
Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 26 November 2018

commencing at 6.30pm

Present

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

In Attendance

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

The Mayor, Jane Smith, declared the meeting open at 6.32pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

Reports were recorded in their correct agenda sequence.

Leave of Absence

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

Apologies

Councillors Pilon and Mehrstens.

1.1 Disclosure of Interest

1.5 Mayoral Minute – Investigation into Central Coast Airport

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

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former board member (volunteer) of Community Environment Network (CEN) which may have made submissions in relation to this; public perception only that may have an interest. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Scott Cox declared a less than significant non-pecuniary interest in this item as he was a member of the Executive team for the former Wyong Council and also the Council under Administration. Scott Cox chose to remain in the chamber during consideration of this item as he will not be voting on the matter.

3.7 Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as Gary Chestnut was a new Independent similar to herself. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

3.8 Response to Notice of Motion – Assessment of Pollution Risk from FAS, Ash Dams and Air Pollution

Councillor Vincent declared pecuniary interest in this item as he is an employee of a local power station. Councillor Vincent left the chamber at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

3.9 2018-19 Community Support Grant Program

Councillor Best declared a pecuniary interest in this item as he is a General Manager of Central Coast Group Training (CCGT) who has a grant application. Councillor Best left the chamber at 8.53pm, returning at 9.07pm and did not participate in discussion and voting.

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she worked with many of these community groups prior to and since being sworn into Council. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has a connections with community members who may benefit from some of these grants. Councillor Greenaway chose to remain in the chamber and participate in discussion

and voting as the conflict does not impede her ability to carry out her duties.

Councillor Holstein declared a significant non-pecuniary interest in this item as one of his part time employers has made application. Councillor Holstein left the chamber at 8.53pm, returning at 9.07pm and did not participate in discussion or the voting.

3.10 Chain Valley Colliery/Lake Coal Community funding Program

Councillor Vincent declared a less than significant non pecuniary interest in the matter as the Lake Coal mine ownership is currently in a state of flux and it is not clear if ownership will change in the future. Councillor Vincent left the meeting at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

3.14 Town Centre Review

Councillor Holstein declared a less than significant non pecuniary interest in the matter as Council delegate on Gosford Business Improvement District (GBID) Committee. Councillor Holstein chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

4.4 Response to Notice of Motion - Littering - Enforcement and Education Review

Mayor Smith declared a less than significant non pecuniary interest in the matter as a teacher with the Department of Education, the report refers to a partnership project between Council and the Department of Education. Mayor Smith is not directly involved in the project. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

6.2 Notice of Motion – Toukley Cenotaph Restoration Project

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with residents connected to the Toukley RSL Sub Branch. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: **Councillor Gale Collins**

Seconded: **Councillor Sundstrom**

Resolved

1042/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Sundstrom

Seconded: Councillor Best

Resolved

1043/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 November 2018 with the following amendment if confirmed;

- **Item 4.2 – Response to Notice of Motion - Central Coast Council 'Opts-In' on Rock Fishing Life Jackets – be reviewed with regards to Councillor McLachlan's voting.**

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Councillor Best

Seconded: Mayor Smith

Resolved

1044/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) of the Local Government Act 1993 for the following reasons:

Item 7.1: 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.

For:

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

Against:

Councillors Matthews, MacGregor and Hogan.

Abstained: Councillor Greenaway

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

1045/18 That Council resolve that Item 7.1 - Tender CPA/1298 – After Hours Call Centre be dealt with at the end of the meeting.

For:
Unanimous

Procedural Motion – Exception

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1046/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Item 1.4 - Mayoral Minute - Central Coast Council's Town Crier Wins 2018 National Town Crier Championship
Item 1.5 - Mayoral Minute - Investigation into Central Coast Airport
Item 2.2 - Proposed Lease of Land at 90 Osborne Ave Umina to Umina Beach Men's Shed
Item 3.2 - Proposed Council Meeting Dates 2019
Item 3.3 - Councillor Appointment to the Indigenous Co-ordination Committee
Item 3.4 - Response to Notice of Motion - Electoral Leniency
Item 3.5 - Aquatic Weed Management in Springfield and Holgate
Item 3.7 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018.
Item 3.8 - Response to Notice of Motion - Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution
Item 3.9 - 2018-19 Community Support Grant Program
Item 3.10 - 2018 Chain Valley Colliery/Lake Coal Community Funding Program
Item 3.11 - Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract
Item 3.12 - Sustainable Event Management Policy
Item 3.15 - Draft 2017-18 Financial Reports for Central Coast Council
Item 4.4 - Response to Notice of Motion - Littering - Enforcement and Education Review
Item 6.1 - Notice of Motion - A Safe State
Item 6.2 - Notice of Motion - Toukley Cenotaph Restoration Project

Item 6.4 - Notice of Motion - Lack of Children's Park on Johns Road Wadalba
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Item 7.1 - Tender CPA/1298 - After Hours Call Centre Contract
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1047/18 That Council adopt the following items en-masse and in accordance with the report recommendations:

Item 2.1 - Acquisition of Land at Narara by way of "Gift" from Landowner

Item 3.1 - 2018-19 Q1 Business Report
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Item 3.6 - Request for Memorial Seat

Item 3.13- Annual Report 2017-18

Item 4.1- Proactive Release of Council held information
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Item 4.2 - Councillor Expenses and Facilities Report

Item 4.3 - Meeting Record of the Employment and Economic Development Committee held on 12 September 2018

Item 4.5 - Investment Report for October 2018
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Item 4.6 - Fire Safety Report - 89-91 Scenic Drive, Budgewoi

1048/18 That Council defer the following items to the Ordinary Meeting to be held 10 December 2018:

Item 3.14 - Town Centre Review

Item 6.3 - Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council

For:

Unanimous

1.4 Mayoral Minute - Central Coast Council's Town Crier Wins 2018 National Town Crier Championship

Moved: Mayor Smith

Resolved

1049/18 That Council formally recognise Town Crier Stephen Clarke's success at the National Town Crier Championships held in Victoria in October 2018 in winning the Best Cry and Champion of Champions awards and send a letter of congratulations to him on his achievements.

For:

Unanimous

1.5 Mayoral Minute - Investigation into Central Coast Airport

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

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former board member (volunteer) of Community Environment Network (CEN) which may have made submissions in relation to this; public perception only that may have an interest. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: Mayor Smith

- 1 *That Council request the Chief Executive Officer to request the NSW Auditor General conduct an independent financial audit and performance review into all matters relating to Central Coast Airport including, but not limited to, the following:*
 - a) *Review of all documentation including any proposals and approvals for the development of a Regional Airport at Kiar Ridge*
 - b) *Invite and consider public submissions (including the ability for confidential submissions if necessary)*
 - c) *Review of all documentation including any proposals and approvals for the development of an Aviation Hub at Central Coast Airport*
 - d) *A report of all financial records, including, but not limited to, expenditure and assets acquired or disposed of in relation to the Airport site*
 - e) *Review of any activities, including works and development applications lodged, by the current Council or former Wyong Shire Council relating to works at the Airport site*
 - f) *Review of any potential conflicts of interest in relevant matters including the development of plans or agreements signed in relation to the Airport.*
 - g) *Adherence to legislation and Council policies in relation to activities at the Airport*
- 2 *That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.*
- 3 *That Council request the Auditor-General be provide specific advice regarding the following matters, with an interim report by the end of June 2019 if possible, including:*
 - a) *A review of processes and decision-making relating to the Airport and Wyong Employment Zone including:*
 - i. *Any anomalies in the process or proposals*
 - ii. *Any areas of concern that may not meet community expectations in terms of due process*
 - b) *Any improvements needed in Council processes*
 - c) *Any conflicts of interests both declared and undeclared*
 - d) *Any matters requiring referral to external agencies for further investigations*

Amendment Moved: Councillor Gale Collins

Amendment Seconded: Councillor Best

That Council defer the matter for further consideration.

For:

Councillors Marquart, Holstein, Gale Collins,
McLachlan and Best

Against:

Mayor Smith and Councillors 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

Resolved

1050/18 That Council request the Chief Executive Officer to request the NSW Auditor General conduct an independent financial audit and performance review into all matters relating to Central Coast Airport including, but not limited to, the following:

- a) Review of all documentation including any proposals and approvals for the development of a Regional Airport at Kiar Ridge**
- b) Invite and consider public submissions (including the ability for confidential submissions if necessary)**
- c) Review of all documentation including any proposals and approvals for the development of an Aviation Hub at Central Coast Airport**
- d) A report of all financial records, including, but not limited to, expenditure and assets acquired or disposed of in relation to the Airport site**
- e) Review of any activities, including works and development applications lodged, by the current Council or former Wyong Shire Council relating to works at the Airport site**
- f) Review of any potential conflicts of interest in relevant matters including the development of plans or agreements signed in relation to the Airport.**
- g) Adherence to legislation and Council policies in relation to activities at the Airport**

1051/18 That Council request the Chief Executive Officer to report on a quarterly basis to Council on progress of the investigation.

1052/18 That Council request the Auditor-General be provide specific advice regarding the following matters, with an interim report by the end of June 2019 if possible, including:

- a) A review of processes and decision-making relating to the Airport and Wyong Employment Zone including:**
 - i. Any anomalies in the process or proposals**
 - ii. Any areas of concern that may not meet community expectations**

in terms of due process

- b) Any improvements needed in Council processes*
- c) Any conflicts of interests both declared and undeclared*
- d) Any matters requiring referral to external agencies for further investigations*

For:

Mayor Smith and Councillors Sundstrom, Matthews, MacGregor, Greenaway, Vincent and Hogan

Against:

Councillors Marquart, Holstein, Gale Collins, McLachlan and Best

2.1 Acquisition of Land at Narara by way of "Gift" from Landowner

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

1053/18 That Council defer this report and consider the matter at the first Ordinary Meeting of Council in 2019 with the provision of additional information.

