



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 25 June 2018

Commencing at 6.30pm

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#### Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Doug Vincent, Chris Burke, Louise Greenaway, Kyle MacGregor, Bruce McLachlan, Jeff Sundstrom, Rebecca Gale Collins, Richard Mehrstens, Chris Holstein and Troy Marquart.

#### In Attendance

Brian Glendenning (Acting Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Shane Sullivan (Acting Executive Manager Governance) and Vivienne Louie (Acting Chief Financial Officer).

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.

Ms Julie Vaughan read details of the Local Government Awards at which Council received an award for the Tuggerah Lakes Digital Resource and Communication Program carried out by Nick Carson and Danielle Hargreaves.

At these same awards Council received a Highly Commended in the Creative Communities category for the work Madalyn Ward and Matt Sonter have done with the community on the Maliga Indigenous Arts and Cultural Showcase.

Council was also named a finalist in four other categories:

- Innovative Leadership and Management for Central Coast Future Council Learning Community Team
- Community Partnerships and Collaboration for Harvest Festival Central Coast – Events Team
- Special Project Initiative for the Central Coast Community Strategic Plan – Community Engagement, Community Partnerships and Planning and Corporate Strategy teams
- Service Delivery Initiative for the Desexing Saves Lives – Responsible Pet Ownership on the Coast – Learning Community Team

At the Bob Ward Vocational Service Awards 2018, the Community Strategic Plan project team were nominated by Gosford Rotary Club and awarded a service award for their efforts in developing and engaging the community in the plan development.

The Mayor, Jane Smith congratulated Nick Carson, Environmental Education Officer, on behalf of Council and presented him with his Environmental Leadership and Sustainability Award for the Tuggerah Lakes Digital Resource and Communications Program.

At the commencement of the Ordinary Meeting report nos 1.1, 2.1, 5.1 and 1.2 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.

**Apologies/Leave of Absence**

Apologies were received from Councillor Pilon and Councillor Matthews.

**Procedural Motion – Leave of Absence**

**Moved:** *Mayor Smith*

**Seconded:** *Councillor Marquart*

**Resolved**

**540/18** *That Council grant Councillor Burke a leave of absence from the Ordinary meetings being held on 9 and 23 July 2018 due to annual leave.*

**For:**

**Unanimous**

**1.1 Disclosure of Interest**

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

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

**2.1 Consideration of submissions and adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy**

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has participated in many sports on the Central Coast and her two children are now actively involved in sport on the Central Coast including representative teams. Councillor Greenaway chose to remain in chambers and participate in discussion and voting as the conflict is minimal and does not affect her ability to deal with the matter in the best interests of the community.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she is associated with sporting clubs through personal and professional interest. Councillor Hogan chose to remain in chambers and participate in discussion and voting as she will be objective and treat all sports fairly and equitably when making decisions.

Councillor MacGregor declared a less than significant non-pecuniary interest in the matter as he played cricket for Southern Spirit from 2017 to 2018. Councillor MacGregor chose to remain in chambers and participate in discussion and voting as he is not currently playing for the club and has no monetary or business relationship with the cricket club at present.

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as his family participate in many sports on the Central Coast including representative teams. Councillor Vincent chose to remain in chambers and participate in discussion and voting as the conflict is minimal as this is a region wide report which does not affect his ability to deal with the matter in the best interests of the community.

**2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she worked with Chambers of Commerce in Sydney and the Central Coast with regards to the awarding sponsorship program. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting. This item was resolved via the exception method.

**2.8 Long Jetty Festival Update**

Councillor Hogan declared a significant non-pecuniary interest in the matter as in 2017 the organisers of the Long Jetty Street Festival donated \$500 to the organisation she works for, San Remo Neighbourhood Centre, for the purpose of supporting our support groups for LBGTQI young people, G-Links and transgender group, Tea Party.

Councillor Hogan left the chamber at 9.49pm during consideration of this item, returned at 9.55pm and was absent for the vote.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he was a previous sponsor and therefore the previous pecuniary interest declared is now withdrawn as the festival is cancelled. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as his sponsorship is no longer as festival is cancelled.

### **6.1 Legal Advice – Commercial Dispute**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

**Moved: Mayor Smith**

**Seconded: Councillor Sundstrom**

**Resolved**

**541/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

### **Procedural Motion – Address by Invited Speakers**

**Moved: Councillor Sundstrom**

**Seconded: Councillor MacGregor**

**Resolved**

**542/18 That Council invite the following speakers to address Council:**

<b>SPEAKERS</b>	<b>REPORT</b>
Mr Riley Sohler <b>Against</b> the recommendation	Item 2.1 - Consideration of Submissions and Adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy
Ms Diane Dales <b>Against</b> the recommendation	
Mr Bill Symmington <b>For</b> the recommendation	Item 5.1 - Deferred Item - Notice of Motion - Gwandalan Playground

**For:**

**Unanimous**

**Procedural Motion – Suspension of Standing Orders**

**Moved:** Councillor MacGregor

**Seconded:** Councillor Vincent

**Resolved**

**543/18 That Council suspend standing orders and consider items 2.1 and 5.1 after each speaker address and then the remaining items in agenda sequence.**

