



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 29 October 2018

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, Rebecca Gale Collins, Chris Holstein, Troy Marquart and Richard Mehrtens.

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning) and Shane Sullivan (Acting Executive Manager Governance).

The Mayor, Jane Smith, declared the meeting open at 6.31pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the commencement of the ordinary meeting report no's 2.1, 2.2, 2.3, 2.4, 2.5, 3.6, 3.9, 4.2, 4.7, 6.1, 6.2 and 7.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

2.3 DA/135/2017 – Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures – Supplementary Report

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with some residents in the Ourimbah area. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

Councillor Greenaway declared a pecuniary interest in the matter as she received a reportable donation from one of the affected residents pursuant to Section 86 of the Electoral Funding and Disclosures Act 1981. Additionally, amongst the over 200 objectors to this DA are people she has socialised with or who have made non reportable donations and/or have volunteered during her campaign. Councillor Greenaway left the chamber at 7.07pm, returning at 7.23pm and did not participate in discussion and voting.

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

Councillor Best declared a significant non-pecuniary interest in the matter as he lives in Norah Head and has interests in very close proximity to this particular application. Councillor Best left the chamber at 7.24pm, returning at 8.02pm and did not participate in discussion and voting.

2.6 DA/866/2018 - 2 Lot Subdivision of Existing Dual Occupancy at 2 Keats Ave, Bateau Bay

Councillor Greenaway declared a pecuniary interest in the matter as the property is 600m (approx.) from the property she owns, so may give rise to a perception of bias. Councillor Greenaway left the chamber at 10.44pm, returning at 10.47pm and did not participate in discussion and voting.

3.6 EDSACC South Amenities Rebuild

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her children play sport at the facility on occasion and use these amenities. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

4.7 DA/44/2018 –Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley

Councillor MacGregor declared a significant non-pecuniary interest in the matter as he is a member of the Joint Regional Planning Panel. Councillor MacGregor left the chamber at 8.14pm, returning at 8.46pm, and did not participate in discussion and voting.

Councillor Burke declared a pecuniary interest in the matter as he is a member of the Joint Regional Planning Panel. Councillor Burke left the chamber at 8.14pm, returning at 8.46pm, and did not participate in discussion and voting.

6.2 Notice of Motion - Ratepayers Right to Address Chambers

Councillor Matthews declared a less than significant non pecuniary interest in the matter as she is a current financial member of the Racecourse. Councillor Matthews chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

7.1 Rescission Motion - Draft Aviation HUB

Mayor Smith declared a less than significant non pecuniary interest in the matter as she was a former member of the Community Environment Network (CEN) who may have made submissions related to the matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

Moved: *Councillor Gale Collins*

Seconded: *Councillor Sundstrom*

Resolved

1092/18 *That Council receive the report on Disclosure of Interest and note advice of disclosures.*

For:

Unanimous

Procedural Motion – Address by Invited Speakers

Moved: *Councillor Vincent*

Seconded: *Councillor MacGregor*

Resolved

1093/18 *That Council invite the following speakers to address Council:*

SPEAKERS	REPORT
Lisa Wrightson Against the recommendation	Item 2.1 – Proposed Rezoning of Dooralong Public School Site
Ray Hyslop Against the recommendation	Item 2.2 – Modification to DA/967/2013 – 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay

SPEAKERS	REPORT
Adam Crampton Against the recommendation	Item 2.3 – DA/135/2017 – Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures – Supplementary Report
Gary Chestnut For the recommendation	Item 2.3 – DA/135/2017 – Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures – Supplementary Report
Bernard Bourke Against the recommendation	Item 2.3 – DA/135/2017 – Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures – Supplementary Report
Konrad Grinlaubs For the Recommendation	Item 2.5 – DA/288/2018 – Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Chris Lane Against the Recommendation	Item 2.5 – DA/288/2018 – Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head – Speaker Withdrew
Noel Honeybrook Against the Recommendation	Item 2.5 – DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Mick Hart Against the Recommendation	Item 2.5 – DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Helen Lane Against the Recommendation	Item 2.5 – DA/288/2018 - Proposed Short Term Rental Accommodation at 18 Soldiers Point Drive, Norah Head
Riley Sohier For the Recommendation	Item 3.6 – EDSACC South Amenities Rebuild - Speaker Withdrew
Ray Hyslop For the Recommendation	Item 3.9 – Response to Notice of Motion – Gwandalan Playground
Riley Sohier Against the Recommendation	Item 4.2 – Sportsground Fees and Charges – Speaker Withdrew