For:

Unanimous

2.2 Proposed Lease of Land at 90 Osborne Ave Umina to Umina Beach Mens Shed

Moved: Mayor Smith

Seconded: Councillor Holstein

Resolved

1054/18 That Council note that the Umina Beach Mens Shed has approached Council for a possible lease of Land at 90 Osborne Ave Umina.

1055/18 That Council advertise and call for submissions regarding a proposal to lease to the site to the Umina Beach Mens Shed on the basis of:

- a a maximum period of 10 years**
- b the site is used for the specific purpose of a Men's Shed, and will lapse if there is any variation to this intended purpose**
- c all expenses related a proposed DA or construction are the responsibility of the Umina Beach Men's Shed**

1056/18 That Council, subject to no objections, or matters requiring further consideration, proceed to lease the land for the purpose of development and as owner of the land sign the applicants proposed Development Application.

**For:
Unanimous**

3.1 2018-19 Q1 Business Report

**Moved: Mayor Smith
Seconded: Councillor Gale Collins**

Resolved

1057/18 That Council receive Central Coast Council's Q1 Business Report on progress against Central Coast Council's 2018-19 Operational Plan.

1058/18 That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.

1059/18 That Council approve the proposed budget amendments included in Central Coast Council's Q1 Business Report for 2018-19.

**For:
Unanimous**

3.2 Proposed Council Meeting Dates 2019

**Motion: Mayor Smith
Seconded: Councillor Holstein**

- 1 *That for a period of six months as a trial, Ordinary Meetings of Council be changed from Mondays to Thursdays, continuing to be alternated between Wyong and Gosford Chambers and be held on:
 - a *The second Thursday of the months February to December inclusive at 49 Mann Street in Gosford commencing at 6.30pm.*
 - b *The fourth Thursday of the months of February to November inclusive at 2 Hely Street in Wyong commencing at 6.30pm.**
- 2 *That as part of the trial period of 6 months, revised deadlines for speakers and the publication of reports be identified and communicated as appropriate.*
- 3 *The first meeting of 2019 will be held on Thursday 31 January at 2 Hely Street Wyong.*

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- 4 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulations 2005, publish the first six months of 2019 Ordinary Council Meeting dates in the local newspaper.
- 5 That a further report be provided to Council following the conduct of the six month trial and recommending required changes to the Code of Meeting Practice.

Date	Time	Location
31 January 2019	6.30pm	2 Hely Street, Wyong
14 February 2019	6.30pm	49 Mann Street, Gosford
28 February 2019	6.30pm	2 Hely Street, Wyong
14 March 2019	6.30pm	49 Mann Street, Gosford
28 March 2019	6.30pm	2 Hely Street, Wyong
11 April 2019	6.30pm	49 Mann Street, Gosford
25 April 2019	No Meeting (ANZAC DAY)	
9 May 2019	6.30pm	2 Hely Street, Wyong
23 May 2019	6.30pm	49 Mann Street, Gosford
13 June 2019	6.30pm	2 Hely Street, Wyong
27 June 2019	6.30pm	49 Mann Street, Gosford

For:
Mayor Smith

Against:
Councillors Marquart, Holstein, Sundstrom,
Gale Collins, Matthews, MacGregor,
McLachlan, Greenaway, Vincent, Hogan and
Best

The Motion was put to the vote and declared LOST. The matter was then at large.

Moved: Councillor Sundstrom
Seconded: Councillor MacGregor

Resolved

- 1060/18 That Council adopt the proposed Ordinary Council Meeting dates for 2019.**
- 1061/18 That Council, in accordance with clause 232 of the NSW Local Government (General) Regulation 2005, publish the 2019 Ordinary Council Meeting dates in the local newspaper.**
- 1062/18 That Council hold all Ordinary Meetings in the Wyong Chambers until a safety audit of the Gosford Chambers for staff, Councillors and the public has been undertaken and reported to Council.**
- 1063/18 That Council conduct all briefings not held on an Ordinary Meeting day in the Gosford Chambers.**
- 1064/18 That Council ensure the number of meetings missed at Gosford Chambers are made up within the next twelve months, subject to the safety review.**

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

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

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor Best

Resolved

1065/18 That Council consider Item 3.15 at this stage of the meeting.

For:
Unanimous

3.3 Councillor Appointment to the Indigenous Co-ordination Committee

Councillor MacGregor left the chamber at 8.27pm, returned at 8.29pm and did not participate in discussion and voting.

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

1066/18 That Council defer the matter for consideration.

1067/18 That Council request the Mayor and Chief Executive Officer meet with representatives from Darkinjung LALC to discuss the format, membership and operation of the committee.

1068/18 That Council, separate to this process, invite consultation with broader stakeholders on the reconciliation action plan and indigenous matters generally.

