



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

49 Mann Street, Gosford

on 9 July 2018

Commencing at 6.30PM

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#### **Present**

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

#### **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), Brian Glendenning (Executive Manager Governance) and Vivienne Louie (Acting Chief Financial Officer).

The Mayor, Jane Smith, declared the meeting open at 6.30pm 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.

The Mayor, Jane Smith welcomed Chief Executive Officer, Mr Gary Murphy, to his first Central Coast Council Ordinary Meeting.

At the commencement of the ordinary meeting report no's 1.1, 2.1, 2.2, 2.3, 7.1, 8.1 1.2, 1.3 and 2.4 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**

Council, at its meeting held 25 June 2018 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.*

## **1.1 Disclosure of Interest**

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### **4.1 Deferred Item - Free Shade Tree Program**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as the acquaintance is a parent at the primary school where her son attends. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she believes there may be a perceived conflict of interest in the community because of her engagement with bush care groups, Landcare and the Community Environment Network. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as she believes the interest to be minor and will not affect her ability to carry out her public duty.

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

### **4.8 Central Coast Comprehensive Crown Land Negotiation Program**

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he has had prior dealings for the Saltwater Park tender EOI crown land lease to The Entrance with the former Wyong Shire Council. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting.

### **7.1 Notice of Motion - Council Bans Cats**

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as since 2009 she has sometimes had association with CEN promoted National De-sexing Month, an initiative of Animal Welfare Queensland. In 2010 she developed, in association with the BBSBPA a flyer 'Catiquette for Owners' which Wyong Council adopted and had on its website. In September 2011, she travelled to Charlestown to meet Andrew Cornwell MP, the then Chair of the Companion Animals Task Force, to discuss companion animal management and welfare. There is a connection between her and one of the speakers, and the #2 on her election ticket is a long term cat owner. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

### **8.1 Rescission Motion - Draft Aviation HUB**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with a member of the Australian Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as she believes the conflict is minor and does not impact her decision making ability.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she is a previous member of CEN who may have made submissions regarding the airport. Councillor Greenaway chose to remain in the chamber and participate in discussion and

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

**9.1 Rescission Motion - 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 Australian Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as she believes the conflict is minor and does not impact her decision making ability.

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

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

**Resolved**

**616/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**Procedural Motion – Address by Invited Speakers**

**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Pilon

**Resolved**

**617/18 That Council invite the following speakers to address Council;**

SPEAKERS	REPORT
Jeffrey Evans <b>Against</b> the recommendation	Item 2.1 - Planning Proposal No 2016/91 - 376-392 Manns Road West Gosford
Tze-Wei Chong <b>For</b> the recommendation	Item 2.1 - Planning Proposal No 2016/91 - 376-392 Manns Road West Gosford
Brian McCallum <b>Against</b> the recommendation	Item 2.2 - DA 51743/2017 - 222 Grants Road, Somersby
Elisabeth Bik <b>For</b> the recommendation	Item 2.2 - DA 51743/2017 - 222 Grants Road, Somersby
Wolfgang Koerner <b>For</b> the recommendation	Item 2.2 - DA 51743/2017 - 222 Grants Road, Somersby (Mr Koerner was absent and did not speak)
Peter Donnelly <b>For</b> the recommendation	Item 2.2 - DA 51743/2017 - 222 Grants Road, Somersby
Jim Davies <b>For</b> the recommendation	Item 2.3 - DA 52576/2017 - 620-658 Terrigal Drive, Erina
Brendon Neilly <b>For</b> the recommendation	Item 7.1 – Notice of Motion – Council Bans Cats
Luke Hessel <b>For</b> the recommendation	Item 7.1 – Notice of Motion – Council Bans Cats
Elizabeth Shorter <b>For</b> the recommendation	Item 7.1 – Notice of Motion – Council Bans Cats (Ms Shorter was absent and did not speak)
Anne Greenaway <b>For</b> the recommendation	Item 7.1 – Notice of Motion – Council Bans Cats
John Codrington <b>For</b> the recommendation	Item 8.1 - Rescission Motion – Draft Aviation Hub

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

**Against:**  
**Councillors Greenaway and Vincent**

**Procedural Motion – Suspension of Standing Orders**

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

**Resolved**

**618/18** *That Council suspend standing orders and consider items 1.1, 2.1, 2.2, 2.3, 7.1, 8.1 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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Councillor Vincent left the Chamber at 8.45pm during consideration of this item, returned at 8.47pm and was absent for the vote.