SPEAKERS	REPORT
Kirsty Tepper For the Recommendation	Item 4.7 – DA/44/2018 –Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley
Donald Proctor For the Recommendation	Item 4.7 – DA/44/2018 -Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley
Gary Blaschke	Item 5.5 – Response to Question on Notice – Riggs on the Horizon
Patrick Aiken For the Recommendation	Item 6.1 - Notice of Motion - Ratepayers Right to Address Chambers
Anthony Bliim For the Recommendation	Item 6.2 - Notice of Motion - Baker Park and Race Course Master Plan
John Codrington For the Recommendation	Item 7.1 – Rescission Motion - Draft Aviation Hub

For:
Unanimous

Procedural Motion – Suspension of Standing Orders

Moved: **Councillor Gale Collins**
Seconded: **Councillor Vincent**

Resolved

1094/18 ***That Council suspend standing orders and consider items 2.1, 2.2, 2.3, 2.5, 3.6, 3.9, 4.2, 4.7, 6.1, 6.2 and 7.1 after each speaker address and then the remaining items in agenda sequence.***

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

1095/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 8 October 2018 with the following amendment;

Item 6.4 – Notice of Motion - Central Coast Dredging

1096/18 That Council work with the NSW Government on a long term dredging plan, for the maintenance of the channel.

For:
Unanimous

Procedural Motion – Exception

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1097/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Item 2.6 - DA/866/2018 – 2 lot subdivision of existing dual occupancy at 2 Keats Ave, Bateau Bay
Item 3.6 - EDSACC South Amenities Rebuild
Item 3.7 - Funding for Amended Tree Policy
Item 3.8 - Gosford CBD Car Parking
Item 3.11 - Response to Notice of Motion – Pelican feeding, Potential for Upgrades and Opportunities
Item 6.4 – Notice of Motion – Animal Behaviour Education Programs

1098/18 That Council adopt the following items en-masse and in accordance with the report recommendations:

Item 1.4 – Mayoral Minute - Protection of the Environment Trust (POET) Committee
Item 2.4 - DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville
Item 3.1 - Fire Safety Report at 12 Gibbens Road West Gosford
Item 3.2 - Fire Safety Report at 75 Pile Road, Somersby
Item 3.3 - Fire Safety Inspection Report for Materials Recycling Facility at 95 Wisemans Ferry Road Somersby

Item 3.4 - Fire Safety Inspection Report for Residential Flat Building at No. 71 Faunce Street West Gosford
Item 3.5 - Fire Safety Inspection Report for Residential Flat Building at 51 - 53 Hills Street, North Gosford
Item 3.13 - Response to Notice of Motion - Parking Fines
Item 4.1 - Meeting Record of the Heritage Advisory Committee held on 5 September 2018
Item 4.3 - Pecuniary Interest Disclosure Returns 2017-2018
Item 4.4 - Investment Report for September 2018
Item 4.5 - Grant Funding Update as at October 2018
Item 4.6 - 2018/19 Capital Works Project Status
Item 8.1 - Meeting Record of the Crown Land Negotiation Program Committee held on 12 September 2018

1099/18 That Council defer the following items to the Ordinary Meeting to be held 12 November 2018:

Item 3.10 - Response to Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities
Item 3.12 - Response to Notice of Motion - Disability Precinct
Item 3.14 - Response to Notice of Motion - Council Bans Cats
Item 6.3 - Notice of Motion - Abandoned Vehicle App

Note: Item 4.2 – Sportsground Fees and Charges was also deferred by way of Council resolution.

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

**For:
Unanimous**

1.4 Mayoral Minute - Protection of the Environment Trust (POET) Committee

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1100/18 That Council as Trustee of the Protection of the Environment Trust resolve to release POET funds of \$11,000 to the MacMasters Beach Bushcare Group within 7 days of this meeting as authorised by the POET Management Committee on 22 January 2017, 16 March 2017 and again on 5 June 2018.