**For:**

**Unanimous**

**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor MacGregor

**544/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 12 June 2018.**

**For:**

**Unanimous**

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

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

**Moved:** Councillor Best

**Seconded:** Councillor Gale Collins

- 1 *That further to this Council's commitment to the proactive release of information in keeping with the intentions of the GIPA Act refer item 3.1 (25 June 2018), that Council now deal with this item 6.1 in open session.*
- 2 *That Council request the Acting Chief Executive Officer in accordance with the 1998 Privacy and Personal Information Act redact where necessary commercial, key legal and personal details from this report.*
- 3 *That this matter now be deferred until the redactions can take place and be represented at the 9 July 2018 Ordinary Meeting.*

*A division was called by Councillors Marquart and Gale Collins.*

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

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

*The Motion was put to the vote and declared LOST. The foreshadowed motion was then put.*

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

**Resolved**

**545/18** *That the Council resolve that the following matter be dealt with in closed session, pursuant to s. 10A(2)(g) of the Local Government Act 1993 for the following reasons:*

**Item: 6.1**  
**Title: Legal Advice – Commercial Dispute**

**Reason for considering in closed session:**

**2(g) – advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

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

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

**Procedural Motion – Exception**

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

**Resolved**

**546/18** *That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:*

<b>Exception</b>	
2.2	Consideration of submissions and adoption of the Community Strategic Plan, One - Central Coast
2.3	Making and fixing of 2018-19 Rates and Charges
2.4	Delegations to CEO from 2 July 2018
2.6	Amendments to Code of Meeting Practice
2.7	Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018
2.8	Long Jetty Festival Update

3.1	Proactive Release
3.2	Investment Report for 31 May 2018
3.3	2017/18 Capital Works Project Status
5.2	Notice of Motion - Committee Meeting Costings
6.1	Legal Advice – Commercial Dispute

**547/18** *That Council adopt the following items en-masse and in accordance with the report recommendations.*

<b>En-masse</b>
2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding

**For:**  
**Unanimous**

**2.1 Consideration of Submissions and Adoption of the Delivery Program and Operational Plan 2018-19 and Resourcing Strategy**

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Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she has participated in many sports on the Central Coast and her two children are now actively involved in sport on the Central Coast including representative teams. Councillor Greenaway chose to remain in chambers and participate in discussion and voting as the conflict is minimal and does not affect her ability to deal with the matter in the best interests of the community.

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she is associated with sporting clubs through personal and professional interest. Councillor Hogan chose to remain in chambers and participate in discussion and voting as she will be objective and treat all sports fairly and equitably when making decisions.

Councillor MacGregor declared a less than significant non-pecuniary interest in the matter as he played cricket for Southern Spirit from 2017 to 2018. Councillor MacGregor chose to remain in chambers and participate in discussion and voting as he is not currently playing for the club and has no monetary or business relationship with the cricket club at present.

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as his family participate in many sports on the Central Coast including representative teams. Councillor Vincent chose to remain in chambers and participate in discussion and voting as the conflict is minimal as this is a region wide report which does not affect his ability to deal with the matter in the best interests of the community.

Mr Riley Sohier addressed Council at 6.42pm.

Ms Diane Dales addressed Council at 6.49pm.

Moved: Mayor Smith  
Seconded: Councillor Greenaway

- 1 That Council note that the draft Delivery Program and Operational Plan for the 2018-19 financial year ("Delivery Program and Operational Plan 2018-19") and draft Resourcing Strategy were publicly exhibited from Friday 18 May 2018, as required by ss. 404(4) and 405(3) of the Local Government Act 1993.
- 2 That Council consider, as required by ss. 404(4) and 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy.
- 3 That Council endorse the amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy that are set out in attachments 4,5, 6, 7 and 8 to the report.
- 4 That Council authorise the Acting Chief Executive Officer to make final editorial amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy, to ensure correctness and clarity.
- 5 That Council adopt, pursuant to ss. 403, 404 and 405 of the Local Government Act 1993, the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy with the amendments authorised by resolutions 3 and 4 above.
- 6 That Council approve the estimates of income and expenditure as detailed in the Operational Plan for the 2017-18 financial year, as adopted by resolution 5.
- 7 That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the additional fees set out in attachment 8 to this report.
- 8 That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.
- 9 That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.
- 10 That Council note that fee 08.10018 Right of Internment – niche purchase Memorial Wall be re-exhibited as the fee should be \$627.00 per request and not \$62.00 per request as originally exhibited.
- 11 That Council note that for Project K3.028 the Design and engage with the community on a skate park in the Peninsula is in the suburb of Umina Beach and authorises the Acting Chief Executive Officer to make this amendment to the Delivery Program and Operational Plan 2018-19 on page 125.
- 12 That Council note that a grant application has been submitted for the Tuggerawong Shared Pathway as part of the Stronger Country Communities Fund for \$964,549 to construct stage 1 of the shared pathway which covers the section from Friday to Tuesday Street and authorises the Acting Chief Executive Officer to make an amendment to the Delivery Program and Operational Plan 2018-19 to include Construction of Stage 1 of the Tuggerawong Shared Pathway from Friday to Tuesday Street in the listing of pending grant funding projects on pages 149 to 151.



- 13 That Council note that grant funding has been allocated for the following projects from the list of Pending Grant Funding Projects included in pages 149 to 151 of the Delivery Program and Operational Plan 2018-19. Once grant funding agreements are received and executed a report will be presented to Council to include the projects in Council's capital works program in line with the grant funding agreement deliverables and timeframes.