For:
**Mayor Smith and Councillors Holstein,
Sundstrom, Gale Collins, Matthews,
McLachlan, Greenaway, Vincent, Hogan and
Best**

Against:
Councillor Marquart

3.4 Response to Notice of Motion - Electoral Leniency

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

1069/18 That Council note the response received from the NSW Electoral Commissioner as set out in Attachment 2.

For:
Unanimous

3.5 Aquatic Weed Management in Springfield and Holgate

Moved: Councillor Sundstrom
Seconded: Councillor MacGregor

Resolved

1070/18 That Council notes the report.

1071/18 That Council notes the response to a Question on Notice namely Q132/18 which was provided at the 29 October 2018 Ordinary Meeting.

1072/18 That Council recognises that in a letter to Mrs Glenys Ray of Springfield, dated 9/10/2018 it has already given the community a commitment to addressing the issue of weed infestation of the Springfield Pond.

1073/18 That Council recognise that Springfield Pond has been infested by three weeds (Salvinia, Ludwigia Peruvians Ludwigia Repens) and that it affects council land. Therefore it needs to be addressed as a separate issue from the Holgate infestation which is on wholly private property.

1074/18 That Council undertake the mechanical removal of as much of the three weeds as possible to allow the best results from the actions stipulated in the response to the QON and outlined in parts 6 and 7 below.

1075/18 That Council chemically control of the hard to reach / to access spots.

1076/18 That Council follow up with the 2 varieties of salvinia weevils.

1077/18 That Council proceed with appropriate bio controls that would include the mechanical removal in the first instance, using the Springfield site as pilot, and report back to the first Council meeting of 2019.

For:
Unanimous

3.6 Request for Memorial Seat

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1078/18 That Council approve the application by Mr James Butt for a memorial seat to be installed in memory of his late wife, Sandra Sylvia Butt.

For:
Unanimous

3.7 Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018.

Councillor Greenaway declared a less than significant non-pecuniary interest in this item as she is a former volunteer board member of Community Environment Network (CEN). Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Vincent left the chamber at 8.49pm, returned at 8.54pm and did not vote.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

1079/18 That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held on 26 September 2018 that is Attachment 1 to this report.

1080/18 That Council invite Gary Chestnut to attend Coastal Open Space System (COSS) Committee meetings, based on his historic and ongoing affiliation with the development and management of the COSS.

1081/18 That Council submit a GIPA application with the Office of Environment and Heritage to access a copy of the draft Central Coast Regional Conservation Plan 2013.

For:
Mayor Smith and Councillors Holstein, Sundstrom, Matthews, MacGregor, McLachlan, Greenaway and Hogan

Abstain:
Councillors Marquart, Gale Collins and Best

3.8 Response to Notice of Motion - Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution

Councillor Vincent declared pecuniary interest in this item as he is an employee of a local power station. Councillor Vincent left the chamber at 9.07pm, returning at 9.11pm and did not participate in discussion and voting.

Moved: Councillor Greenaway

Seconded: Councillor MacGregor

- 1082/18 That Council receive the report Response to Notice of Motion – Assessment of Pollution Risk from PFAS, Ash Dams and Air Pollution.**
- 1083/18 That Council acknowledges the major environmental issue of PFAS contamination found by the Sydney EPA in the Lake Munmorah / Colongra Bay area, within the Tuggerah Lakes System including the Colongra, Snowy Hydro and RFS site.**
- 1084/18 That Council note that the Environmental Pollution licences for Eraring and Vales Point are now under review by the NSW EPA**
- 1085/18 That Council acknowledge that it is crucial that the risks be dealt with appropriately as inadequate remediation on these sites may result in greater problems over a longer term.**
- 1086/18 That Council request the Chief Executive Officer to prepare a draft submission to the review of the EPLs for Eraring and Vales Point including requesting the NSW Government to set pollution limits consistent with world's best practice**
- 1087/18 That Council request the Chief Executive Officer write to the Environment Minister Gabrielle Upton seeking:**
- a) an expansion of the OEH Air Pollution Monitoring Network to include 2 or 3 additional Air Monitoring Stations in the vicinity of the power stations;**
 - b) that the location of the new Air Monitoring Stations in a) above be determined in collaboration with CCC, Lake Macquarie Council and the effected communities.**
 - c) that APM data be readily available to the community**
- 1088/18 That Council request the Chief Executive Officer request the EPA provide a briefing to Councillors in June, 2019 on the results of monitoring activities in relation to PFAS, ash dams and air pollution**
- 1089/18 That Council request the Chief Executive Officer request the EPA to provide an annual update, including a map, on areas identified as likely to be affected by PFAS contamination, monitoring activities and results of that monitoring**

1090/18 That Council request the Chief Executive Officer to write to NSW Health Minister, Brad Hazzard for clarification of the adverse risk of PFAS in all pathways (surface water, soil, air etc) and to request a report on how the companies dealt with PFAS and asbestos on the Colongra and Snowy Hydro sites as well as the Rural Fire Service site.