For:

Unanimous

2.1 Proposed Rezoning of Dooralong Public School Site

Lisa Wrightson addressed Council at 6.39pm.

Councillor MacGregor left the chamber at 6.44pm, returning at 6.47pm and did not participate in discussion and voting.

Councillor Matthews left the chamber at 6.44pm, returning at 6.47pm and did not participate in discussion and voting.

Moved: Councillor Best

Seconded: Mayor Smith

Resolved

1101/18 That Council resolve to not support the making of a Planning Proposal for Gateway Determination, to rezone Lots 218 and 219, DP 755271, No. 1046 Dooralong Road, Dooralong, to RU5 Village under Wyong Local Environmental Plan 2013, for the following reasons:

- a) The proposed amendment to Wyong Local Environmental Plan 2013 fails to meet the Strategic Merit Test for a planning proposal, in that:**
- The planning proposal is inconsistent with Actions 8.1, 8.2, 12.1 and 12.5 within the Central Coast Regional Plan 2036;**
 - The school site is not the preferred site for a future hamlet/village in the Dooralong Valley as identified in Central Coast Rural Lands Strategy – Northern Lands;**
- b) The proposed amendment to Wyong Local Environmental Plan 2013 fails to meet the Site Specific Merit Test for a planning proposal, in that:**
- The planning proposal to rezone the land would diminish the local prominence and heritage values of the group of school buildings;**
 - The planning proposal does not incorporate sufficient measures to retain the character of the locality or avoid impacts to environmental values;**

- ***The planning proposal would likely result in substantial clearing and soil disturbance to accommodate bushfire hazard risk mitigation and the installation of on-site sewage management systems to future dwellings;***
- ***The planning proposal would likely result in unacceptable impacts to the Central Coast drinking water catchment; and***
- ***The planning proposal would introduce controls which would likely result in future proposals for more intensive development of the land, requiring substantial clearing and earthworks, and resulting in additional significant impacts to the land, the locality and the drinking water catchment.***

1102/18 ***That Council advise the Department of Planning and Environment of its decision and be provided with a copy of this report and its resolution in support of the Council's position.***

1103/18 ***That Council notify the applicant of the Council's determination in accordance with clause 10A of the Environmental Planning and Assessment Regulation 2000.***

For:
Unanimous

2.2 **Modification to DA/967/2013 - 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay**

Ray Hyslop addressed Council at 6.46pm.

Moved: **Councillor Best**
Seconded: **Councillor Vincent**

Resolved

1104/18 ***That Council approve the modification to Development Consent 967/2013 having regard to the matters for consideration detailed in Sections 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues including the upgrade of the Pacific Highway/Kanangra Drive intersection is to be undertaken prior to the release of the subdivision certificate for stage 2 of the residential subdivision.***

1105/18 ***That Council advise those who made written submissions of its decision.***

1106/18 ***That Council advise those Government Authorities who made written submissions of Council's decision.***

For:

Unanimous

2.3 DA/135/2017 - Transitional Group Home for the purposes of Drug and Alcohol Rehabilitation including Demolition of Existing Structures - Supplementary Report

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is acquainted with some residents in the Ourimbah area. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

Councillor Greenaway declared a pecuniary interest in the matter as she received a reportable donation from one of the affected residents pursuant to Section 86 of the Electoral Funding and Disclosures Act 1981. Additionally, amongst the over 200 objectors to this DA are people she has socialised with or who have made non reportable donations and/or have volunteered during her campaign. Councillor Greenaway left the chamber at 7.04pm, returning at 7.23pm and did not participate in discussion and voting.

Adam Crampton addressed Council at 7.07pm.

Gary Chestnut addressed Council at 7.10pm.

Bernard Bourke addressed Council at 7.13pm.