Councillor Hogan left the Chamber at 8.45pm during consideration of this item, returned at 8.47pm and was absent for the vote.

**Moved:** *Councillor Holstein*  
**Seconded:** *Councillor Mehrrens*

**Resolved**

**619/18** *That Council confirm the minutes of the Ordinary Meeting of the Council held on 25 June 2018.*

**For:**  
**Unanimous**

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

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Councillor Vincent left the Chamber at 8.45pm during consideration of this item, returned at 8.47pm and was absent for the vote.

Councillor Hogan left the Chamber at 8.45pm during consideration of this item, returned at 8.47pm and was absent for the vote.

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

**Resolved**

**620/18** *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: 9.1**

**Title: Rescission Motion – 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, Mehrtens, Sundstrom, Matthews, MacGregor and Greenaway**

**Against:**

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

**Procedural Motion – Exception**

**Moved: Councillor Holstein**

**Seconded: Councillor Gale Collins**

**Resolved**

**621/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

2.4	DA 53610/2018 - 44 Campbell Crescent, Terrigal
4.1	Deferred Item - Free Shade Tree Program
4.2	Open Pile Burning Policy - Community Consultation Submissions Report
4.3	Kerb and Gutter and Footpath Contributions
4.4	Amendments to the Councillor Expenses and Facilities Policy
4.5	Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 5 June 2018 and Appointments to the Committees
4.6	Response to Notice of Motion – Easy To Do Business
4.8	Central Coast Comprehensive Crown Land Negotiation Program
5.1	Response to Notice of Motion - Domestic Violence Policy
5.2	Response to Notice of Motion - Carters Road, Lake Munmorah
5.3	Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches
5.4	Response to Mayoral Minute - Climate Change
5.5	Grant Funding Update as at June 2018
7.2	Notice of Motion – Formal Welcome and Thank You
9.1	Rescission Motion – Legal Advice – Commercial Dispute

**622/18 That Council adopt the following items en-masse and in accordance with the report recommendations:**

3.1	Proposed Closure and Sale of Part of Finch Place, Bateau Bay
4.7	Response to Notice of Motion - Central Coast Pathways Sub Committee

**For:**

**Unanimous**

**2.1 Planning Proposal No 2016/91 - 376-392 Manns Rd West Gosford**

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Mr Jeffrey Evans addressed Council at 6.40pm.

Mr Tze-Wei Chong addressed Council at 6.44pm.

**Moved: Councillor Holstein**  
**Seconded: Councillor Mehrrens**

**Resolved**

**623/18 That Council supports the planning proposal as exhibited to alter cl.11(2)(a) of schedule 1 of the Gosford Local Environmental Plan 2014 by increasing the maximum floor area for Bulky Goods Premises from 10,700m<sup>2</sup> to 32,870 m<sup>2</sup>.**

**624/18 That Council request, the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment for Planning Proposal 2016/91 Gosford and proceed with the steps for drafting and making of Amendment No. 34 to Gosford Local Environmental Plan 2014.**

**625/18 That Council advise all those who made a submission of the decision.**

**For:**  
**Unanimous**

**2.2 DA 51743/2017 - 222 Grants Road Somersby**

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Mr Peter Donnelly addressed Council at 6.50pm.

Mr Brian McCallum addressed Council at 6.56pm.

Ms Elisabeth Bik addressed Council at 6.59pm.

Mr Wolfgang Koerner was absent and did not speak.

**Moved: Councillor Pilon**  
**Seconded: Councillor Holstein**

**Resolved**

**626/18 That Council grant consent subject to the conditions detailed in Attachment 1 of this 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.**

**627/18 That Council advise those who made written submissions of its decision.**

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

**Abstain:**  
**Councillor MacGregor**

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**2.3 DA 52576/2017 - 620-658 Terrigal Drive, Erina**

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Mr Jim Davies addressed Council at 7.22pm.