Project Ref	Project Name	Grant Funding Allocated
H4.008	Upgrade Gosford City Centre water infrastructure	Part of Housing Acceleration Fund Program
H4.009	Upgrade Gosford City Centre sewer infrastructure	Part of Housing Acceleration Fund Program
K1.001	Construct cliff top walk at Winney Bay	4,615,000
K2.001	Construct Terrigal boardwalk	2,900,000
K4.009	Upgrade Central wharf	150,000
K4.011	Upgrade Kendal Road wharf	150,000
K4.012	Upgrade Spencer wharf	75,000
L1.032	Design and construct new public toilets at North Entrance Surf Club	260,000

- 14 That the Resourcing Strategy be amended to provide that the Workforce Management Strategy include the following with appropriate action and performance measure:

- a requirement that economic, social and environmental sustainability be promoted in the culture of Council's workforce
- Governance (page 65) include CSP objective G2 with appropriate actions and performance
  - G2 – communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

- 15 That a Councillor workshop be held no later than the end of August, 2018 to review the progress of the Operational Plan in preparation for the Q1 Budget Review.

- 16 That Council request the Chief Executive Officer hold a meeting with representatives of the Sports Council and then provide a report to the Council prior to the workshop referred to in recommendation 15 and include discussions around the following proposed amendments:

- Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues
- Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues
- Be able to choose an hourly lighting rate or a seasonal lighting rate.

- *Sports Council the Fees and Charges for seasonal hire be amended to include all final series games/matches.*
- *In regards to the Bond Monies, the members of Central Coast Sports Council indicated at our meeting on 7 June 2018 that they wish the bond monies remain as is and held with Central Coast Sports Council.*
- *Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years*
- *To reduce the level 2 grading fees to level 3 for sports fields*

17 *That Council fast track the master plan of the Carters Road upgrade with the view of starting intersection, parking and signage changes within the 2018/19 financial year.*

*Amendment Moved: Councillor Best*

*Amendment Seconded: Councillor Vincent*

1 *That the Operational Plan 2018/19 now be deferred pending an urgent briefing around equity, sustainability and the issues raised this evening.*

2 *That Council notes in light of the number of amendments and budget adjustments, Council is now not yet ready to legislate this budget.*

3 *That as this is a financial supply issue, Council recognises the need for this matter to now be urgently reported back to Council at an Extraordinary Meeting on or before Friday 29 June 2018.*

*For:  
Councillors Marquart, Vincent, Hogan and Best*

*Against:  
Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Gale Collins, MacGregor, McLachlan, Greenaway and Burke*

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

**Resolved**

**548/18** ***That Council note that the draft Delivery Program and Operational Plan for the 2018-19 financial year ("Delivery Program and Operational Plan 2018-19") and draft Resourcing Strategy were publicly exhibited from Friday 18 May 2018, as required by ss. 404(4) and 405(3) of the Local Government Act 1993.***

**549/18** ***That Council consider, as required by ss. 404(4) and 405(5) of the Local Government Act 1993, the submissions received by Council during the public exhibition of the draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy.***

**550/18** ***That Council endorse the amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy that are set out in attachments 4,5, 6, 7 and 8 to the report.***

- 551/18** *That Council authorise the Acting Chief Executive Officer to make final editorial amendments to the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy, to ensure correctness and clarity.*
- 552/18** *That Council adopt, pursuant to ss. 403, 404 and 405 of the Local Government Act 1993, the exhibited draft Delivery Program and Operational Plan 2018-19 and draft Resourcing Strategy with the amendments authorised by resolutions 3 and 4 above.*
- 553/18** *That Council approve the estimates of income and expenditure as detailed in the Operational Plan for the 2017-18 financial year, as adopted by resolution 5.*
- 554/18** *That Council endorse, for public exhibition pursuant to s. 610F of the Local Government Act 1993, the additional fees set out in attachment 8 to this report.*
- 555/18** *That Council note for proposed fees subject of resolution 7 have not been adopted and that a further report will be presented to Council after the public exhibition of those fees has been completed.*
- 556/18** *That Council authorise the Chief Executive Officer to waive or reduce fees in appropriate cases.*
- 557/18** *That Council note that fee 08.10018 Right of Internment – niche purchase Memorial Wall be re-exhibited as the fee should be \$627.00 per request and not \$62.00 per request as originally exhibited.*
- 558/18** *That Council note that for Project K3.028 the Design and engage with the community on a skate park in the Peninsula is in the suburb of Umina Beach and authorises the Acting Chief Executive Officer to make this amendment to the Delivery Program and Operational Plan 2018-19 on page 125.*
- 559/18** *That Council note that a grant application has been submitted for the Tuggerawong Shared Pathway as part of the Stronger Country Communities Fund for \$964,549 to construct stage 1 of the shared pathway which covers the section from Friday to Tuesday Street and authorises the Acting Chief Executive Officer to make an amendment to the Delivery Program and Operational Plan 2018-19 to include Construction of Stage 1 of the Tuggerawong Shared Pathway from Friday to Tuesday Street in the listing of pending grant funding projects on pages 149 to 151.*
- 560/18** *That Council note that grant funding has been allocated for the following projects from the list of Pending Grant Funding Projects included in pages 149 to 151 of the Delivery Program and Operational Plan 2018-19. Once grant funding agreements are received and executed a report will be presented to Council to include the projects in Council's capital works program in line with the grant funding agreement deliverables and*

