



Central Coast Council

Minutes of the
Ordinary Council Meeting of Council
Held in the Council Chamber
2 Hely Street, Wyong
on 29 January 2019
commencing at 6.30pm

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Road, Traffic, Drainage and Waste), Bileen Nel (Director Water and Sewer), Julie Vaughan (Director Connected Communities), Jamie Loader (Acting Director Environment and Planning), Shane Sullivan (Acting Director Governance).

The Mayor, Jane Smith, declared the meeting open at 6.51pm.

Adjournment

Councillor Vincent arrived at 7.23pm and did not vote on this item.

Moved: **Councillor Mehrtens**
Seconded: **Councillor Matthews**

1/19 That Council adjourn the 29 January 2019 Ordinary Council Meeting, the time being 6.51pm, to recommence at the conclusion of the Public Forum.

For:
Unanimous

The Mayor, Jane Smith, recommenced the meeting at 7.17pm 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 7.1, 6.1, 1.4, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.5, 4.7, 4.8 and 8.1. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

Councillor Rebecca Gale Collins

Councillor Vincent submitted a late apology, arriving at 7.23pm.

Leave of Absence

Councillor Best submitted a leave of absence for the 11 February 2019 Ordinary Meeting.

1.1 Disclosure of Interest

2.1 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head

Councillor Best declared a pecuniary interest in the matter as he has an interest in close proximity to the application. Councillor Best left the Chamber at 9.04pm, returning at 9.33pm and did not participate in the discussion or voting. Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she has had a conversation with the owner. Councillor Pilon chose to remain in chambers and participate in discussion and voting.

2.3 Deferred Item - 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.

2.4 Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 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.

3.5 Adcock Park Redevelopment

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members utilise and enjoy these facilities. Councillor Greenaway chose to remain in chambers and participate in discussion and voting.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he utilises these facilities recreationally and through club sport. Councillor MacGregor chose to remain in chambers and participate in discussion and voting.

3.6 Request to Name Park East Gosford Community Reserve

Mayor Smith declared a significant non pecuniary interest in the matter as the convener of the group was involved in her ticket for the campaign and she campaigned for the reserve. The matter was dealt with by the exception method.

3.7 2018-19 Community Support Grant Program

Councillor Hogan declared a less than significant pecuniary interest in the matter as she is connected with community groups. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as she does not hold any office positions or personal relationships with the group and will manage the conflict by demonstrating a non-bias approach to decision making. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows members of the groups that may receive funding as recommended. Councillor Greenaway chose to remain in chambers and participate in discussion and voting. The matter was dealt with by the exception method.

4.8 2018/19 Capital Works Project Status

Councillor Marquart declared a pecuniary interest in the matter as the company that he is a Director of could possibly be quoting on the Laycock Street Theatre stage works. Councillor Marquart left the Chamber at 10.58pm, returning at 10.59pm and did not participate in the discussion or voting.

6.1 Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley

Councillor MacGregor declared a pecuniary interest in the matter as he is member of the Joint Regional Planning Panel (JRPP) and receives remuneration for attending the meeting. Councillor MacGregor left the Chamber at 8.08pm, returning at 8.19pm and did not participate in the discussion or voting.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate for the Joint Regional Planning Panel (JRPP) and receives remuneration for this specific matter. Councillor Sundstrom left the Chamber at 8.08pm, returning at 8.17pm and did not participate in the discussion or voting.

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

2/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor MacGregor

Seconded: Councillor Hogan

Resolved

That Council confirm the minutes of the Ordinary Meeting of the Council held on 10 December 2018.

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: Mayor Smith

Seconded: Councillor Hogan

Resolved

3/19 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:

Item: 8.1 Kibbleplex Car Park

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.