**Moved: Councillor Best**  
**Seconded: Councillor Marquart**

**Resolved**

**628/18 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.**

**For:**  
**Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Vincent, Hogan and Best**

**Against:**  
**Mayor Smith and Councillor Greenaway**

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**2.4 DA 53610/2018 - 44 Campbell Crescent, Terrigal**

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**Moved: Councillor Holstein**  
**Seconded: Councillor Mehrtens**

**Resolved**

**629/18 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.**

**630/18 That Council advise those who made written submissions of its decision.**

**For:**  
**Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan, Vincent, Hogan and Best**

**Against:**  
**Mayor Smith and Councillor Greenaway Smith**  
**Councillor MacGregor (Abstained)**



**3.1 Proposed Closure and Sale of Part of Finch Place, Bateau Bay**

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

**Resolved**

**631/18 That Council resolve to apply to the Minister for Roads and Maritime, pursuant to s. 34 of the Roads Act 1993, to close Finch Place, Bateau Bay and vest the land in Council as Operational Land.**

**632/18 That Council resolve that, upon the land comprising the above road vesting in Council, the land be classified "operational" for the purposes of the Local Government Act 1993.**

**633/18 That Council authorise the sale of the closed road land to the owner of the adjoining property for market value as assessed by a qualified valuer engaged by Council staff and subject to the road closure land being consolidated with the adjoining land.**

**For:**  
**Unanimous**

**4.1 Deferred Item - Free Shade Tree Program**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as the acquaintance is a parent at the primary school where her son attends. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she believes there may be a perceived conflict of interest in the community because of her engagement with bush care groups, Landcare and the Community Environment Network. Councillor Greenaway chose to remain in the Chamber and participate in discussion and voting as she believes the interest to be minor and will not affect her ability to carry out her public duty.

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

**Moved:** Councillor Mehrtens

**Seconded:** Mayor Smith

**Resolved**

**634/18** That Council note the deferred Free Shade Tree Program report which is Attachment 1 to this report.

**635/18** That Council notes that the Central Coast is a national outlier in not having a free tree policy.

**636/18** That Council continues its preparation of an Urban Forest Policy.

**637/18** That Council supports increasing the shade canopy across the LGA, with a more developed Free Shade Tree Policy to form part of that strategy, including consideration of ways to facilitate easier planting of trees on residential nature strips and road reserves.

**638/18** That in the short term, Council makes available at least 1,500 items of native tube stock for distribution at public events (such as Lakes Festival, or National Tree Day) and on application from interested residents, with a limit of two per resident or block.

**639/18** That Council notes the reduction of nursery staff employed by Council over recent years, and requests a review of the number of and training of staff to better reflect the importance of the work done by nursery staff in maintaining and growing our natural environment.

**640/18** That Council request the Chief Executive Officer implement the above subject to appropriate provision in the adopted 2018/19 budget.

**Procedural Motion – Motion be Put**

**Moved:** Councillor Best

**Resolved**

**That Council put the motion to the vote.**

**For:**

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

**Against:**

**Councillor Marquart**

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

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

**Against:**  
**Councillor Marquart**

#### **4.2 Open Pile Burning Policy - Community Consultation Submissions Report**

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Councillor Vincent left the Chamber at 9.31pm during consideration of this item, returned at 9.34pm and was absent for the vote.

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

#### **Resolved**

**641/18 That Council adopt the Draft Open Pile Burning Policy specifically amended as follows:**

- a Identify that the Policy is a self-approval process.**
- b Delete a 'class of persons'.**
- c Include RU1 Primary Production and R5 Large Lot Residential.**
- d Include RU5 Rural Village as a prescribed zone.**
- e Reflect legislative changes to meet the NSW Government's reforms**
- f Increase the size of vegetation diameter from 150mm to 300mm.**
- g Increase the size of open burn piles from 2m to 4m.**
- h Clarify notification requirements.**
- i Prohibit non-vegetative waste, ecological burns or Aboriginal cultural burns.**
- j Exempt burning for agricultural operations.**
- k Exempt burning for recreational purposes.**
- l Include Fire Permit requirements.**
- m Include Council's compliance and enforcement provisions,**
- n Contact details for authorised regulatory authorities other than Council**
- o Exclude environmental zones**

**642/18 That the Chief Executive Officer note that if the draft Central Coast Open Pile Burning Policy is adopted by Council it will be necessary to seek the following from the Environmental Protection Authority before that Policy can be implemented:**

- a. The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- b. Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- c. Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

**643/18** That Council advise all those who made a public submission of the decision.

**644/18** That Council undertake a community education program for open pile burning in collaboration with NSW Rural Fire Service.

**645/18** That Council review the Central Coast Open Pile Burning Policy within two years.

**646/18** That Council report data regarding open pile burning and also permits issued on a six monthly basis.

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

**Against:**  
Councillor Marquart

#### **4.3 Kerb and Gutter and Footpath Contributions**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor Mehrtens

**Resolved**

**647/18** That Council resolve that it will not require contribution, pursuant to s. 217 of the Roads Act 1993, for the provision of kerb, guttering and footpaths.