Moved: Councillor MacGregor

Seconded: Councillor Gale Collins

Resolved

1107/18 That Council refuse development application 135/2017 having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues for the following reasons:

- a Insufficient information has been submitted to satisfy Council that the development will have adequate sewer servicing in accordance with the provisions of Clause 7.9 of the Wyong Local Environmental Plan 2013.**
- b The information accompanying the application has not demonstrated that the soil types on the site are suitable for the proposed onsite sewer management system.**
- c The information accompanying the application has not demonstrated that the site topography and land application area (including size, location and batters) will not adversely impact on adjoining properties and the downslope Endangered Ecological Community and watercourse.**

- d** *The proposed onsite sewage management system is contrary to the objectives of Wyong Development Control Plan 2013 Chapter 3.8 On-Site Effluent Disposal in Non Sewered Areas, to minimise any adverse impacts on the amenity of the subject site and other land in the vicinity of the site.*
- e** *A suitable wastewater solution for the site which meets the requirements of AS1547:2012 Onsite domestic wastewater management and Department of Local Government Environment and Health Protection Guidelines Onsite Sewage Management for Single Households (1998) has not been provided and is therefore not in the public interest.*
- f** *The site is highly constrained for onsite sewage management and the available land area is not suitable for a commercial volume of effluent from the proposed development.*
- g** *The site is not considered suitable for the proposed on-site sewage management system due to the existing site constraints including soil characteristics, the land application area, the site topography and the potential impacts on the existing vegetation and watercourse.*

1108/18 *That Council advise those Government Authorities who made a submission of its decision.*

1109/18 *That Council advise those who made written submissions of its decision.*

For:
Mayor Smith and Councillors Marquart, Holstein, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Burke, Vincent and Best

Abstained:
Councillors Mehrtens and Hogan

2.4 DA/1368/2017 - Proposed Dwelling House and Demolition of the existing dwelling at 21 Elizabeth Drive, Noraville

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1110/18 *That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*

1111/18 *That Council advise those who made written submissions of its decision.*

For:

Unanimous

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

Councillor Best declared a significant non-pecuniary interest in the matter as he lives in Norah Head and has interests in very close proximity to this particular application. Councillor Best left the chamber at 7.24pm, returning at 8.00pm and did not participate in discussion and voting.

Konrad Grinlaubs addressed Council at 7.24pm.

Helen Lane addressed Council at 7.28pm.

Noel Honeybrook addressed Council at 7.32pm.

Mick Hart addressed Council at 7.35pm.

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

Resolved

1112/18 *That Council defer this item pending a site inspection for Councillors within the next month.*

For:

Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, Gale Collins, Matthews, MacGregor, McLachlan, Greenaway, Burke, Vincent and Hogan

Against:

Councillors Marquart and Pilon

2.6 DA/866/2018 - 2 Lot Subdivision of Existing Dual Occupancy at 2 Keats Ave, Bateau Bay

Councillor Greenaway declared a pecuniary interest in the matter as the property is 600m (approx.) from the property she owns, so may give rise to a perception of bias. Councillor Greenaway left the chamber at 10.44pm, returning at 10.47pm and did not participate in discussion and voting.

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1113/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

1114/18 That Council assume the concurrence of the Secretary of the Department of Planning and Environment in accordance with the written notification of assumed concurrence issued under clause 64 of the Environmental Planning and Assessment Regulation 2000.

For:
Unanimous

3.1 Fire Safety Report at 12 Gibbens Road West Gosford

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1115/18 That Council note the result of the site inspection carried out on the 23 August 2018.

1116/18 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;

1117/18 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:

Unanimous

3.2 Fire Safety Report at 75 Pile Road, Somersby

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

1118/18 That Council note the result of the site inspection carried out on the 23 August 2018;

1119/18 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;

1120/18 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:

Unanimous

3.3 Fire Safety Inspection Report for Materials Recycling Facility at 95 Wisemans Ferry Road Somersby

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

1121/18 That Council note the result of the site inspection carried out on the 23 August 2018;

1122/18 *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;*

1123/18 *That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.*

For:

Unanimous

3.4 Fire Safety Inspection Report for Residential Flat Building at No. 71 Faunce Street West Gosford

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

1124/18 *That Council note the content of the Fire Safety Report from Fire and Rescue NSW (attached), in accordance with 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979; and*

1125/18 *That Council receive a further report to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979.*

For:

Unanimous

3.5 Fire Safety Inspection Report for Residential Flat Building at 51 - 53 Hills Street, North Gosford

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

1126/18 That Council note the content of the Fire Safety Report from Fire and Rescue NSW (attached), in accordance with 17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act (EP&A Act) 1979; and

1127/18 That Council receive a further report to be provided to the next Council meeting in accordance with 17(2)(b) of Part 8 of Schedule 5 of the EP&A Act 1979.