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

- (i) prejudice the commercial position of the person who supplied it, or**
- (ii) confer a commercial advantage on a competitor of the council, or**
- (iii) reveal a trade secret.**

Item: 8.2 CPA/1860 – Tender Evaluation – Design Development and Construction of San Remo Boat Ramp

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, Mehrtens, Sundstrom, Matthews, MacGregor, Burke, Vincent and Hogan

Against:
Councillors Pilon, McLachlan, Greenaway and Best

Procedural Motion – Exception

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

4/19 *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

Item 1.4 - Mayoral Minute - Independent Hearing and Assessment Panels (IHAPs)
Item 2.1 - DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Item 2.2 - DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling
Item 2.3 - Deferred Item - DA/54624/2018 - Proposed New Colorbond Fence at 49 Wards Hill Road, Killcare Heights
Item 2.4 - Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights
Item 3.1 - Deferred Item - Acquisition of Land at Narara by way of "Gift" from Landowner
Item 3.2 - Deferred Item - Management Activities at Wamberal and Terrigal Beaches
Item 3.3 - Deferred Item - Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
Item 3.5 - Adcock Park Redevelopment
Item 3.8 - Town Centre Review – Additional Information
Item 4.1 - Reports Due to Council
Item 4.7 - Request to audit Central Coast Airport
Item 4.8 - 2018/19 Capital Works Project Status
Item 6.1 - Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley
Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection
Item 7.1 - Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation
Item 8.1 - Kibbleplex Car Park

5/19 *That Council adopt the following items en-masse and in accordance with the report recommendations:*

Item 2.5 - Fire Safety Report - 268 Main Road Toukley
Item 2.6 - Fire Safety Inspection Report for Residential Flat Building at 71 Faunce Street West Gosford
Item 3.4 - Amend Ordinary Meeting Date for April 2019
Item 3.6 - Request to Name Park East Gosford Community Reserve
Item 3.7 - 2018-19 Community Support Grant Program
Item 4.2 - Meeting Record of the Heritage Advisory Committee held 28 November 2018
Item 4.3 - Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018
Item 4.4 - Strategic Conservation Planning Project
Item 4.5 - Investment Report for November 2018
Item 4.6 - Investment Report for December 2018
Item 4.9 - Aquatic Weed Management at Springfield Pond - Update
Item 8.2 - CPA/1860 - Tender Evaluation - Design Development and Construction of San Remo Boat Ramp

For:

Unanimous

Procedural Motion

Moved: **Councillor Burke**

Seconded: **Councillor Best**

Resolved

6/19 *That Council suspend standing orders to allow Item 7.1 and Item 6.1 to be brought forward for consideration.*

For:

Unanimous

1.4 Mayoral Minute – Independent Hearing and Assessment Panels (IHAPs)

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: *Mayor Smith*

1 *Council reaffirms its position that Council must be the decision maker for all planning matters on the Central Coast that aren't subject to determination by the Hunter and*

- Central Coast Regional Planning Panel.*
- 2 *Council opposes the introduction of an IHAP for the Central Coast.*
 - 3 *Council work with Local Government NSW and other Councils to campaign to restore planning powers to communities.*
 - 4 *Council write to the Minister for Planning and local State Members of Parliament candidates on the Central Coast calling for a reform of the NSW planning system to restore the right of councils to choose whether to use local panels, allowing councils and neighbourhoods to make decisions about developments that affect them.*

Amendment Moved: Councillor Best

Amendment Seconded: Councillor Marquart

- 1 *That Council receive a comprehensive briefing at Council's scheduled strategic planning workshop around the recently released Kaldas Report and its complex 19 recommendations. Further, Council notes that recommendation three of the Kaldas Report only seeks the Minister's to consider the introduction of a Central Coast IHAP (Independent Hearing and Assessment Panel).*
- 2 *That Council urgently form a working party in partnership with staff to develop a structured and considered response to the complex Kaldas Report, particularly in addressing its major concerns around widespread fraud and corruption in the Local Government sector with regard to development applications.*
- 3 *That Council in the first instance seek to meet with the Minister through a bipartisan delegation to appraise and assure the Minister of this Council's strong probity, governance and transparency structures that currently underpin this Council's excellent track record. Also, further elected professional development opportunities that could assist.*