*timeframes.*

<b>Project Ref</b>	<b>Project Name</b>	<b>Grant Funding Allocated</b>
<b>H4.008</b>	<b>Upgrade Gosford City Centre water infrastructure</b>	<b>Part of Housing Acceleration Fund Program</b>
<b>H4.009</b>	<b>Upgrade Gosford City Centre sewer infrastructure</b>	<b>Part of Housing Acceleration Fund Program</b>
<b>K1.001</b>	<b>Construct cliff top walk at Winney Bay</b>	<b>4,615,000</b>
<b>K2.001</b>	<b>Construct Terrigal boardwalk</b>	<b>2,900,000</b>
<b>K4.009</b>	<b>Upgrade Central wharf</b>	<b>150,000</b>
<b>K4.011</b>	<b>Upgrade Kendal Road wharf</b>	<b>150,000</b>
<b>K4.012</b>	<b>Upgrade Spencer wharf</b>	<b>75,000</b>
<b>L1.032</b>	<b>Design and construct new public toilets at North Entrance Surf Club</b>	<b>260,000</b>

- 561/18** *That the Resourcing Strategy be amended to provide that the Workforce Management Strategy include the following with appropriate action and performance measure:*
- *a requirement that economic, social and environmental sustainability be promoted in the culture of Council's workforce*
  - *Governance (page 65) include CSP objective G2 with appropriate actions and performance*
    - *G2 – communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.*
- 562/18** *That a Councillor workshop be held no later than the end of August, 2018 to review the progress of the Operational Plan in preparation for the Q1 Budget Review.*
- 563/18** *That Council request the Chief Executive Officer hold a meeting with representatives of the Sports Council and then provide a report to the Council prior to the workshop referred to in recommendation 562/18 and include discussions around the following proposed amendments:*
- *Refund of competition and/or training fees booked on a seasonal basis for facilities not utilised under the twenty week period, due to inclement weather or withdrawn for maintenance issues*
  - *Refund of training fees to be booked on a daily basis for facilities not utilised, due to inclement weather or withdrawn for maintenance issues*
  - *Be able to choose an hourly lighting rate or a seasonal lighting rate.*
  - *Sports Council the Fees and Charges for seasonal hire be amended to*

*include all final series games/matches.*

- *In regards to the Bond Monies, the members of Central Coast Sports Council indicated at our meeting on 7 June 2018 that they wish the bond monies remain as is and held with Central Coast Sports Council.*
- *Foreshadow a return on fees and charges as at 2017/18 for a period of 3 years*
- *To reduce the level 2 grading fees to level 3 for sports fields*

**564/18** *That Council fast track the master plan of the Carters Road upgrade with the view of starting intersection, parking and signage changes within the 2018/19 financial year.*

**Procedural Motion – Motion be Put**

**Moved:** *Mayor Smith*

**Resolved**

**565/18** *That Council put the motion to the vote.*

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

**Against:**  
*Councillors Gale Collins, Greenaway and McLachlan*

*The Motion was put to the vote and declared CARRIED. The Motion was then put.*

**For:**  
*Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Gale Collins, McLachlan, Greenaway and Burke*

**Against:**  
*Councillors Marquart, MacGregor, Vincent, Hogan and Best*

**2.2** **Consideration of submissions and adoption of the Community Strategic Plan, One - Central Coast**

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

**Resolved**

**566/18** *That Council note that the draft Community Strategic Plan titled One – Central Coast was publicly exhibited from 30 April 2018 to 28 May 2018.*

**567/18** *That Council consider the submissions received during the exhibition period, as required by Chapter 13 Part 2 of the Local Government Act 1993.*

**568/18** *That Council note and endorse the amendments recommended by Council staff in this report, and the following:*

- **Change D2 from "Support local business growth by providing incentives, *cutting red tape* and encouraging social enterprises" to "Support local business growth by providing incentives, *streamlining processes* and encouraging social enterprises**
- **Changing E2 from "Improve water quality for beaches, lakes and waterways *by minimising pollutants and preventing litter entering our waterways*" to "Improve water quality for beaches, lakes and waterways *including minimising pollutants and preventing litter entering our waterways*"**
- **Change F4 from "Address climate change and its impacts through collaborative strategic planning and responsible land management" to "*Address climate change and its impacts through collaborative strategic planning and responsible land management and consider targets and actions*"**
- **Change I1 from "Preserve local character and protect our heritage and rural areas by concentrating development along transport corridors and town centres" to "Preserve local character and protect our *drinking water catchments*, heritage and rural areas by concentrating development along transport corridors and town centres *east of the M1*"**
- **P34 – Community Indicators - Under Env Sustainability and Human Impacts – include "*Ecological Footprint*" as an indicator.**

569/18 **That Council authorise the Acting Chief Executive Officer to make appropriate amendments to the Community Strategic Plan, One - Central Coast, to correct numerical or typographical errors.**

570/18 **That Council adopt the draft Community Strategic Plan, One – Central Coast, amended as above, and advise the Minister for Local Government and make available on Council's website.**

571/18 **A Councillor workshop be held within 3 months to agree on a process and begin the work of setting targets (short, medium and long term) in order to achieve the aspirations of the Community Strategic Plan.**

**For:**  
**Mayor Smith and Councillors Holstein, Mehrtens, Sundstrom, Gale Collins, MacGregor, Greenaway, Burke, Vincent, Hogan and Best**

**Against:**  
**Councillor McLachlan**  
  
**Councillor Marquart (Abstain)**

The meeting was adjourned at 8.57pm and resumed at 9.14pm.