**648/18** That Council rescind the former Gosford City Council policy titled "Contributions for kerb & guttering and paving".

**For:**  
**Unanimous**

#### **4.4 Amendments to the Councillor Expenses and Facilities Policy**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor McLachlan

**Resolved**

**649/18** That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report, with the following amendment to Clause 116;

- To allow Councillors to claim expenses up until the end of the financial year or within three months of the occurrence of the expense, whichever comes last.

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

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

**4.5 Meeting Records of the Protection of the Environment Trust Management Committee and the Gosford Foundation Trust Management Committee held on 5 June 2018 and Appointments to the Committees**

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

**Resolved**

**650/18 That Council note the 5 June 2018 Protection of the Environment Trust Management Committee Meeting Record that is Attachment 1 to this report.**

**651/18 That Council note the 5 June 2018 Gosford Foundation Trust Management Committee Meeting Record that is Attachment 2 to this report.**

**652/18 That Council determine that the Councillor representative on the Protection of the Environment Trust Management Committee is:**

- **Mayor Jane Smith**

**653/18 That Council determine that the community member to be appointed to the Protection of the Environment Trust Management Committee is:**

- **Mr Alan Ford**

**654/18 That Council determine that the Councillor representative on the Gosford Foundation Trust Management Committee is:**

- **Mayor Jane Smith**

**655/18 That Council determine that the community member to be appointed to the Gosford Foundation Trust Management Committee is:**

- **Mr Clive Blunt**

**656/18 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential as that attachment includes "personnel information" about individuals who are not Councillors.**

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

**Abstain:**  
**Councillors Marquart, Gale Collins, Pilon and Greenaway**

#### **4.6 Response to Notice of Motion - Easy To Do Business**

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**Moved:** Councillor Pilon  
**Seconded:** Councillor Gale Collins

**Resolved**

**657/18 That Council delegate authority to the Chief Executive Officer to enter a Memorandum of Understanding with Service NSW for the Easy to do Business program.**

**658/18 That Council become a member of the Small Business Friendly Councils (SBFC) initiative.**

**For:**  
**Unanimous**

#### **4.7 Response to Notice of Motion - Central Coast Pathways Sub Committee**

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

**Resolved**

**659/18 That Council note the information.**

**660/18 Council readvertise for expressions of interest for community representatives on the Pedestrian Access and Mobility Advisory Committee.**

**For:**  
**Unanimous**

#### **4.8 Central Coast Comprehensive Crown Land Negotiation Program**

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Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as he has had prior dealings for the Saltwater Park tender EOI crown land lease to The Entrance with the former Wyong Shire Council. Councillor McLachlan chose to remain in the chamber and participate in discussion and voting.

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

**Resolved**

**661/18 That Council receive this report on the Central Coast Comprehensive Crown Land Negotiation Program.**

**662/18** *That Council form a Committee comprised of one Councillor from each ward, to receive reports and information on Council's participation in the Central Coast Comprehensive Crown Land Negotiation Program. The Councillors on the Committee will be:*

- (i) Mayor Smith*
- (ii) Councillor MacGregor*
- (iii) Councillor Hogan*
- (iv) Councillor Holstein*
- (v) Councillor Matthews*

**663/18** *That Council defer consideration of the "Central Coast Council Principles for Claiming Interests in Crown Land" in Attachment 2 to this report, to come back to the next Ordinary Meeting of Council with the first meeting of the committee to be held before that (within the next two weeks).*

**664/18** *That Council note that the decision to accept the vesting of any Crown land in Council will require a resolution of Council, and that no binding decision will be made to accept the vesting of land other than by the Council.*

**For:**  
**Unanimous**

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**5.1** **Response to Notice of Motion - Domestic Violence Policy**

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

**Resolved**

**665/18** *That Council note this report.*

**For:**  
**Unanimous**

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**5.2** **Response to Notice of Motion - Carters Road, Lake Munmorah**

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**Moved:** **Councillor Hogan**  
**Seconded:** **Councillor Vincent**

**Resolved**

**666/18** *That Council receive the report and thank staff for preparing the report.*

**667/18** *That Council, in alignment with the adoption of the Delivery Program and Operational Plan 2018-19, which was passed by Council at the Ordinary Meeting held 25 June 2018, independently fast track the master planning of the Carters Road upgrade, so it is not dependent on the Greater Lake Munmorah Structure Plan, with the view of starting intersection, parking and signage changes within the 2018/19 financial year.*

**668/18** *That Council source external grants to help fund the Carters Road traffic studies, road, pedestrian walkways and parking upgrades.*

**For:**  
**Unanimous**

#### **Procedural Motion – Defer Items**

Councillor Hogan left the Chamber at 10.28pm during consideration of this item, returned at 10.30pm and was absent for the vote.