*For:
Councillors Marquart, Holstein, Pilon,
McLachlan and Best*

*Against:
Mayor Smith and Councillors Mehrtens,
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

- 7/19 Council reaffirms its position that Council must be the decision maker for all planning matters on the Central Coast that aren't subject to determination by the Hunter and Central Coast Regional Planning Panel.**
- 8/19 Council opposes the introduction of an IHAP for the Central Coast.**

9/19 Council work with Local Government NSW and other Councils to campaign to restore planning powers to communities.

10/19 Council write to the Minister for Planning and local State Members of Parliament candidates on the Central Coast calling for a reform of the NSW planning system to restore the right of councils to choose whether to use local panels, allowing councils and neighbourhoods to make decisions about developments that affect them.

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

Against:
Councillors Marquart, Pilon and Best

The meeting adjourned at 8.46pm and resumed at 9.03pm.

2.1 DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head

Councillor Best declared a pecuniary interest in the matter as he has an interest in close proximity to the application. Councillor Best left the Chamber at 9.04pm, returning at 9.33pm and did not participate in the discussion or voting. Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon declared a less than significant non pecuniary interest in the matter as she has had a conversation with the owner. Councillor Pilon chose to remain in chambers and participate in discussion and voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

Moved: Councillor Marquart

Seconded: Councillor Pilon

- 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 impose an additional condition of consent that the maximum number of days permitted for the operation of the short term rental accommodation is 180 days in a 12 month period.*
- 3 *That a report be brought back to Council within six months of operation in respect to*

compliance with the conditions of consent.

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

For:
*Councillors Marquart, Holstein, Pilon and
McLachlan*

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

The matter was then at LARGE.

Procedural Motion

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

Resolved

11/19 *That Council defer Item 2.1 to a later stage of the meeting for consideration.*

For:
Unanimous

Moved: *Councillor MacGregor*
Seconded: *Councillor Mehrstens*

12/19 *That Council refuse the application for the following reasons:*

- i The proposed development does not comply with the objectives of the zone as it will not maintain the residential amenity of the surrounding area.*
- ii The proposed development is not compatible with the adjacent low density residential development having regard for visual and acoustic privacy.*
- iii The proposed short term rental accommodation is not in the public interest as it will create unacceptable impacts in relation to increased noise and loss of amenity on the adjoining properties*

13/19 *That Council advise those who made written submissions of its decision.*

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

Against:
Councillors Marquart and McLachlan

2.2 DA/54005/2018 - Lot D DP 29752, 12 Ascot Avenue, Avoca Beach - Proposed New Dwelling & Swimming Pool & Demolition of Existing Dwelling

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Sundstrom
Seconded: Mayor Smith

Resolved

14/19 That Council defer the matter pending a site inspection.

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

Against:
Councillors Marquart, Pilon, McLachlan,
Greenaway and Best

2.3 Deferred Item - 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.

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Holstein
Seconded: Councillor McLachlan

- 1 That Council note the Deferred Item – DA 54624/2018 – Proposed new Colorbond Fence at 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.
- 2 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.
- 3 That Council advise those who made written submissions of its decision.

For:
Councillors Marquart, Holstein, Pilon,
McLachlan and Best

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

The matter was then at LARGE.

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

15/19 That Council refuse the application for the following reasons:

- a) *The proposed 1.8m high colorbond front fence is not compatible with the desired character of the Scenic Buffer precinct of Killcare Heights. The use of landscaping to screen the fence cannot be relied upon considering the growth and size parameters remain uncertain.*
- b) *The proposed 1.8m high colorbond fence will be constructed of unrelieved metal sheeting. The construction of an unrelieved metal sheet fence will not contribute positively to the character and visual quality of the streetscape.*
- c) *The proposed development results in the following non-compliances with Council's DCP 2013;*
 - *Chapter 2.1 Character – Killcare Heights 5: Scenic Buffer*
 - *Chapter 3.1 – Clause 3.1.7.5 Fencing*
- d) *The development is not in the public interest as the proposal would pose a precedent in the area which would not be in keeping with the character of Killcare Heights Scenic buffer. The development received 15 public submissions which remain unresolved.*

16/19 That Council advise those who made written submissions of the decision.