For:

Unanimous

3.6 EDSACC South Amenities Rebuild

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as her children play sport at the facility on occasion and use these amenities. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does not impact her decision making ability.

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

1128/18 That Council approve additional funding of \$1,110,272 to the 2018/19 Capital Works Program, which is funded by insurance proceeds, to enable the release of the Request for Tender for the rebuilding of the EDSACC South Amenities Building.

For:

Unanimous

3.7 Funding for Amended Tree Policy

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor MacGregor
Seconded: Councillor Greenaway

Resolved

1129/18 That Council receive and note the report.

For: Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, MacGregor, Pilon, McLachlan, Greenaway, Burke, Vincent and Hogan	Against: Councillor Best
---	------------------------------------

3.8 Gosford CBD Car Parking

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor Marquart

Resolved

1130/18 That Council receive and note the report in relation to Gosford CBD Car Parking.

1131/18 That Council approves the allocation of \$1,400,272 from the current 2018/19 capital works budget from Adcock Park redevelopment to 10 Racecourse Road (180 spaces).

1132/18 That Council request the Chief Executive Officer arrange for line marking of the existing loop road in Adcock Park to maximise the parking spaces in the area prior to the delivery of the masterplan works in the precinct.

1133/18 That Council implement Strategy Item #4 – Park and Ride (Bus) scheme for a 6 month period at no charge to the public and undertake a review after 6 months of operation.

1134/18 That Council undertake a Communication/Promotional Strategy to promote Park and Ride bus initiative.

1135/18 That Council request the Chief Executive Officer arrange for monitoring of the ongoing usage of the bus and parking initiative.

1136/18 That Council give the above actions priority and implement as soon as possible.

- 1137/18** That Council request the Chief Executive Officer, on agreement with Central Coast Area Health seek to utilise the current Showground (300 parking spaces) site.
- 1138/18** That Council request the Chief Executive Officer seeks urgent discussions with State funding bodies to fund and partner with Council to undertake the civil design and construction of the short term car parking options as detailed in Confidential Attachment 1 – Strategy Item #3 – Construct Short Term Car Parks.
- 1139/18** That Council endorse further investigations into the construction of new car parking stations as detailed in Confidential Attachment 2 – Strategy Item #11 – Construct New Car Park Stations.
- 1140/18** That Council resolve, pursuant to s.11(3) 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 proposes to conduct business with.

For:

Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, MacGregor, Pilon, McLachlan, Burke, Vincent, Hogan and Best

Against:

Councillor Greenaway

3.9 Response to Notice of Motion - Gwandalan Playground

Ray Hyslop addressed Council at 8.04pm.

Moved: Mayor Smith

Seconded: Councillor Vincent

Resolved

- 1141/18** That Council receive and note the report on Response to Notice of Motion-Gwandalan Playground.
- 1142/18** That Council request the Chief Executive Officer report back to Council by the end of February 2019 on the feasibility, design, timing and cost for a District Level Play Space at Tunkuwallin Oval, Gwandalan including staging the project to deliver a park/play space as part of the first stage.
- 1143/18** That Council request the Chief Executive Officer continue to investigate the following options:
- a) **Securing the minimum area for a pocket playground in the new subdivision.**

- b) *Negotiating an agreement with the Department of Education for a playground connected to the school grounds opposite the development.***
- c) *Impacts and constraints of the site referred to as the South Eastern Park taking into account the previous concerns raised by former WSC Ecologist and opposition of OEH.***

1144/18 *That Council request the Chief Executive Officer organise a site visit of the possible locations for interested Councillors.*

For:
Unanimous

3.10 *Response to Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities*

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1145/18 *That Council defer this item to the Ordinary Meeting of Council being held on 12 November 2018.*

For:
Unanimous

3.11 *Response to Notice of Motion - Pelican Feeding, Potential for Upgrades and Opportunities*

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: ***Councillor McLachlan***
Seconded: ***Councillor Pilon***

Resolved

1146/18 That Council receive the report on Response to Notice of Motion - Pelican Feeding, Potential for Upgrades and Opportunities.

