extend debate**

**Moved:** Councillor McLachlan  
**Seconded:** Mayor Smith

**Resolved**

**93/19 That Council extend the debate time for this item, the time being 8:24pm.**

**For:**  
**Unanimous**

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

*Resolved*

- 1 *That Council note the information from Infrastructure NSW outlining the options for the existing offer of \$4.615 million for project RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2.*
- 2 *That Council request the Chief Executive Officer write to Infrastructure NSW to inform them of the Council resolution to not proceed with the original project design under the existing offer of \$4.615 million for project RNSW1211 however, advise of the revised project design in keeping with the objectives of the original grant application.*
- 3 *That Council request the Chief Executive Officer engage design consultants to modify the designs for the Winney Bay Cliff Top Walk – Stage 2 that are consistent with Council resolution 1217/18 of 10 December 2018 and that the consultants design and cost each component of the revised project design.*

*For:*

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

*Against:*

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

***The Amendment was CARRIED on the casting vote of the Mayor and then became the Motion.***

***Moved: Councillor Sundstrom***

***Seconded: Councillor MacGregor***

***Resolved***

- 94/19 That Council note the information from Infrastructure NSW outlining the options for the existing offer of \$4.615 million for project RNSW1211 for the Winney Bay Cliff Top Walk – Stage 2.***
- 95/19 That Council request the Chief Executive Officer write to Infrastructure NSW to inform them of the Council resolution to not proceed with the original project design under the existing offer of \$4.615 million for project RNSW1211 however, advise of the revised project design in keeping with the objectives of the original grant application.***
- 96/19 That Council request the Chief Executive Officer engage design consultants to modify the designs for the Winney Bay Cliff Top Walk – Stage 2 that are consistent with Council resolution 1217/18 of 10 December 2018 and that the consultants design and cost each component of the revised project design.***

***For:***

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

***Against:***

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

*The Motion was CARRIED on the casting vote of the Mayor.*

**4.1 Deferred Item - Reports Due to Council**

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**Moved:** Councillor Holstein  
**Seconded:** Councillor MacGregor

**Resolved**

**97/19 That Council note the Deferred Item – Reports Due to Council which is Attachment 1 to this report.**

**98/19 That Council receive the report on Deferred Item - Reports Due to Council.**

**For:**  
**Unanimous**

**4.2 Meeting Record of the Employment and Economic Development Committee held 12 December 2018**

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

**Resolved**

**99/19 That Council note the draft Meeting Record of the Employment and Economic Development Committee held 12 December 2018.**

**For:**  
**Unanimous**

**4.3 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018**

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

**Resolved**

**100/19 That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 13 December 2018.**

**For:**  
**Unanimous**

**4.4 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018**

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**Moved:** **Councillor Gale Collins**

**Seconded:** **Councillor MacGregor**

**Resolved**

**101/19 That Council note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 December 2018.**

**For:**

**Unanimous**

The meeting adjourned at 8.35pm and resumed at 8.48pm.

**6.1 Deferred Item - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection**

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Councillor Hogan left the chamber at 8.35pm during the adjournment, did not participate in discussion or voting and returned at 8.51pm.

Councillor Burke left the chamber at 8.35pm during the adjournment, did not participate in discussion or voting and returned at 8.51pm.

Councillor MacGregor left the chamber at 8.35pm during the adjournment, did not participate in discussion or voting and returned at 8.53pm.

**Moved:** **Councillor Best**

**Seconded:** **Councillor Holstein**

**Resolved**

**102/19 That Council note the Deferred Item – Notice of Motion – Responsible Feral Animal Trapping and Domestic Pet Protection which is Attachment 1 to this report.**

**103/19 That Council recognises the excellent and important work by Staff and our Community Groups around dealing with the ravages of the feral animal attacks on our native fauna.**

**104/19 That Council, in response to Community concern around humane feral animal trapping and the necessary protections for domestic pets, provide a thorough report on all aspects of this initiative including full details of current trapping contracts over the past three years and their specific processes and methods.**

**For:**  
**Unanimous**

## **6.2 Notice of Motion - Riggs on the Horizon II**

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Councillor Hogan left the chamber at 8.35pm during the adjournment and returned at 8.51pm during discussion on this item.