For:

Unanimous

3.9 2018-19 Community Support Grant Program

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she worked with many of these community groups prior and since being sworn into Council. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has a possible connection with community who may benefit from some of these grants. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Councillor Best declared a pecuniary interest in this item as he is a General Manager of Central Coast Group Training (CCGT) who has a grant application. Councillor Best left the chamber at 8.53pm, returned at 9.07pm and did not participate in discussion and voting.

Councillor Holstein declared a significant non-pecuniary interest in this item as his employer has lodged an application. Councillor Holstein left the chamber at 8.53pm, returned at 9.07pm and did not participate in discussion and voting.

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

Resolved

1091/18 That Council allocate \$72,802.76 from the 2018-19 grants budget to the community grant programs as outlined in the following report and Attachment 1, and consider separately the funding application from Central Coast Group Training.

1092/18 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.

For:

Mayor Smith and Councillors Sundstrom, Matthews, MacGregor, Greenaway, Vincent and Hogan

Against:

Councillors Marquart, Gale Collins and McLachlan

Moved: Mayor Smith
Seconded: Councillor Gale Collins

That Council allocate \$5,000.00 from the 2018-19 grants budget to the community grant program application from Central Coast Group Training.

<i>For:</i>	<i>Against:</i>
<i>Mayor Smith and Councillors Marquart, Gale Collins and McLachlan</i>	<i>Councillors Matthews, MacGregor, Greenaway, Vincent and Hogan</i>
	<i>Abstain: Councillor Sundstrom</i>

The Motion was put to the vote and declared LOST. This matter is at large.

3.10 2018 Chain Valley Colliery/Lake Coal Community Funding Program

Councillor Vincent declared a less than significant non pecuniary interest in the matter as the Lake Coal mine ownership is currently in a state of flux and it is not clear if ownership will change in the future. Councillor Vincent left the meeting at 9.07pm, returning at 9.11pm and did not participate in discussion or voting.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

1093/18 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is 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.

1094/18 That Council allocates \$85,830.71 from the 2018 Chain Valley Colliery Community Funding Program as outlined in Attachment 3.

1095/18 That Council decline applications for the reasons indicated in Attachment 4, the applicants be advised and where relevant, directed to alternate funding.

For:
Unanimous

3.11 Tender CPA/286371 – Supply of Tourism Marketing and Industry Services Contract

Councillor Matthews left the chamber at 9.08pm, returned at 9.13pm and did not participate in discussion or voting.

Moved: Mayor Smith

Seconded: Councillor McLachlan

Resolved

- 1096/18** That Council note the report and attachment on Supply of Tourism Marketing and Industry Services Contract CPA/286371.
- 1097/18** That Council delegates to the Chief Executive Officer the power to approve the extension of the agreement with The Affinity Partnership Pty Ltd until 30 June 2020.
- 1098/18** That Council resolve, pursuant to s.10A(2)(c) of the Local Government Act 1993, that all the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
- 1099/18** That Council resolve that no further extensions be granted on this contract beyond 30 June 2020.
- 1100/18** That Council request the CEO to provide a report to the community on the Tourism and marketing achievements over the past 12 months.

For:

Unanimous

3.12 Sustainable Event Management Policy

Moved: Councillor Marquart

Seconded: Mayor Smith

Resolved

1101/18 That the draft Central Coast Sustainable Event Management Policy be placed on exhibition until the end of January.

For:

Unanimous

3.13 Annual Report 2017-18

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

1102/18 That Council adopt the Annual Report 2017-18.

1103/18 That Council authorise the Chief Executive Officer to make final editorial amendments to the Annual Report 2017-18 to ensure correctness and clarity.

1104/18 That Council upload the Annual Report 2017-18 on Council's website.

1105/18 That Council advise the Minister for Local Government of Council's URL link to access the Annual Report.

For:

Unanimous

3.14 Town Centre Review

Moved: Mayor Smith

Seconded: Councillor Holstein

Resolved

1106/18 That Council defer the matter to the 10 December 2018 Ordinary Meeting to allow further information to be provided to Councillors.

For:

Unanimous

3.15 Draft 2017-18 Financial Reports for Central Coast Council

Moved: Councillor Best
Seconded: Councillor Gale Collins

Resolved

- 1107/18 That Council note that the draft Consolidated Financial Reports for Central Coast Council for the period from 1 July 2017 to 30 June 2018 are presented to Council. The Consolidated Financial Report includes the general purpose financial report, special purpose financial report and special schedules, which is attachment 1 to the business paper.**
- 1108/18 That Council also note that the draft Consolidated Financial Reports have been prepared in accordance with the requirements of the Local Government Act 1993 ("LG Act"), the Local Government (General) Regulation 2005 ("LG Reg") and the relevant accounting and reporting requirements of the Office of Local Government prescribed Code of Accounting Practice and Financial Reporting - Update No. 26 and Australian Accounting Standards.**
- 1109/18 That Council authorise, the Mayor to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(i) of the LG Reg.**
- 1110/18 That Council authorise, the Deputy Mayor to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(ii) of the LG Reg.**
- 1111/18 That Council authorise, the Chief Executive Officer to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iv) of the LG Reg.**
- 1112/18 That Council authorise, the Responsible Accounting Officer of the Council, to execute all documents related to the draft 2017-18 Financial Reports in accordance with s413(2)(c) of the LG Act, and cl. 215(1)(b)(iii) of the LG Reg.**
- 1113/18 That Council authorise, for the purposes of s. 41C(1C) of the Public Finance and Audit Act 1983, its Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer to execute all documents related to the draft 2017-18 Financial Reports.**
- 1114/18 That Council resolve, for the purposes of s. 413(1) of the LG Act, to refer the Consolidated Financial Reports for the period from 1 July 2017 to 30 June 2018 to the NSW Auditor-General, for external audit.**

For:
Mayor Smith and Councillors Marquart, Holstein, Sundstrom, Gale Collins, McLachlan, Greenaway, Vincent, Hogan and Best

Against:
Councillors Matthews and MacGregor

4.1 Proactive Release of Council held information

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1115/18 That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's Proactive Release program.

For:
Unanimous

4.2 Councillor Expenses and Facilities Report

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1116/18 That Council receive the report on Councillor Expenses and Facilities Report.

For:
Unanimous

4.3 Meeting Record of the Employment and Economic Development Committee held on 12 September 2018

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1117/18 That Council receive the report on the draft Meeting Record of the Employment and Economic Development Committee held on 12 September 2018.

For:
Unanimous

4.4 Response to Notice of Motion - Littering - Enforcement and Education Review

Mayor Smith declared a less than significant non pecuniary interest in the matter as a teacher with the Department of Education, the report refers to a partnership project between Council and the Department of Education. Mayor Smith is not directly involved in the project. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the potential conflict is minor and will not affect consideration or decision making on this matter.

Moved: Councillor McLachlan

Seconded: Councillor Vincent

Resolved

- 1118/18 That Council acknowledge the amount of litter and plastic in the environment is an increasing problem, and is one of our fundamental responsibilities in the eyes of the community.**
- 1119/18 That Council support in principle Option 2 of the Litter Report to assist staff in their efforts to raise awareness and education of the issue in the community and consider further implications to budget impacts in 2019.**
- 1120/18 That Council acknowledge option 2 does not provide for increased funding for the Rangers and enforcement and is important factor in the reduction of litter.**
- 1121/18 That Council request further information on the resourcing of the Rangers department to carry out the policy directives in Option 2, including litter blitzes, road side kerb litter, including a review and report of dog exercising options on our beaches from restricted times of 7pm - 7am.**
- 1122/18 That Council consider how this compliments the education activities of the waste contractor.**

For:

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

Against:

Councillor Matthews

Abstained: Councillor MacGregor

4.5 Investment Report for October 2018

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1123/18 That Council receive the Investment Report for October 2018.

For:
Unanimous

4.6 Fire Safety Report - 89-91 Scenic Drive, Budgewoi

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

1124/18 That Council note the result of the site inspection carried out on 25 September 2018;

1125/18 That Council resolve to not exercise its power to issue an order 1 under Part 2 of Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters raised within the fire safety inspection report received from Fire and Rescue NSW; and

1126/18 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

6.1 Notice of Motion - A Safe State

Moved: Councillor Hogan
Seconded: Councillor Matthews

- 1 That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.
- 2 That Council requests the Chief Executive Officer to make an in-principle commitment to the below 6 calls to action.
- 3 That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the

community on this issue.

- 4 *That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.*
- 5 *That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.*

Amendment Moved: Councillor Marquart
Amendment Seconded: Councillor Gale Collins

- 1 *That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.*
- 2 *That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the community on this issue.*
- 3 *That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.*
- 4 *That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.*

For:
Councillors Marquart and Gale Collins

Against:
Mayor Smith and Councillors Holstein,
Sundstrom, Matthews, MacGregor,
McLachlan, Greenaway, Vincent, Hogan and
Best

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

Moved: Councillor Hogan
Seconded: Councillor Matthews

Resolved

- 1127/18 That Council acknowledges the deep seated problem we have with Domestic, Family and Sexual Violence across the Central Coast and although White Ribbon Day has its purpose, also acknowledge that we need to be more pro-active in our efforts to minimise violence.**
- 1128/18 That Council requests the Chief Executive Officer to make an in-principle commitment to the below 6 calls to action.**
- 1129/18 That Council acknowledge the work of the Status of Women Advisory Group and the Central Coast Domestic Violence Committee in taking a leadership role in educating the community on this issue.**

1130/18 That Council commend the Chief Executive Officer and staff for the work Council is doing to achieve White Ribbon Accreditation within our workplace.