1147/18 That Council explore relevant partnerships with community and education providers to enhance the experience regarding pelican feeding opportunities.

For:

Unanimous

3.12 Response to Notice of Motion - Disability Precinct

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

1148/18 That Council defer this item to the Ordinary Meeting of Council being held on 12 November 2018.

For:

Unanimous

3.13 Response to Notice of Motion - Parking Fines

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein

Seconded: Councillor MacGregor

Resolved

1149/18 That Council receive the report on Response to Notice of Motion - Parking Fines.

For:

Unanimous

3.14 Response to Notice of Motion - Council Bans Cats

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1150/18 That Council defer this item to the Ordinary Meeting of Council being held on 12 November 2018.

For:
Unanimous

4.1 Meeting Record of the Heritage Advisory Committee held on 5 September 2018

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1151/18 That Council receive the report on the Meeting Record of the Heritage Advisory Committee held on 5 September 2018

For:
Unanimous

4.2 Sportsground Fees and Charges

Moved: Councillor MacGregor
Seconded: Councillor Sundstrom

Resolved

1152/18 That Council defer this item to the Ordinary Meeting of Council being held on 12 November 2018.

For:
Unanimous

4.3 Pecuniary Interest Disclosure Returns 2017-2018

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1153/18 That Council receive the report on Pecuniary Interest Disclosure Returns 2017-2018 and note that the Chief Executive Officer has tabled Pecuniary Interest Disclosure Returns, pursuant to section 450A(2) of the NSW Local Government Act.

For:
Unanimous

4.4 Investment Report for September 2018

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1154/18 That Council receive the Investment Report for September 2018.

For:
Unanimous

4.5 Grant Funding Update as at October 2018

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1155/18 That Council receive the report on Grant Funding Update as at October 2018.

1156/18 That Council resolve, for the purposes of s.11 (3) of the Local Government Act 1993, that the Attachment 3 to this report remain confidential because the attachment includes commercial information of a confidential nature.

For:
Unanimous

4.6 2018/19 Capital Works Project Status

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: Councillor Holstein
Seconded: Councillor MacGregor

Resolved

1157/18 That Council receive the report on 2018/19 Capital Works Project Status.

For:
Unanimous

4.7 DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley

Councillor MacGregor declared a significant non-pecuniary interest in the matter as he is a member of the Joint Regional Planning Panel. Councillor MacGregor left the chamber at 8.14pm, returning at 8.45pm, and did not participate in discussion and voting.

Councillor Burke declared a pecuniary interest in the matter as he is a member of the Joint Regional Planning Panel. Councillor Burke left the chamber at 8.14pm, returning at 8.45pm, and did not participate in discussion and voting.

Kirsty Tepper addressed Council at 8.14pm.

Donald Proctor addressed Council at 8.18pm.

Amendment Moved: Councillor Vincent

Amendment Seconded: Councillor Hogan

- 1 *That Council receive and note the assessment report on DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley.*
- 2 *That Council request the Chief Executive Officer write to the Joint Regional Planning Panel (JRPP) and in that written submission request the JRPP:*
 - a *to take into account the issues raised by adjoining residents in relation to the proposal at 6-10 Dunleigh Street, Toukley.*
 - b *to consider limiting the height of the development to three storeys.*

For:
Mayor Smith and Councillors Greenaway,
Vincent and Hogan

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

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

Moved: Councillor Holstein

Seconded: Councillor Gale Collins

Resolved

1158/18 *That Council receive and note the assessment report on DA/44/2018 - Demolition works and the Construction of a Residential Flat Building (34 dwellings) under the provisions of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009 at 6-10 Dunleigh Street, Toukley*

1159/18 *That Council request the Chief Executive Officer write to the Joint Regional Planning Panel (JRPP) and in that written submission request the JRPP to take into account the issues raised by adjoining residents in relation to the proposal at 6 – 10 Dunleigh Street, Toukley - DA/44/2018.*

For:
Unanimous

6.1 Notice of Motion - Ratepayers Right to Address Chambers

Patrick Aitken addressed Council at 8.50pm.