**2.3 Making and fixing of 2018-19 Rates and Charges**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Holstein

**Resolved**

- 572/18 That Council note rate and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.**
- 573/18 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in attachment 1).**
- 574/18 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:**
- a Rateable land within Registered Plan 97/6.**
  - b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):**
    - i Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and**
    - ii From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and**
    - iii Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.**
- 575/18 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by Terrigal Tourism/Business Special Rate, which provides facilities, service and activities contributing to business and tourism development within the area to which that Special Rate applies (as set out in attachment 3):**
- a All land categorised as Business in accordance with s. 518 of the Local Government Act 1993 that is within the suburbs of Terrigal, Wamberal and North Avoca; and**

- b All land categorised as Residential in accordance with s. 516 of the Local Government Act 1993 and used as rental accommodation for periods of three months or less in the suburbs of Terrigal, Wamberal and North Avoca; and**
- c All land used for Bed and Breakfast accommodation in the suburbs of Terrigal, Wamberal and North Avoca.**

**576/18 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in attachment 4):**

- a All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and**
- b All rateable land in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoan Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":**
  - i amusement centres,**
  - ii camping grounds,**
  - iii caravan parks,**
  - iv eco-tourist facilities,**
  - v pubs,**
  - vi registered clubs, or**
  - vii service stations,**
  - viii tourist and visitor accommodation**

**577/18 That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in attachment 5).**

**578/18 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in attachment 6):**

- a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.**



**b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:**

- i North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;**
- ii East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;**
- iii South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);**
- iv The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

**579/18 That Council resolve to make, in respect of land within the former Gosford Local Government Area, the following ordinary rates for the 2018-19 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to ss. 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993:**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.168693</b>	<b>\$526.00</b>
<b>Residential</b>	-	<b>0.288118</b>	<b>\$526.00</b>
<b>Residential</b>	<b>Flood</b>	<b>0.302875</b>	<b>\$269.00</b>
<b>Business</b>	-	<b>0.543182</b>	<b>\$526.00</b>

**580/18 That Council resolve to make, in respect of land within the former Wyong Local Government Area, the following ordinary rates for the 2018-19 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993 (refer attachment 7):**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.287650</b>	<b>\$300.00</b>
<b>Residential</b>	-	<b>0.452340</b>	<b>\$300.00</b>
<b>Mining</b>	-	<b>16.240500</b>	<b>\$300.00</b>
<b>Business</b>	-	<b>0.986210</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Major Retail</b>	<b>1.479320</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Local Retail</b>	<b>1.232760</b>	<b>\$300.00</b>

**581/18** That Council resolve to make, the following special rates for the 2018-19 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:

<b>Special Rate</b>	<b>Base Amount</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Special rate applies to the following rateable land</b>
<b>Business/Tourism Development</b>	-	<b>0.057466</b>	<b>All rateable land identified in resolution 2</b>
<b>Gosford Parking</b>	-	<b>0.136622</b>	<b>All rateable land identified in resolution 3</b>
<b>Gosford Central Business District Improvement</b>	-	<b>0.356423</b>	<b>All rateable land identified in resolution 3</b>
<b>Terrigal Tourism/Business Special Development</b>	-	<b>0.232087</b>	<b>All rateable land identified in resolution 4</b>
<b>The Entrance Area</b>	<b>\$91.00</b>	<b>0.368715</b>	<b>All rateable land identified in resolution 5</b>
<b>Toukley Area</b>	<b>\$91.00</b>	<b>0.272806</b>	<b>All rateable land identified in resolution 6</b>
<b>Wyong Area</b>	<b>\$91.00</b>	<b>0.105508</b>	<b>All rateable land identified in resolution 7</b>

**582/18** That Council apply land valuations, with a base date 1 July 2016, for rating purposes in the 2018-19 rating and financial year.

**583/18** That Council resolve to make, the following annual domestic waste management service charges for the 2018-19 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer attachment 8):

<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management - Availability Charge</b>	<b>\$68.00</b>
<b>Domestic Waste Management Service – Eastern Area</b>	<b>\$490.00</b>
<b>Domestic Waste Management Service – Western Area</b>	<b>\$434.00</b>
<b>Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade</b>	<b>\$130.00</b>
<b>Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade</b>	<b>\$260.00</b>
<b>Domestic Waste Management Service – 240 litre to 360 litre Waste Upgrade</b>	<b>\$130.00</b>
<b>Domestic Waste Management Service – Additional 140 litre Waste Bin Service</b>	<b>\$258.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Waste Bin Service</b>	<b>\$389.00</b>

<b>Domestic Waste Management Service – Additional 360 litre Waste Bin Service</b>	<b>\$520.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Recycling Bin Service</b>	<b>\$98.00</b>
<b>Domestic Waste Management Service – Additional 360 litre Recycling Bin Service</b>	<b>\$130.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service</b>	<b>\$105.00</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</b>	<b>\$17.84</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</b>	<b>\$18.99</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service</b>	<b>\$20.14</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</b>	<b>\$17.84</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service</b>	<b>\$20.14</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</b>	<b>\$17.84</b>

584/18 That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.