1131/18 That Council request the Chief Executive Officer to provide a future briefing on Councils role in combatting Domestic and Family Violence on the Coast.

For: Mayor Smith and Councillors Holstein, Sundstrom, Matthews, MacGregor, McLachlan, Greenaway, Vincent, Hogan and Best	Against: Councillor Marquart	Abstain: Councillor Gale Collins
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6.2 Notice of Motion - Toukley Cenotaph Restoration Project

Moved: Councillor Best
Seconded: Councillor Hogan

- 1 That Council congratulate the Toukley RSL sub branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.
- 2 That Council, further to representations made by sub branch President Mr Bob Wilson and sub branches Patron Ms Karen McNamara. make available in the 2019/20 budget and allocation that represents one third of the total restoration funds sought.
- 3 That Council now request both the State and Federal Government to join Council and the RSL sub branch in this initiative with a view to sharing the costs equally of this important Community undertaking.

Amendment Moved: Mayor Smith
Amendment Seconded: Councillor Greenaway

- 1 That Council congratulate the Toukley RSL sub branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.
- 2 That Council, note the representations made by sub branch President Mr Bob Wilson and sub branches Patron Ms Karen McNamara.
- 3 That the CEO arranges for appropriate staff to liaise with representatives from the Toukley RSL sub branch in order that they are able to submit a funding application to the appropriate Council funding program for consideration
- 4 That Council write to the NSW Minister for Veteran Affairs, David Elliot MP, and the Federal Minister for Veterans' Affairs, Darren Chester MP requesting detail about State and Federal Government grant programs the Toukley RSL sub branch could apply for.

5 *That Council recognises that Federal Member for Dobell supported a grant to Toukley RSL sub branch through the armistice centenary program of \$16,313.00.*

6 *That Council acknowledges Councils own contribution of \$65,000.00 to the cenotaph.*

For:

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

Against:

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

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

Moved: Mayor Smith

Seconded: Councillor Greenaway

Resolved

1132/18 That Council congratulate the Toukley RSL Sub Branch for their outstanding and ongoing work in the restoration of the Toukley Cenotaph, that holds the ashes of currently some 408 veterans including 8 Gallipoli veterans.

1133/18 That Council, note the representations made by sub branch President Mr Bob Wilson and Toukley RSL Sub Branch Patron, Ms Karen McNamara.

1134/18 That Council request the Chief Executive Officer arranges for appropriate staff to liaise with representatives from the Toukley RSL Sub Branch in order that they are able to submit a funding application to the appropriate Council funding program for consideration

1135/18 That Council write to the NSW Minister for Veteran Affairs, David Elliot MP, and the Federal Minister for Veterans' Affairs, Darren Chester MP requesting detail about State and Federal Government grant programs the Toukley RSL Sub Branch could apply for.

1136/18 That Council recognises that Federal Member for Dobell supported a grant to Toukley RSL Sub Branch through the Armistice Centenary Program of \$16,313.00.

1137/18 That Council acknowledges Councils own contribution of \$65,000.00 to the Toukley Cenotaph.

For:

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

Against:

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

6.3 Notice of Motion - Establishment of a Social Issues Committee for Central Coast Council

Moved: Councillor MacGregor

Seconded: Mayor Smith

Resolved

1138/18 That Council defer the matter to the Ordinary Meeting of Council being held on 10 December 2018.

For:

Unanimous

6.4 Notice of Motion - Lack of Children's Park on Johns Road Wadalba

Councillor Best left the chamber at 10.14pm and did not return.

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

Resolved

1139/18 That Council note the various petitions that have been circulated regarding a lack of children's park on Johns Road Wadalba including the Change.org petition, social media petitions and the petition submitted via email to Wyong Ward Councillors by local residents.

1140/18 That Council respond to community concern and lack of amenity in a strategic growth region by organising a briefing for Councillors at the earliest possible convenience to identify why the plans for the park at Johns Road opposite Orchid Way were shelved or not yet enacted by the responsible organisation.

1141/18 That at the briefing potential options for Council or other relevant parties to construct a suitable park, play space or recreation area for the many young families that are moving into the new housing estates be discussed and investigated.

1142/18 That Council, subsequent to the briefing, prepare a report to come to a Council meeting regarding potential options for delivering this important piece of strategic infrastructure for the many young families that live work and play in our strategic growth regions within a reasonable time frame (e.g 12 months).

For:

Unanimous

Procedural Motion – Closed Session

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

1143/18 *That Council move into Confidential Session of the meeting.*

For: *Unanimous*
Against:

At this stage of the meeting being 10.37pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A(2) of The Local Government Act, 1993 as the items listed come within the following provisions:-

Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept that tender/those tenders.

The meeting resumed in open session at 11.27pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

7.1 Tender CPA/1298 - After Hours Call Centre Contract

Resolved

1144/18 *That Council resolve to not accept any tenders for the following reason;*

a to allow Council to investigate alternate delivery model.