Moved: Councillor Best
Seconded: Councillor Pilon

- 1160/18 *That Council notes with great concern the recent amendment 4.2 to the Code of Meeting Practice that now denies our Residents and Ratepayers their democratic right to address Council/Councillors at a Council Meeting where final decisions are made.*
- 1161/18 *That Council notes that throughout the entire history of Local Government on the Central Coast, for more than 70 years, Ratepayers have been afforded the right and respect to address their Local Council on issues that concern them.*
- 1162/18 *That Council now immediately reinstate this fundamental democratic right of Ratepayers to be heard by their elected Representatives.*
- 1163/18 *That Council amend its Code of Meeting Practice to allow for one speaker for and one speaker against any individual item.*

For:
Councillors Marquart, Gale Collins, Pilon, McLachlan, Burke and Best

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

The motion was put to the vote and declared LOST.

6.2 Notice of Motion - Baker Park and Race Course Master Plan

Councillor Matthews declared a less than significant non pecuniary interest in the matter as she is a current financial member of the Racecourse. Councillor Matthews chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does impact her decision making ability.

Anthony Bliim addressed Council at 9.21pm

Moved: Councillor MacGregor
Seconded: Councillor Vincent

Resolved

- 1164/18 ***That Council request that the Chief Executive Officer convene an initial meeting of interested Councillors and community groups in November 2018 to identify key issues and themes for a master planning process and then provide a reasonable level of Council resources to enable Council staff to access and research requested historical Council documentation relating to the Baker Park and Racecourse areas.***

1165/18 *That Council request the Chief Executive Officer, as part of this process, note the reclassification of lots in the Baker Park/Racecourse precinct specifically Howard, Ithome, Levitt, Rose and Warner Streets.*

1166/18 *That Council request that the Chief Executive Officer review historical information and establish a community focused vision for the future of the Baker Park and Race Course areas in Wyong as soon as possible.*

1167/18 *That Council request that the Chief Executive Officer provide an initial report for the Council meeting being held on 10 December 2018.*

For:

Unanimous

6.3 Notice of Motion - Abandoned Vehicle App

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Moved: **Councillor Holstein**

Seconded: **Councillor MacGregor**

Resolved

1168/18 *That Council defer this item to the Ordinary Meeting of Council being held on 12 November 2018.*

For:

Unanimous

6.4 Notice of Motion - Animal Behaviour Education Programs

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Best left the chamber at 11.18pm, did not return and did not participate in discussion and voting.

Moved: **Councillor Vincent**

Seconded: **Councillor Greenaway**

Resolved

1169/18 That Council request the Chief Executive Officer to provide a report including the following;

- a invitations to the RSPCA or other animal welfare organisations to undertake information sessions and programs at Councils libraries and facilities, to educate parents, carers and children about the body language of animals.**
- b communicates the information sessions to the community through a variety of local print media and electronic channels.**
- c provide material similar to the tabled item 'Enjoy Your Dog' brochure to educate dog owners as well as the general public about dog free areas.**
- d distribute the flyer through print out and electronic media (including uploading to Council's website).**

For:
Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, MacGregor, Pilon, McLachlan, Burke, Vincent and Hogan

Abstained:
Councillors Marquart and Pilon

7.1 Rescission Motion - Draft Aviation HUB

Mayor Smith declared a less than significant non pecuniary interest in the matter as she was a former member of the Community Environment Network (CEN) who may have made submissions related to the matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict is minor and does not impact her decision making ability.

John Codrington addressed Council at 9.50pm

Moved: Councillor Best
Seconded: Councillor Pilon

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 27 November 2017:

- 756/17 That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).**
- 757/17 That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).**

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

Councillor Marquart called a division.