17/19 That Council note the Deferred Item - DA 54624/2018 – Proposed new Colorbond Fence at 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.

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

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

2.4 Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 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.

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

20/19 That Council refuse the application for the following reasons:

- a) **The proposed 1.8m high colorbond front fence is not compatible with the desired character of the Scenic Buffer precinct of Killcare Heights. The use of landscaping to screen the fence cannot be relied upon considering the growth and size parameters remain uncertain.**
- b) **The proposed 1.8m high colorbond fence will be constructed of unrelieved metal sheeting. The construction of an unrelieved metal sheet fence will not contribute positively to the character and visual quality of the streetscape.**
- c) **The proposed development results in the following non-compliances with Council's DCP 2013;**
 - **Chapter 2.1 Character – Killcare Heights 5: Scenic Buffer**
 - **Chapter 3.1 – Clause 3.1.7.5 Fencing**
- d) **The development is not in the public interest as the proposal would pose a precedent in the area which would not be in keeping with the character of Killcare Heights Scenic buffer. The development received 15 public submissions which remain unresolved.**

21/19 That Council advise those who made written submissions of the decision.

22/19 That Council note the Deferred Item - Building Certification Application No. 10981, Fence on Lot: 434 DP: 660287, 49 Wards Hill Road, Killcare Heights which is Attachment 1 to this report.

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

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

2.5 Fire Safety Report - 268 Main Road Toukley

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

25/19 That Council note the content of the Fire Safety Report from Fire and Rescue

NSW in accordance with Section 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979; and

- 26/19** *That Council receive a further report to be provided to the next Council meeting in accordance with Section 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A), 1979.*

For:

Unanimous

2.6 Fire Safety Inspection Report for Residential Flat Building at 71 Faunce Street West Gosford

Moved: *Mayor Smith*

Seconded: *Councillor MacGregor*

Resolved

- 27/19** *That Council note the result of the site inspection carried out on 24 September 2018.*

- 28/19** *That Council resolve to 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 as raised within the fire safety inspection report received from Fire and Rescue NSW;*

- 29/19** *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.*

For:

Unanimous

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: *Councillor Holstein*

Seconded: *Mayor Smith*

Resolved

- 30/19** *That Council note the deferred Acquisition of Land at Narara by way of "Gift" from Landowner.*

31/19 ***That Council accept the transfer of Lot 118 DP 880719 at 151B Narara Valley Dr, Narara at no cost to Council subject to Council meeting the fees associated with the transfer of the land including registration.***

32/19 ***That once in Council ownership the following land is to be managed for flood mitigation subject to site constraints including environmental constraints.***

33/19 ***That Council classify Council land Lot 118 DP 880719 as Community Land.***

For:
Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, MacGregor, Pilon, McLachlan, Vincent, Hogan and Best

Abstain:
Councillor Greenaway

Procedural Motion

Moved: ***Councillor Pilon***
Seconded: ***Councillor Best***

34/19 ***That Council defer Item 3.2 to the next meeting for consideration.***

For:
Mayor Smith and Councillors Marquart, Holstein, Pilon, McLachlan and Best

Against:
Councillors Sundstrom, Matthews, MacGregor, Greenaway, Vincent and Hogan
Abstained: Councillor Mehrtens

Procedural Motion

Moved: **Councillor MacGregor**

Seconded: **Councillor Greenaway**

35/19 ***That Council recommit Item 3.2 for consideration at this meeting.***

For:

Unanimous

3.2 Deferred Item - Management Activities at Wamberal and Terrigal Beaches

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: **Councillor MacGregor**

Seconded: **Councillor Pilon**

Resolved

36/19 ***That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.***

37/19 ***That Council note the funding offer provided by the NSW Government for the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.***

38/19 ***That Council request the Chief Executive Officer to commence the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.***

39/19 ***That Council request the Chief Executive Officer to provide a report on the activity suggested by Councillor Pilon.***

For:

Unanimous

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

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: **Councillor MacGregor**

Seconded: **Councillor Pilon**

Resolved

40/19 *That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.*

41/19 *That Council receive and note the report on Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches.*

For:

Unanimous

3.4 Amend Ordinary Meeting Date for April 2019

Moved: **Mayor Smith**

Seconded: **Councillor MacGregor**

Resolved

42/19 *That Council amend the date of its Ordinary Meeting scheduled for Tuesday, 23 April 2019 to be conducted on Monday, 29 April 2019.*

43/19 *That Council give public notice of the amended date for that meeting in accordance with clause 232 of the NSW Local Government (General) Regulation 2005.*

For:

Unanimous

3.5 Adcock Park Redevelopment

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her family members utilise and enjoy these facilities. Councillor Greenaway chose to remain in chambers and participate in discussion and voting.

Councillor MacGregor declared a less than significant non pecuniary interest in the matter as he utilises these facilities recreationally and through club sport. Councillor MacGregor chose to remain in chambers and participate in discussion and voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm during consideration of this item, did not vote and did not return.

Councillor Best left the chamber at 10.36pm during consideration of this item, did not vote and did not return.

Moved: **Councillor Holstein**
Seconded: **Councillor Marquart**

Resolved

44/19 That Council commit to the required \$25.35 million over the 2019/20 and 2020/21 financial years to complete the Adcock Park Redevelopment.

45/19 That the upgrades of Adcock park be conducted with a view to the inclusion of 32 netball courts to enable state events and the NSW championship to occur locally and to provide a significant boom to our regional economy and tourist industry. In the event that Adcock park is not suitable for the 32 courts to be included that an alternative site or options be investigated to ensure that these significant events can be conducted on the Central Coast to the greater benefit of our community.

46/19 That Council consider a further report if recommendation 2 is not attainable.

For:
Unanimous

Procedural Motion

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

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

Resolved

47/19 That Council extend the Council meeting to consider the following matters;

- **Item 4.7 - Request to audit Central Coast Airport**
- **Item 4.8 - 2018/19 Capital Works Project Status**
- **Item 8.1- Kibbleplex Car Park**
- **Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head**

48/19 That Council defer the following matters to the 11 February 2019 Ordinary Meeting;

- **Item 3.8 - Town Centre Review – Additional Information**
- **Item 4.1 – Reports Due to Council**
- **Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection**

For:
Unanimous

3.6 Request to Name Park East Gosford Community Reserve

Mayor Smith declared a significant non pecuniary interest in the matter as the convener of the group was involved in her ticket for the campaign and she campaigned for the reserve. The matter was dealt with by the exception method.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

49/19 That Council receive and note this report.

For:
Unanimous

3.7 2018-19 Community Support Grant Program

Councillor Hogan declared a less than significant pecuniary interest in the matter as she is connected with community groups. Councillor Hogan will remain in the chamber and participate in discussion and voting as she does not hold any office positions or personal relationships with the group and will manage the conflict by demonstrating a non-bias approach to decision making. The matter was dealt with by the exception method.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she knows members of the groups that may receive funding as recommended. Councillor Greenaway chose to remain in chambers and participate in discussion and voting. The matter was dealt with by the exception method.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

50/19 That Council allocate \$21,188.75 from the 2018-19 grants budget to the community grant programs as outlined in the following report and

Attachment 1.