Councillor Best left the Chamber at 10.29pm during consideration of this item, returned at 10.30pm and was absent for the vote.

**Moved:** *Mayor Smith*  
**Seconded:** *Councillor Mehrtens*

**Resolved**

**669/18** *That Council defer matters 5.3, 5.4 and 5.5 to the next Ordinary Meeting of Council being held 23 July 2018 in accordance with the adopted Code of Meeting Practice, with the exception of items 7.2, 9.1 and Questions on Notice.*

**For:**  
**Unanimous**

**5.3** **Response to Motion of Urgency U5/18 Asbestos - Wamberal and Terrigal Beaches**

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**Moved:** *Mayor Smith*  
**Seconded:** *Councillor Mehrtens*

**Resolved**

**670/18** *That Council defer consideration of this item to the Ordinary Meeting of Council to be held 23 July 2018.*

**For:**  
**Unanimous**



**5.4 Response to Mayoral Minute - Climate Change**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Mehrtens

**Resolved**

**671/18 That Council defer consideration of this item to the Ordinary Meeting of Council to be held 23 July 2018.**

**For:**  
**Unanimous**

**5.5 Grant Funding Update as at June 2018**

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**Moved:** Mayor Smith  
**Seconded:** Councillor Mehrtens

**Resolved**

**672/18 That Council defer consideration of this item to the Ordinary Meeting of Council to be held 23 July 2018.**

**For:**  
**Unanimous**

**7.1 Notice of Motion - Council Bans Cats**

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Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as since 2009 she has sometimes had association with CEN promoted National De-sexing Month, an initiative of Animal Welfare Queensland. In 2010 she developed, in association with the BBSBPA a flyer 'Catiquette for Owners' which Wyong Council adopted and had on its website. In September 2011, she travelled to Charlestown to meet Andrew Cornwell MP, the then Chair of the Companion Animals Task Force, to discuss companion animal management and welfare. There is a connection between her and one of the speakers, and the #2 on her election ticket is a long term cat owner. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

Mr Brendon Neilly addressed Council at 7.31pm.

Mr Luke Hessel addressed Council at 7.36pm.

Ms Anne Greenaway addressed Council at 7.43pm.

Ms Elizabeth Shorter was absent and did not speak.

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

**Resolved**

- 673/18** That Council note that cats can now again be surrendered to Council's animal cares facilities/pounds.
- 674/18** That further, Council thanks senior staff for their intervention around this important animal welfare issue.
- 675/18** That Council requests the Chief Executive Officer report to Council on the progress of the Central Coast Regional Animal Cares Facility and the feasibility and benefits around forming a Central Coast Companion Animals Advisory Committee.
- 676/18** That further, Council recognise the outstanding contribution made by our Animal Cares Facility contractors and indeed their supporting animal welfare volunteer groups.

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

**Against:**  
Councillor Matthews

## **7.2 Notice of Motion - Formal Welcome and Thank You**

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

**Resolved**

- 677/18** That Council formally welcome our new Chief Executive Officer Gary Murphy and his family to the Central Coast.
- 678/18** That Council officially thank the Acting Chief Executive Officer Brian Glendenning along with Directors, Acting Directors and Executives, Scott Cox, Mike Dowling, Julie Vaughan, Viv Louie, Kellie Reeves, Martin Elwell, Shane Sullivan and their staff for an outstanding contribution to the operations of Council throughout this initial amalgamation period.