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

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

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

The meeting was adjourned at 10.19pm and resumed at 10.33pm

8.1 Meeting Record of the Crown Land Negotiation Program Committee held on 12 September 2018

Councillor Gale Collins left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

Councillor Matthews left the chamber at 10.44pm, did not return and did not participate in discussion and voting.

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

Resolved

1170/18 ***That the Council resolve to deal with this report in closed session pursuant to s.10A(2)(d) of the Local Government Act 1993, as the information is 2(d) 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.***

1171/18 ***That the Council note the Confidential Meeting Record of the Crown Land Negotiation Program Committee held on 12 September 2018 that is attached to this report.***

1172/18 ***That the Council note the endorsement of the Crown Land Negotiation Program Committee of the Initial Assessment of Crown Land and that on the basis of this endorsement Council will progress to the negotiation stage of the Crown Land Negotiation Program.***

For:
Unanimous

Questions on Notice

Q202/18 **QON - Woy Woy Town Centre Plan**
Councillor Richard Mehrtens

What is the plan for the future of the Woy Woy Town Centre including consideration of rejuvenation and making better use of the open and green space in the precinct?

Q203/18 **QON - Enforcing Consent Orders**
Councillor Richard Mehrtens

Reports are being received that trees and required green space and landscaping consent orders are not being followed in new developments resulting in rapid decreases in the tree canopy and contributing to the heat island effect in areas like the Peninsula. What options does Council have to ensure development consent orders are complied with when checked by a private certifier?

Q204/18 QON - Consultants
Councillor Kyle MacGregor

How much money has Central Coast Council spent on consultants from 9 September 2017 to 9 September 2018?

Q205/18 QON - Combustable Cladding
Councillor Kyle MacGregor

Regarding the identification of buildings with external combustible cladding the North Gosford Private Hospital site was identified as a site that contained combustible cladding. Is the cladding product indeed combustible cladding as defined in the Environmental Planning and Assessment Amendment [Identification of Buildings with External Combustible Cladding] Regulation 2018?

Q206/18 QON - Playgrounds
Councillor Jilly Pilon

With the number of fallen trees that were cleared by council after the big storm on the weekend have considered using some for building beautiful playgrounds for young children. We had so many big strong trees done during the storm in our wonderful suburb in Buff Point it would be a shame to see them all mulched. Would Council consider creating a play space for young children in the neighbourhood it would be a wonderful way to repurpose the green waste and created connectedness between families and young children and their community?

Q207/18 QON - Netting On Drainage Outlets
Councillor Jilly Pilon

Has Council considered using netting on our drainage outlets to retain rubbish to be moved rather than all the stormwater drains emptying out into the beaches?

Q208/18 QON - External Agencies
Councillor Louise Greenaway

What is the process involved when staff can't attend meetings with external agencies, by this I mean, is there routinely an alternate member of staff that attends, or is just an apology given? (Eg Local Land Services Advisory Group meetings).

Q209/18 QON - Council Amalgamation Gantt Chart
Councillor Doug Vincent

Could staff please provide an updated project gantt chart on the Council amalgamation process?

Q210/18 QON - Combustable Cladding
Councillor Jillian Hogan

The Oakes Waterfront Resort at the Entrance was identified as a site that contained combustible cladding. Is the material installed indeed combustible cladding as defined in the Environmental Planning and Assessment Amendment [Identification of Buildings with External Combustible Cladding] Regulation 2018?

Q211/18 QON - External Cladding
Councillor Jillian Hogan

Further to Q162/18, is the Council involved in any action to be taken or contemplated to be taken to strip off external cladding from public and private buildings in our local government area (LGA)? This may be, for example, a State owned building which is in this LGA and this Council has been notified by Fire and Rescue NSW or NSW State Government of such actions.

Q212/18 QON - Netting On Drainage Outlets
Councillor Bruce McLachlan

Has Council considered using netting on our drainage outlets to retain rubbish to be moved rather than all the stormwater drains emptying out into the beaches?

Q213/18 QON - Provisions of the WAR Act
Councillor Louise Greenaway

Could I please be provided with a copy of written advice (letter/ email) of what Council's current position is in relation to whether all the provisions of the WAR Act apply?

The Meeting closed at 11.32pm.