51/19 ***That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.***

For:
Unanimous

3.8 Town Centre Review – Additional Information

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

47/19 That Council extend the Council meeting to consider the following matters;

- Item 4.7 - Request to audit Central Coast Airport*
- Item 4.8 - 2018/19 Capital Works Project Status*
- Item 8.1- Kibbleplex Car Park*
- Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 That Council defer the following matters to the 11 February 2019 Ordinary Meeting;

- Item 3.8 - Town Centre Review – Additional Information*
- Item 4.1 – Reports Due to Council*
- Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:
Unanimous

4.1 Reports Due to Council

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith

Seconded: Councillor MacGregor

Resolved

47/19 That Council extend the Council meeting to consider the following matters;

- Item 4.7 - Request to audit Central Coast Airport*
- Item 4.8 - 2018/19 Capital Works Project Status*
- Item 8.1- Kibbleplex Car Park*
- Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 That Council defer the following matters to the 11 February 2019 Ordinary Meeting;

- Item 3.8 - Town Centre Review – Additional Information*
- Item 4.1 – Reports Due to Council*
- Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:

Unanimous

4.2 Meeting Record of the Heritage Advisory Committee held 28 November 2018

Moved: Mayor Smith

Seconded: Councillor MacGregor

Resolved

52/19 That Council note the draft Meeting Record of the Heritage Advisory Committee held 28 November 2018 that is Attachment 1 to this report.

For:
Unanimous

4.3 Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

53/19 That Council note the draft Meeting Record of the Coastal Open Space System (COSS) Committee held 29 November 2018 that is Attachment 1 to this report.

For:
Unanimous

4.4 Strategic Conservation Planning Project

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

54/19 That Council note this report and continue to provide in-principle support including access to Council lands and staff support.

For:
Unanimous

4.5 Investment Report for November 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

55/19 That Council receive the Investment Report for November 2018.

For:
Unanimous

4.6 Investment Report for December 2018

Moved: Mayor Smith
Seconded: Councillor MacGregor

56/19 That Council receive the Investment Report for December 2018.

For:
Unanimous

4.7 Request to audit Central Coast Airport

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

- 1 *That Council note the advice from the Auditor General as attached.*
- 2 *That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.*

Amendment Moved: Councillor McLachlan
Amendment Seconded: Councillor Marquart

- 1 *That Council note the advice from the Auditor General as attached.*
- 2 *That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.*
- 3 *That Council consider a report on the costings of engaging an external auditor.*

For:
Councillors Marquart and McLachlan

Against:
Mayor Smith and Councillors Holstein,
Mehrtens, Sundstrom, 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 MacGregor**

Resolved

57/19 ***That Council note the advice from the Auditor General as attached.***

58/19 ***That Council request the Chief Executive Officer engage an external auditor to undertake an investigation into Central Coast Airport in accordance with the resolution of the Ordinary Council Meeting on 10 December 2018.***

For:
Mayor Smith and Councillors Holstein, Mehrrens, Sundstrom, MacGregor, Greenaway, Vincent and Hogan

Against:
Councillors Marquart and McLachlan

4.8 2018/19 Capital Works Project Status

Councillor Marquart declared a pecuniary interest in the matter as the company that he is a Director of could possibly be quoting on the Laycock Street Theatre stage works. Councillor Marquart left the Chamber at 10.58pm, returning at 10.59pm and did not participate in the discussion or voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm and did not return.

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

Resolved

59/19 ***That Council receive the report on 2018/19 Capital Works Project Status.***

60/19 ***That Council adopt the proposed changes to the capital works program consisting of 65 projects and a proposed budget increase of \$3.045 million.***

For:
Unanimous

4.9 Aquatic Weed Management at Springfield Pond - Update

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

61/19 That Council receive and note this report.

For:
Unanimous

6.1 Notice of Motion - Rejection of Socially Unsupported Affordable Housing Unit Block Toukley

Councillor MacGregor declared a pecuniary interest in the matter as he is member of the Joint Regional Planning Panel (JRPP) and receives remuneration for attending the meeting. Councillor MacGregor left the Chamber at 8.08pm, returning at 8.19pm and did not participate in the discussion or voting.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate for the Joint Regional Planning Panel (JRPP) and receives remuneration for this specific matter. Councillor Sundstrom left the Chamber at 8.08pm, returning at 8.17pm and did not participate in the discussion or voting.