585/18 That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2018-19 financial year including but not limited to the following waste management charges for the 2018-19 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:

<b>Name</b>	<b>Charge Amount</b>
<b>Waste Management Service – 140 litre Waste Bin Service</b>	<b>\$365.00</b>
<b>Waste Management Service – 240 litre Waste Bin Service</b>	<b>\$487.00</b>
<b>Waste Management Service - 360 litre Waste Bin Service</b>	<b>\$600.00</b>
<b>Waste Management Service - 660 litre Waste Bin Service</b>	<b>\$2,078.00</b>
<b>Waste Management Service - 1.1 cubic metre Waste Bin Service</b>	<b>\$2,901.00</b>
<b>Waste Management Service - 1.5 cubic metre Waste Bin Service</b>	<b>\$3,907.00</b>
<b>Waste Management Service – 240 litre Recycling Bin Service</b>	<b>\$98.00</b>
<b>Waste Management Service – 360 litre Recycling Bin Service</b>	<b>\$130.00</b>
<b>Waste Management Service –240 litre Vegetation Bin Service</b>	<b>\$105.00</b>

**586/18** *That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2018-19 rating year.*

**587/18** *That, for the period between 1 July 2018 and 30 June 2019 in respect to overdue rates and charges, Council charge the lesser of the following:*

- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 7.5% per annum; or*
- b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;*
- c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.*

**588/18** *That Council acknowledge and thank the Acting Chief Executive Officer and staff for their work in the preparation of the Delivery and Operational Plan, the Central Coast Community Strategic Plan and this report being the Making and Fixing of 2018-19 Rates and Charges.*

**For:**

*Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, MacGregor, McLachlan, Greenaway, Burke, Vincent and Hogan*

**Against:**

*Councillor Best*

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#### **2.4 Delegations to CEO from 2 July 2018**

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**Moved:** *Mayor Smith*

**Seconded:** *Councillor Vincent*

**Resolved**

**589/18** *That Council:*

- Resolve, pursuant to s.377 of the Local Government Act 1993, to delegate functions to Mr. Murphy in accordance with the instrument that is attachment 1 to this report*
- Request a further report on delegations regarding planning matters to come back to Council at the last Ordinary meeting in August.*
- Request that a further report include details of historic delegations of the former Councils over the last ten years to the then General Managers, and a comparison of other Councils including neighbouring Councils.*

**For:**

**Unanimous**

**2.5 Awarding Sponsorship Program - Round 2 - Recommendations for Funding**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she worked with Chambers of Commerce in Sydney and the Central Coast with regards to the awarding sponsorship program. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting. This item was resolved via the exception method.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Sundstrom

**590/18** That Council allocate \$95,000 from the 2017-18 sponsorship budget to the applicants as outlined in table 1 of this report, to be paid over the 2017-18, 2018-19 and 2019-20 financial years.

**591/18** That Council decline applications for the reasons indicated in the attached minutes, the applicants be advised and where relevant, directed to alternate funding.

**For:**

**Unanimous**

**2.6 Amendments to Code of Meeting Practice**

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**Moved:** Mayor Smith

**Seconded:** Councillor Holstein

**Resolved**

**592/18** That, in accordance with s.361 of the Local Government Act, Council give public notice of the proposed amended Code of Meeting Practice that is Attachment 1 to this Report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days.

**593/18** That Council note that a further report will be provided setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations in respect to the adoption of that proposed amended Code.

**For:**

**Unanimous**

**2.7 Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018**

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**Moved:** Mayor Smith

**Seconded:** Councillor Greenaway

**Resolved**

- 594/18** *That Council note the Meeting Record of the Coastal Open Space (COSS) Committee held on 23 May 2018 that is Attachment 1 to this report.*
- 595/18** *That Council adopt the Terms of Reference for the Coastal Open Space (COSS) Committee, as set out in Attachment 2 to this report.*
- 596/18** *That Council appoint the Mayor as the Chairperson for the Coastal Open Space (COSS) Committee.*
- 597/18** *That Council write to the Minister for Planning requesting the consideration of an Environmental (E5) zone as part of the NSW Standard Instrument – Principal Local Environmental Plan.*
- 598/18** *That the frequently asked questions on the Central Coast Consolidated Local Environmental Plan include discussion on the Environmental (E5) zone.*
- 599/18** *That Council appoint Mr Douglas Williamson to the Coastal Open Space (COSS) Committee as a community representative.*

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

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

## **2.8 Long Jetty Festival Update**

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Councillor Hogan declared a significant non-pecuniary interest in the matter as in 2017 the organisers of the Long Jetty Street Festival donated \$500 to the organisation she works for, San Remo Neighbourhood Centre, for the purpose of supporting our support groups for LBGTQI young people, G-Links and transgender group, Tea Party.

Councillor Hogan left the chamber at 9.49pm during consideration of this item, returned at 9.55pm and was absent for the vote.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he was a previous sponsor and therefore the previous pecuniary interest declared is now withdrawn as the festival is cancelled. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting as his sponsorship is no longer as festival is cancelled.