Councillor Burke left the chamber at 8.35pm during the adjournment and returned at 8.51pm during discussion on this item.

Councillor MacGregor left the chamber at 8.35pm during the adjournment, did not participate in discussion or voting and returned at 8.53pm.

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

### **Resolved**

- 105/19 That Council, on behalf of its 340,000 residents and ratepayers, reaffirm its strident opposition to the current off shore gas and oil exploration currently being undertaken just off our coastline using controversial seismic blasting.**
- 106/19 That Council further note that the Federal Minister, The Honorable Matt Canavan, through his Department of Industry, is now conducting community information and feedback forums in Newcastle City.**
- 107/19 That Council respectfully request that Federal community forums now also be held on the Central Coast. as this off shore gas and oil mining project will have a significant impact on our scenic Central Coast Council, and it is unreasonable to expect local concerned residents to attend Newcastle meetings.**
- 108/19 That Council now make representation to Newcastle City Council with a view to developing a strategic and regional working relationship around this developing issue with outcomes of the above actions being reported to Council, as this project has the potential to impact the Central Coast and Hunter Regions.**

**For:**  
**Unanimous**

### **6.3 Notice of Motion - 2020 Tuggerah Lakes Restoration Project**

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Councillor MacGregor left the chamber at 8.35pm during the adjournment and returned at 8.53pm during discussion on this item.

**Moved: Councillor Best**  
**Seconded: Councillor McLachlan**

#### **Resolved**

- 109/19 That Council notes it has now been some 30 years since a major 'whole of lakes' Restoration Project was undertaken through the then Greiner Government and it's Minister for the Environment, Hon Tim Moore's \$13 million restoration allocation.**
- 110/19 That Council recognises that there has been some welcome funding support through State programs such as 'Rescuing Our Waterways' that has provided a total of \$425,000 for limited channel dredging works.**
- 111/19 That Council note, despite Council's and Community Volunteer efforts, our lake system continues to struggle under the weight of urbanisation. It is with this understanding that Council now seek to engage all levels of Government, in the timely lead up to the 2019 Elections, taking a 'whole of lakes' approach through triggering a much needed 2020 Tuggerah Lakes Restoration Project.**

**For:**  
**Unanimous**

### **6.4 Notice of Motion - Draft DCP Hazard Category Conformation Motion**

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Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with the Peninsula Chamber of Commerce Board Members. Councillor Gale Collins chose to remain in chambers and participate in discussion and voting.

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

#### **Resolved**

- 112/19 That Council note the issues raised in terms of the draft chapter 3.1 and that Council request further Community Consultation on this draft chapter when the flood plain maps are available. The existing DCP controls for flooding will continue until this time.**
- 113/19 That Council request the Chief Executive Officer provide a report detailing how many properties currently zoned with development rights (residential or commercial type) will subsequent to the adoption of this policy fall in to**

*categories H4 and above and face complete sterilization of development rights.*

**114/19** *That Council, referencing clause 4(c) advise what depth of flood they consider "safe access" for emergency vehicles, as enquiries with the relevant agencies have resulted in advice that "no official policy relating to depth of flood / safe access" currently exists.*

**115/19** *That Council consider and report on the requirement and impact of the requirement under clause 7 that all homes experiencing a flood depth of circa 20cm or greater (H2 category) must display a 600 x 600mm "Flood Danger" sign prominently on their property.*

**For:**

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

**Against:**

**Councillor MacGregor**

### **Questions on Notice**

Councillor Best left the chamber at 9.21pm during consideration of this item and did not return.

#### **Q14/19 QON - Boat Ramps at Norah Head Rock Pools Councillor Jillian Hogan**

Could staff please review the condition and safety of the boat ramps at Norah Head rock pool in consultation with the Marine Rescue?