**For:**  
**Unanimous**

**8.1 Rescission Motion - Draft Aviation HUB**

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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 Australian Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as she believes the conflict is minor and does not impact her decision making ability.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she is a previous member of CEN who may have made submissions regarding the airport. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

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

Mr John Codrington addressed Council at 8.08pm

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.*

**Procedural Motion – Motion be Put**

**Moved:**            **Mayor Smith**

**Resolved**

**679/18     That Council put the motion to the vote.**

**For:**  
**Unanimous**

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

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

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

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

**Procedural Motion – Questions on Notice**

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

**Resolved**

**680/18     That Council consider Questions on Notice before moving in to Closed Session.**

**For:**  
**Unanimous**

**Questions on Notice**

**Q103/18 Webcast Delay  
Councillor Troy Marquart**

*I just had a question to day from someone just in regards to why we have delayed the podcast?*

**Q104/18 Jasmine Greens Break Ins  
Councillor Rebecca Gale Collins**

*That Council acknowledges Jasmine Greens on the Peninsula Recreational Precinct has been broken into 31 times over a 4 year period. Can Council ensure the contracted Security Company provide footage when break-ins and vandalism occur and ensure building and the door is secure, as well as assist with graffiti removal kit?*

**Q105/18 Avoca Beach Pre School  
Councillor Rebecca Gale Collins**

*Can the Council please investigate safety and pathway access needs for residents using the Avoca Beach Preschool on Avoca Drive?*

**Q106/18 Council Minutes Removed from Website  
Councillor Lisa Matthews**

*Can staff please advise why the former Council meeting minutes of former Wyong and Gosford have now been removed from the website?*

**Response from Brian Glendenning, Executive Manager, Governance**

*I'm not sure that they have. They have been moved as part of the updating of the website into a different part. One of us will show you where it is.*

**Q107/18 Register of Art  
Councillor Kyle MacGregor**

*Does Council have a register of all Council owned displayed or administrated art and what management plans of the like do we have regarding the storage, display, purchase or sale of Council owned or administrated artwork?*

**Q108/18 Breaches of Warnervale Airport (Restrictions) Act  
Councillor Kyle MacGregor**

*Is Council aware of any breaches of the 88 movement cap under the Warnervale Airport (Restrictions) Act between April 2017 and the date of this meeting? If so, what action is being taken by ourselves or external bodies to ensure compliance with the Act?*

**Q109/18 Year Round Life Guard  
Councillor Jilly Pilon**

*Given the level of community support for a year round life guard at The Grant McBride Baths, can you please provide a detailed information report regarding operational costs to Councillors via a Council Report?*

**Q110/18 Smoking at local Skate Parks  
Councillor Jilly Pilon**

*Can you please advise what the policy is for no smoking in local Skate Parks? Is it possible to have a Council sign erected at Banjo's Skate Park and other local Skate Parks stating it's a non-smoking area? There has been a post put on Banjo's Skate Park Facebook site from parents wanting signage there and a ban on smoking.*

**Q111/18 Petition for Public Toilets at Oval  
Councillor Bruce McLachlan**

*The new Lions Park, Jimmy Jurd Park at Chittaway Bay there was a petition being raised there on the weekend for toilets. Is Council aware of the request for toilets?*

**Q112/18 Confidential Council Documents  
Councillor Louise Greenaway**

*Is there a time frame after which confidential Council documents become accessible to the public? If so, what is this time frame?*

**Q113/18 Warnervale Airport (Restrictions) Act  
Councillor Louise Greenaway**

*What is the fine per breach of the 88 movement cap of the Warnervale Airport (Restrictions) Act?*

**Q114/18 Food Scrap Recycling  
Councillor Doug Vincent**

*Following on from the previous question on notice, asked at the Council meeting held on 26th March 2018, regarding compostable food scrap recycling, could staff please advise if compostable food scrap bags can be disposed of in the current green waste recycling bins.*

**Q115/18 Roads**  
**Councillor Jillian Hogan**

*I understand there is technical criteria within our pavement management system however, in our older suburbs, the roads are deteriorating rapidly. What plans are in place to address the issue?*

**Closed Session**

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

**Resolved**

**681/18 That the meeting move into Closed Session.**

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

**Against:**  
Councillor Gale Collins

At this stage of the meeting being 10.40pm 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.*

**Open Session**

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

**Resolved**

**682/18 That Council move back in to Open Session.**

**For:**  
**Unanimous**

The meeting resumed in open session at 11.09pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

## 9.1 Rescission Motion - 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 Australian Gliders Association. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as she believes the conflict is minor and does not impact her decision making ability.

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

*Moved: Councillor Best*

*Seconded: Councillor McLachlan*

*That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 9 July 2018:*

- 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:  
Councillors Marquart, Holstein, Gale Collins,  
Pilon, McLachlan and Best*

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

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

**The Meeting** closed at 11.10pm.