**Moved:** **Councillor Holstein**  
**Seconded:** **Councillor Gale Collins**

### **Resolved**

- 600/18** *That Council Note the Report.*
- 601/18** *That Council allocate \$17,226.00 from the 2017/18 Community Development*

***Grant Program as outlined within this report to the Uniting Church in Australia Property Trust program.***

***For:***  
***Unanimous***

**3.1 Proactive Release**

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

***Resolved***

**602/18**       ***That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's proactive active release program.***

***For:***  
***Unanimous***

**3.2 Investment Report for 31 May 2018**

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

***Resolved***

**603/18**       ***That Council receive the Investment Report for 31 May 2018.***

***For:***  
***Unanimous***

**3.3 2017/18 Capital Works Project Status**

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

***Resolved***

**604/18**       ***That Council note the status of capital projects as provided in Attachment 1 to this report.***

***For:***  
***Unanimous***

**5.1 Deferred Item - Notice of Motion - Gwandalan Playground**

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Mr Bill Symmington addressed Council at 8.15pm.

**Moved:** Mayor Smith

**Seconded:** Councillor Vincent

**Resolved**

**605/18 That Council note the deferred Notice of Motion – Gwandalan Playground which is Attachment 1 to this report.**

**606/18 That Council request that;**

**a The Acting Chief Executive Officer investigate the following;**

- 1 Options for the provision of a local playground in the vicinity of a recent subdivision near Kanangra Drive, Gwandalan**
- 2 The balance of Section 94 contributions from the subdivision**
- 3 Status of works on Tunkawallin Park and opportunities to reallocate funding to the provision of a local park**
- 4 Options to amend the Section 94 plan to provide opportunities for funding to be allocated to open space**

**b A consultation meeting be held with local residents to discussion options going forward**

**c Report to Council at the last Ordinary Meeting in August 2018 on a and b above.**

**d Council review its policies regarding the provision of playgrounds, in particular, recognising the benefits of providing local playgrounds.**

**607/18 That staff bring a report back to Council on the history of the changes to the subdivision plan that excluded the original playground.**

**For:**

**Unanimous**

**5.2 Notice of Motion - Committee Meeting Costings**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor Burke

*That Council demonstrate fiscal responsibility and report quarterly on committee meeting costings including an estimate of in kind contributions by non-Council staff participants.*

**Amendment Moved:** Councillor MacGregor

**Amendment Seconded:** Councillor Vincent

**1 That Council demonstrate fiscal responsibility and report annually on committee meeting**



*costings including an estimate of in kind contributions by non-Council staff participants*

- 2 That Council request the Acting Chief Executive Officer circulate the previous report on committees from the former Council's pre and post amalgamation.

**Procedural Motion – Motion be Put**

**Moved: Mayor Smith**

**Resolved**

**608/18 That Council put the motion to the vote.**

<b>For:</b> <b>Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, MacGregor, Vincent and Hogan</b>	<b>Against:</b> <b>Councillors Marquart, Gale Collins, McLachlan, Greenaway and Best</b>
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**The Procedural Motion was put to the vote and declared CARRIED. The Amendment was then put.**

<b>For:</b> Councillors Mehrstens, Sundstrom, MacGregor, Greenaway, Vincent and Hogan	<b>Against:</b> Mayor Smith, Councillors Marquart, Holstein, Gale Collins, McLachlan, Burke and Best
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*The Amendment was put to the vote and declared LOST. The motion was then put.*

*That Council demonstrate fiscal responsibility and report quarterly on committee meeting costings including an estimate of in kind contributions by non-Council staff participants.*

<b>For:</b> Councillor Marquart, Gale Collins, McLachlan, Greenaway, Burke and Best	<b>Against:</b> Mayor Smith, Councillors Holstein, Mehrstens, Sundstrom, MacGregor, Vincent, Hogan
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*The motion was put to the vote and declared LOST.*

**Procedural Motion – Extend Meeting to 10.30pm**

**Moved: Mayor Smith**  
**Seconded: Councillor Vincent**

**Resolved**

**609/18 That Council extend the Ordinary Meeting of Council to consider Item 6.1 and Questions on Notice in accordance with the adopted Code of Meeting Practice.**

**For:**  
**Mayor Smith and Councillors Marquart,  
Holstein, Mehrtens, Sundstrom,  
MacGregor, Greenaway, McLachlan, Burke,  
Hogan, Vincent and Best**

**Against:**  
**Councillor Gale Collins**

**Procedural Motion – Closed Session**

**Moved: Councillor Sundstrom**  
**Seconded: Councillor Burke**

**Resolved**

**610/18 That Council move in to Closed Session.**

**For:**  
**Mayor Smith and Councillors Marquart,  
Holstein, Mehrtens, Sundstrom,  
MacGregor, McLachlan, Greenaway, Burke,  
Vincent, Hogan and Best**

**Against:**  
**Councillor Gale Collins**

At this stage of the meeting being 10.35pm the meeting moved into Closed 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 of The Local Government Act, 1993 as the items listed come within the following provisions:-

2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

**Procedural Motion – Open Session**

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

**Resolved**

**616/18 That Council move in to Open Session.**

**For:**  
**Unanimous**

The meeting resumed in open session at 10.59pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

**6.1 Legal Advice – commercial dispute**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the group do not use the airport.