Councillor Burke left the chamber at 8.08pm and did not return.

Moved: Councillor Best
Seconded: Councillor Hogan

Resolved

62/19 That Council make an urgent submission to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for its 21st February Meeting calling on the HCCRPP to reject DA 44/2018 for 34 residential flats proposed by Compass Housing under the Affordable Rental Housing SEPP due to widespread Community concern around compatibility with the existing residential built environment.

63/19 That further any such rejection should take into consideration that this Proposal seeks to house and support high needs individuals and families in what is a satellite Community, that does not and cannot provide the full range of important social services and Agency supports that are integral in underpinning integration.

64/19 That Council make urgent representation to the Planning Minister

supporting the concept around the principles of the overall Affordable Rental Housing SEPP, however for the SEPP to be successful in delivering its aims and objectives, the criteria must reflect compatibility with existing surrounds and importantly be able to clearly demonstrate that adequate social support mechanisms are readily available.

For:
Mayor Smith and Councillors Holstein, Mehrtens, Matthews, Pilon, McLachlan, Vincent, Hogan, Best

Against:
Councillors Marquart and Greenaway

6.2 Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection

This item was dealt with as a procedural motion;

Councillor Matthews left the chamber at 10.26pm and did not return.

Councillor Best left the chamber at 10.36pm and did not return.

Councillor Pilon left the chamber at 10.40pm during consideration of this item, did not vote and did not return.

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

47/19 That Council extend the Council meeting to consider the following matters;

- Item 4.7 - Request to audit Central Coast Airport*
- Item 4.8 - 2018/19 Capital Works Project Status*
- Item 8.1- Kibbleplex Car Park*
- Item 2.1-DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head*

48/19 That Council defer the following matters to the 11 February 2019 Ordinary Meeting;

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- Item 4.1 – Reports Due to Council*
- Item 6.2 - Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection*

For:
Unanimous

7.1 Rescission Motion - Winney Bay Clifftop Walk - Stage 2 - Community Consultation

Moved: Councillor Pilon

Seconded: Councillor Marquart

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 10 December 2018:

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.*

A division was called by Councillors Pilon and Best.

*For:
Councillors Marquart, Holstein, Pilon,
McLachlan, Burke and Best*

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

The Rescission Motion was put to the vote and declared LOST.

Questions on Notice

Q1/19 QON - Reports Due to Council Councillor Chris Holstein

Regarding the report 4.1: Reports due to Council, is there an opportunity for the Councillors at the next briefing session to discuss those reports to see whether they are all still necessary?

Q2/19 QON - Pathway in Adcock Park Councillor Richard Mehrstens

What consideration and consultation has been undertaken regarding a pathway between the Adcock Park carpark and the velodrome following proposed upgrades to ensure that cyclists are able to move their equipment between the two locations?

Q3/19 QON - Garbage Trucks in Tarragal Glen
Councillor Jeff Sundstrom

Is Council in a position to discuss the use of smaller garbage trucks within the Tarragal Glen complex with the waste contractor? Is this being investigated? And if so, how close are the residents of Tarragal Glen from hearing a determination?

Q4/19 QON - Warnervale Indoor Leisure Centre
Councillor Kyle MacGregor

What is the current status of the formerly mooted Warnervale indoor leisure centre, are there any plans for this facility to be constructed and opened within the current term of this council?

Julie Vaughan provided an response: Councillor MacGregor at this stage we have just done some feasibility studies to understand the need, but sites have not been confirmed at present. In the proposed 2019/20 budget there is a proposal for the design works to be conducted. But it is probably unlikely that something will be built in this term of Councillors.