1145/18 *That Council determine the Tender Evaluation Report in Attachment 1 remains confidential in accordance with Section 10 A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer(s), which may be disclosed after Council has resolved to accept that tender/those tenders.*

1146/18 *That Council request the Chief Executive Officer provide a further report on alternative delivery models.*

Questions on Notice

**Q229/18 QON - Norah Head DA
Councillor Troy Marquart**

The deferred DA for Soldiers Point Drive, Norah Head has currently stalled a legitimate small business that currently has over \$35,000.00 of bookings over Christmas. Will this DA be back in the Chamber next meeting so these residents can receive a decision and get on with their lives?

Response from Scott Cox, Director Environment and Planning

The DA will return to Council at the first meeting in January 2019.

**Q230/18 QON - Redevelopment of Peat Island
Councillor Troy Marquart**

The redevelopment of Peat Island is a major issue for the residents of the Central Coast. The Mooney~Cheero Progress Association forwarded a written request to Council in September 2017. This correspondence requested some community workshops to examine and review the proposed redevelopment of the Island and surrounding areas. The Progress Association has not received a sufficient answer to their query as yet, even though design plans have been exhibited in the media. Will the Council staff be providing the suggested workshops or similar information events for the local community?

Response from Scott Cox, Director Environment and Planning

Yes. We are still waiting on further information to be provided by the applicant which is NSW Property, we will need to get the concurrence with the relative state authorities and staff will then need to review. Public exhibition will not be commencing until the new year, possibly around the end of January or February. It will be during that time that we will engage with residents at Peat Island and conduct some workshops.

**Q231/18 QON - Spence Tree of Knowledge
Councillor Chris Holstein**

Can staff please advise of the works currently being undertaken in Spencer at the iconic location affectionately known as the 'Tree of Knowledge' or the Dunkirk Hotel?

**Q232/18 QON – Stop Work Orders
Councillor Rebecca Gale Collins**

Can Council expediate the process of stopping residents unlawfully ignoring stop work orders such as the incident in MacMasters Beach last week?

**Q233/18 QON - Dogs Allowed on Ocean Beach
Councillor Rebecca Gale Collins**

Can Council ensure there are appropriate dogs allowed and dogs not allowed signs along Ocean Beach and Umina beach on the beach itself?

**Q234/18 QON - External Bodies and Boards
Councillor Kyle MacGregor**

How many Council staff are Council representatives on external bodies and or boards and can Council outline both the reporting processes for their engagement and selection for appointment to these external bodies or boards including any additional income derived from being a representative on any of these external bodies or boards and how potential conflicts of interest are managed and taken into account?

**Q235/18 QON - Annual Living Smart Festival
Councillor Kyle MacGregor**

Lake Macquarie City Council conducts an Annual Living Smart festival that is attended by over 25,000 people. Local residents have approached myself as their representative to enquire about the possibility of Council hosting a similar festival in the northern end of our region to host an agricultural or environmental show with stalls and exhibits that highlight our unique natural assets, existing Council and community programmes and could even be similar in nature to Central Coast Councils excellent Eat Move and Think Festival. Does Council have any plans to do so or could plans be developed to host such an event in future?

**Q236/18 QON - Central Coast Stadium
Councillor Bruce McLachlan**

Can Council receive an update on the Central Coast Stadium and whether or not that we actually make a profit or a loss as the operator and can the report also investigate the options of a better return if the site was leased out?

**Q237/18 QON - Supply of Tourism Marketing and Industry
Councillor Louise Greenaway**

In relation to Item 3.11 on tonight's agenda, on page 138 there was a comment made that 'no public consultation specific to this contract was necessary and none has occurred'. Community members have expressed their shock at such a comment and feel that at the very least, the opinion of the businesses that have used Tourism Industry Services should have been sought. Could staff please advise as to whether the opinion of businesses was sought, and if not, please explain the assertion that public consultation was not necessary.

**Q238/18 QON - List of Committees Outstanding
Councillor Louise Greenaway**

I asked some months ago for a list of Committees and other organisations that Council can appoint a representative to, could this be provided please?

**Q239/18 QON - Recycling Refunds
Councillor Doug Vincent**

Residents have reported that their recycling bins have been rummaged through at night time and people are gathering 10c for bottles and cans. Can Council staff reschedule waste management pick ups (ie the pickup trucks for later in the day) so that recycle bins are not emptied early in the morning?

**Q240/18 QON - Code of Conduct
Councillor Jillian Hogan**

Could the Chief Executive Officer please advise what the process is to revise the Code of Conduct to include defining respectful behaviours?

Response from Shane Sullivan, Acting Director Governance

The code of conduct can be reviewed by Council as long as it adheres to the minimum standard of the model code of conduct. It has been suggested that there will be a new draft model code of conduct issued soon and this will be an opportunity for Council to add something if they wished.

The Meeting closed at 11.30 pm.