Moved: Mayor Smith  
Seconded: Councillor MacGregor

- 1 That Council receive and note the correspondence set out in confidential attachment 1 to this report.
- 2 That Council receive and note the legal advice set out in confidential attachment 2 to this report.
- 3 That Council instruct the Acting Chief Executive Officer to pursue the "Recommended Action" set out in this confidential report.
- 4 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.

Amendment Moved: Councillor Best  
Amendment Seconded: Councillor McLachlan

- 1 That Council rejects the offer and requests to Acting Chief Executive Officer to seek to renegotiate a more agreeable outcome.
- 2 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.

**Procedural Motion – Motion be Put**

Moved: Mayor Smith

**Resolved**

**611/18 That Council put the motion to the vote.**

**For:**  
**Mayor Smith and Councillors Mehrstens, Sundstrom, Gale Collins, Greenaway, Burke, Vincent, Hogan and Best**

**Against:**  
**Councillors Marquart, Holstein and MacGregor**

**Councillor McLachlan (Abstained)**

**The Procedural Motion was put to the vote and declared CARRIED. The Motion was then put.**

**For:**  
Councillors Gale Collins, McLachlan, Burke and Best

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

Councillors Marquart and Holstein (Abstained)

*The Amendment was put to the vote and declared LOST.*

### **Resolved**

**612/18 That Council receive and note the correspondence set out in confidential attachment 1 to this report.**

**613/18 That Council receive and note the legal advice set out in confidential attachment 2 to this report.**

**614/18 That Council instruct the Acting Chief Executive Officer to pursue the "Recommended Action" set out in this confidential report.**

**615/18 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and confidential attachments 1 and 2 to this report remain confidential, on the basis this report and attachment 2 contain legal advice from legal practitioners that are subject to client legal privilege, and attachment 1 includes material that if disclosed will be likely to prejudice future negotiations.**

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

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

Councillor Best left the Chamber at 11.22pm and did not return.

### **Questions on Notice**

**Q95/18 QON Woy Woy Railway Underpass  
Councillor Chris Holstein**

*On the 12 March 2018, over 3 months ago, Council resolved the three point motion on the Woy Woy railway underpass at the bottom of Balls Hill on Woy Woy Road. Can the staff please advise the aspect of the motion; it was a three part one. Have representations been made to the Government and if so, what responses have we received? What responses have we received from the State opposition have been made and has Council actually completed the position statement on benefit and the need for the works?*

**Q96/18 QON Disability Parking**  
**Councillor Rebecca Gale Collins**

*Can Council rectify the disability parking and access at Davistown Hall as the access is prevented due to lack of drainage and water build up after rains?*

**Q97/18 QON Implementation on all Resolutions**  
**Councillor Kyle MacGregor**

*Can Council staff please provide an update to councillors on the progress of implementation on all resolutions made by this council since its inception at its earliest possible convenience?*

**Q98/18 QON Exercise Equipment in Parks**  
**Councillor Kyle MacGregor**

*Does Council have plans to implement public exercise equipment in any current public parks, pathways, reserves or other relevant locations within the Central Coast LGA?*

**Q99/18 QON Update Submission Travelling Bushman - Reptile Show**  
**Councillor Bruce McLachlan**

*Can Council provide an update on the submission from the Travelling Bushman's submission for a reptile show at the pelican feeding?*

**Response from Julie Vaughan, Director Connected Communities**

*The gentleman has been contacted by staff. We have a tourism opportunities briefing coming to Council at the end of July so we have engaged external people in response to previous Council resolution. Obviously The Entrance is a key tourism destination, and as a high priority that will be considered as part of that, but equally any increase in activities would need to go through a procurement process through Council and that gentleman, along with others, would have to go through that expression of interest.*

**Q100/18 QON Seniors Cards used at Council facilities**  
**Councillor Louise Greenaway**

*Are senior's cards able to be used for discounts at aquatic centres and other similar facilities of Council? At the point of entry of these facilities is there a notice alerting people to the fact that discounts are available?*

**Response from Julie Vaughan, Director Connected Communities**

*I will take that question on notice. We certainly do have concession rates but there are differences on the difference between pensioner and seniors cards so that's where the point of difference is Councillor Greenaway and ordinarily it would be the pensioner card rather than the senior's card. I can't confirm that there is definitely a notice there, it would certainly be part of our fees and charges, but it may be something that could certainly be improved.*

**Q101/18 QON YouTube Webcast  
Councillor Doug Vincent**

*Residents have advised it is difficult to select specific Council meeting podcasts which are stored on line, as the file name is based on the time frame / length of the podcast, rather than the council meeting date. Could staff please relabel the podcasts file names to reflect the date when the podcasts were recorded?*

**Response from Shane Sullivan, Acting Executive Manager Governance**

*It is an issue we are aware of. It is the nature of the software we are currently using and we are looking at an alternate way. We can't rename the file but we might be able to look at alternate ways of assisting achieving the same outcome.*

**Q102/18 QON 2018/19 Capital Works Spend  
Councillor Doug Vincent**

*Could staff please provide the combined totals for the 2018/19 Capital Works Program spend, in each of the 5 Central Coast Council wards, by combining the "Local Scale" capital works projects (shown on page 146 of the "Delivery Program and Operational Plan 2018/19") with the ward projects in the "Region Wide" capital works program.*

**The Meeting** closed at 11.26pm.