Q5/19 QON - Council Staff on Boards/Community Groups
Councillor Kyle MacGregor

When Council staff appear ex officio on boards or as members of community groups or other groups executives how does council recognise this status and does council appoint these people or are they self-appointed with this title, are there reporting mechanisms in place for these positions and how is it determined that these people are acting on councils behalf or officially or unofficially representing council on these boards or as members of these groups executives?

Q6/19 QON - Litter
Councillor Bruce McLachlan

Can council please advise of initiatives taken this holiday season to help curb the litter problem?

Q7/19 QON - Dredging at The Entrance Channel
Councillor Bruce McLachlan

Can Council provide an update on both the Weed wrack harvester operations and reasons why the dredging at The Entrance Channel was stopped, and when it is likely to return to operation?

Q8/19 QON - PFAS Ash Dams
Councillor Louise Greenaway

On 26 November 2018, Council passed resolutions in relation to PPAS and Ash Dams. Since then, residents have indicated that there is asbestos material being located at the Ash Dam. Would Council Staff please advise as to whether they are aware of any Asbestos material being located in the Ash Dam and if so who was the consent authority for material being deposited there?

Residents are concerned that Ash dam material has been trucked from one of the power stations to the Kangy Angy rail maintenance site for use as landfill. Are staff able to look into this issue and determine whether there is any accuracy in these claims and inform the relevant consent authority?

Q9/19 QON - Terms of Reference for the 'Arts and Cultural Advisory Group'
Councillor Jillian Hogan

Is there a terms of reference for the arts and cultural advisory group?

Julie Vaughan provided a response: There is not an arts and cultural advisory group. Council is in the process of developing the Central Coast Regional Cultural Strategy. There may be an advisory group that is formed to assist with that, but there is no formal committee of Council.

Q10/19 QON - Consultants - Chain Valley Bay Shared Pathway
Councillor Jillian Hogan

What process are we going to use to consult with the Mannering Park and Chain Valley Bay Community about where their shared pathway should go? And when will that start?

Q11/19 QON - Draft DCP
Councillor Troy Marquart

The draft DCP includes Flood Hazard Categories (H1 to H6). When will the required Hazard Category maps for each Ward area be released to Councillors and the general Central Coast public for review, so the scale of the properties affected under this hazard zoning can be confirmed?

Q12/19 QON - The Entrance Light Installation
Councillor Lisa Matthews

Can staff please provide the budget allocated to events and activities including the Lights installation, Extra Security & cleaning costs at The Entrance from December 1 2018-26th January 2019?

Q13/19 QON - Annual Budget Allocation
Councillor Lisa Matthews

Can staff please advise what percentage of Councils overall Annual events budgets are allocated to events staged at The Entrance?

Procedural Motion – Closed Session

Moved: Councillor Mehrtens
Seconded: Councillor Sundstrom

Resolved

That Council move into Confidential Session of the meeting.

For:
Unanimous

At this stage of the meeting being 11.09pm 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 11.31pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

8.1 Kibbleplex Car Park

Resolved

65/19 That the Council resolve to deal with this report in closed session pursuant to s.10A(2)(c) and (d) of the Local Government Act 1993, as it;

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.

and

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

(iv) prejudice the commercial position of the person who supplied it.

- 66/19** *That Council enter into the proposed new lease over the Kibbleplex car park and continue to provide the 535 all day parking spaces.*
- 67/19** *That Council determine that no fee should be charged for parking at the Kibbleplex car park to cover the operating costs.*
- 68/19** *That Council resolve to make the necessary budget adjustment as part of the Quarter 2 Budget Review process.*

8.2 CPA/1860 - Tender Evaluation - Design Development and Construction of San Remo Boat Ramp

Resolved

- 69/19** *That Council declines all tenders received for Contract CPA/1860 – Design Development and Construction of San Remo Boat Ramp in accordance with cl.178 Local Government (General) Regulation 2005.*
- 70/19** *That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as per cl.178(3) of the 'Regulation'.*

The Meeting closed at 11.33pm.