#### **Q15/19 QON - Ocean Street, Budgewoi Emergency Access Councillor Jillian Hogan**

Could staff please assess and fix the Ocean Street Budgewoi emergency access; board and chains because there are now lifeguards on the beach and the closest access is 2.3 kilometres away?

#### **Q16/19 QON - Baker Park, Wyong Councillor Louise Greenaway**

Would staff be able to provide an update on the recent inquiries into the bequest of Baker Park Wyong?

**Q17/19 QON - Update on Tourism Report  
Councillor Bruce McLachlan**

Could I please have an update on the Tourism Report and how far that is away?

**Director Julie Vaughan provided a response:** The document is complete and we are awaiting the Councillor Briefing which is scheduled in March 2019.

**Q19/19 QON - Dog Parks in Central Coast Local Government Area  
Councillor Kyle MacGregor**

How many dog parks are in the Central Coast LGA and how many of these have off leash areas for canine and human recreation?

**Q20/19 QON - Climate Change Draft Policy  
Councillor Kyle MacGregor**

In the current Climate Change Draft Policy there is reference to 'planned retreat', does this said 'planned retreat' require the removal or forcible eviction of residents from their properties in the Central Coast Council area as several websites and social media campaigns against councils draft policy are suggesting?

**Q21/19 QON - Speeding near Pretty Beach School  
Councillor Rebecca Gale Collins**

Can Council investigate the public concern regarding speeding vehicles near Pretty Beach School, on Pretty Beach Road in Wagstaffe and also at Wards Hill Road in Killcare at the Stewart turn off?

**Q22/19 QON - Umina Beach Public School Signage  
Councillor Rebecca Gale Collins**

Can Council please ensure that the bus and pickup zone signage is corrected at Umina Beach Public School in line with the road safety officers recommendation back in 2018?

**Q23/19 QON - Water Quality, Storm Water Drains  
Councillor Jeff Sundstrom**

I have been approached by residents from Copacabana Beach, Avoca Beach, Terrigal and Wamberal Beaches in regard to the quality the volume and the pressure of the water emanating from the storm water outlets at the respective locations. Their concerns are in relation to the health effects that swimmers may face and the way that the beachfront or the rock pool in the case of Avoca are affected.

What plans or measures are staff looking at to lessen the effects of stormwater outfalls on our beaches?

**Q24/19 QON - Foreshore Sea Wall  
Councillor Jeff Sundstrom**

Back in March 2018 I made representation on behalf of residents regarding the foreshore seawall at Illoura Walk.

The increasing effects of higher tides, bigger and more frequent storm surges and sea level rise mean that the existing seawall is less than sufficient for the task.

I have asked staff to investigate and report back on this issue (within a reasonable period) with a view to increasing the height of the wall that exists on that portion of the waterfront.

What progress is there on this report?

**Q25/19 QON - Woy Woy Landfill  
Councillor Richard Mehrrens**

The National Pollutant Inventory lists post code 2256 encompassing Woy Woy as having a medium level of air pollution caused by 1 facility, the AGL facility at Woy Woy Landfill, expelling 102,180kg of total pollutants.

What is the nature of the AGL facility at Woy Woy landfill?

Does Council consider the facility has an impact on our local air quality?

**Q26/19 QON - Edogawa Gardens - Teahouse Proposal  
Councillor Chris Holstein**

Can staff please advise on the status of the Edogawa Gardens – Teahouse proposal?

**Q27/19 QON - Rail Overpass at Racecourse Road/Edna Street  
Councillor Chris Holstein**

Can staff please advise of the status of RMS confirmation of upgrade to rail overpass at Racecourse Road/Edna Street?

**Q28/19 QON - Gosford Chamber Security  
Councillor Troy Marquart**

When will it be deemed "safe" to resume meetings within the Gosford Chamber?

**Acting Director, Shane Sullivan provided a response:** A Consultant has been engaged, they have done a site visit to both Gosford and Wyong Chambers and they have indicated that they will have a preliminary report prepared by next week.

**The Meeting** closed at 9.25pm.