



CENTRAL COAST COUNCIL

MINUTES OF THE
ORDINARY COUNCIL MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBER
49 MANN STREET, GOSFORD
ON 22 MARCH 2017
COMMENCING AT 5.00PM

PRESENT

Ian Reynolds

IN ATTENDANCE

Chief Executive Officer, Executive Manager Governance, Group Leader Assets Infrastructure and Business, Group Leader Connected Communities, Group Leader Environment and Planning, Communications Coordinator and two administration staff.

The Administrator, Ian Reynolds, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Administrator, Ian Reynolds, delivered the opening prayer and read an acknowledgment of country statement.

At the commencement of the ordinary meeting report nos 1.1, 1.2, 1.3, 1.4, 2.2, 2.4, 2.6, 4.1, and 4.2 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.

1.1 Disclosure of Interest

RESOLVED on the motion of Mr REYNOLDS:

109/17 That Council now disclose any conflicts of interest in matters under consideration by Council at this meeting.

1.2 Address by Invited Speakers

RESOLVED on the motion of Mr REYNOLDS:

110/17 That Council receive the amended report on Invited Speakers.

111/17 That Council agree meeting practice be varied to allow reports from Group Leaders and/or the Chief Executive Officer to be dealt with following an Invited Speaker's address.

1.3 Proposed Briefings and Inspections

RESOLVED on the motion of Mr REYNOLDS:

112/17 That Council receive the report on Proposed Briefings and Inspections.

1.4 Confirmation of Minutes of Previous Meetings

RESOLVED on the motion of Mr REYNOLDS:

113/17 That Council confirm the minutes of the previous Ordinary Meeting held on Wednesday, 22 February 2017 (including the minutes of the closed confidential part of that meeting) that are attachments 1 and 2 to this report.

114/17 That Council confirm the minutes of the Extraordinary Meeting held on Monday, 13 March 2017 that is attachment 3 to this report.

1.5 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED on the motion of Mr REYNOLDS:

115/17 That the Council consider the following matters in Confidential Session, pursuant to Sections 10A 2 (a), (c) and (g) of the Local Government Act 1993:

6.1 Future Delivery of YMCA Contracted Pools and Recreation Centre

6.2 Report on issue arising concerning a member of the Local Representation Committee

116/17 That the Council note the reason for considering Report No 6.1 - Future Delivery of YMCA Contracted Pools and Recreation Centre is that the report contains;

2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

117/17 That the Council note the reason for considering Report No 6.2 – Report on issue arising concerning a member of the Local Representation Committee is that the report contains;

2(a) personnel matters concerning an individual who is not a councillor; and

2(g) legal advice that would be privileged for production in legal proceedings on the ground of legal professional privilege.

118/17 That the Council request the Chief Executive Officer to report on this matter in open session of Council.

Procedural Motion

RESOLVED on the motion of Mr REYNOLDS:

119/17 That Council adopt, with the exception of Items 2.2, 2.4, 2.6, 4.1, 4.2, 6.1 and 6.2 the recommendations contained in the remaining reports. For the sake of clarity, that the Items 2.1, 2.3, 2.5, 2.7, 2.8,3.1,3.2, 4.3, 4.4, 5.1 and 5.2 were dealt with in accordance with the recommendations of the Council staff.

2.1 Planning Proposal - Ashton and Oakland Avenues The Entrance - Outcome of Public Exhibition - RZ/1/2016

RESOLVED on the motion of Mr REYNOLDS:

120/17 That Council note this report and the submissions referred to therein.

121/17 That Council support the planning proposal as exhibited;

122/17 That Council request that:

- a. *The Department of Planning and Environment proceed with the steps for drafting and making of Wyong Local Environmental Plan 2013 (Amendment No .27) and;*
- b. *The Minister be requested to make the Plan under section 59 of the Environmental Planning and Assessment Act 1979;*

123/17 That Council advise all those who made a submission of the decision.

2.2 Planning Proposal RZ/58/2016 - Peat Island

Mr John Andrews, local resident, addressed Council at 5.05pm and retired at 5.11pm.

Ms Di Bowles, on behalf of Brooklyn Community Association and Lower Hawkesbury Consolidation of Communities Association, addressed Council at 5.11pm and retired at 5.17pm.

RESOLVED on the motion of Mr REYNOLDS:

- 124/17 That Council prepare a planning proposal to amend Gosford Local Environmental Plan 2014, to rezone the land known as Lot 2 DP239249, Lot 10 DP1157280, Lot 11 DP1157280, Lot 4 DP239249, Lot 11 DP863305, Lot 9 DP863305, Lot 7011 DP1057994, Lot 2 DP431999, Lot 12 DP863305, Lot 1 DP597504, Lot 2 DP945014, Lot 1 DP431780, Lot 21 DP836628, Lot 1 DP945014, Lot 1 DP107391, Lot 12 DP1158746, Lot 13 DP1158746, Lot 14 DP1158746 Mooney Mooney (including Peat Is.) from SP2 - Infrastructure to a mix of residential, community, environmental, recreation and employment land uses pursuant to section 55 of the Environmental Planning and Assessment Act 1979;**
- 125/17 That Council forward the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the EP&A Act, 1979;**
- 126/17 That Council, subject to the gateway determination, prepare and exhibit an amendment to Gosford Development Control Plan 2013 to include appropriate Development Control Plan provisions;**
- 127/17 That if required, Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal;**
- 128/17 That Council undertake community and government agency consultation in accordance with the requirements of the gateway determination including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement with respect to any aspect of the proposal; it being noted that it is considered that any exhibition of the draft planning proposal and related draft Development Control Plan and/or draft Voluntary**

Planning Agreement should extend for at least 3 months to facilitate community input, and that Council should also hold community information sessions in the local area during the exhibition period.

129/17 That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the concurrent exhibition of the draft Development Control Plan and draft Voluntary Planning Agreement (if required).

130/17 That Council consider a further report on results of the agency and community consultation. It being noted that any final Council decision on the draft Planning Proposal, Draft Development Control Plan and Draft Voluntary Planning Agreement, following exhibition and the receipt of community and agency input, should be made by the future elected Council.

2.3 Planning Proposal 53/2014 - 42 Kings Avenue, Terrigal

RESOLVED on the motion of Mr REYNOLDS:

131/17 That Council support the planning proposal as exhibited;

132/17 That Council request the Council's Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (dated 18 August 2015) for PP/53/2014 (PP_2015_GOSFORD_009_00) to proceed with the steps for drafting and making of Amendment No. 26 to Gosford Local Environmental Plan 2014.

2.4 Housing DCP Review

RESOLVED on the motion of Mr REYNOLDS:

133/17 That Council, for the purposes of community consultation endorse the exhibition of the draft amended Chapter 2.1 of Development Control Plan 2013- Development Controls for Wyong Shire and Chapter 3.1 of the Gosford Development Control Plan 2013 for a period of 28 days.

134/17 That Council consider a further report on results of community consultation.

2.5 Planning Proposal 90/2016 - Nos 65, 77 and 111 Beaufort Road, Terrigal

RESOLVED on the motion of Mr REYNOLDS:

135/17 That Council prepare a planning proposal to amend the Gosford Local Environment Plan 2014, to rezone the land listed below from 7(c2)

Conservation and Scenic Protection to R2 Low Density Residential, pursuant to s.55 of the Environmental Planning and Assessment Act 1979.

- a) Lot 5, DP 207799, No 65 Beaufort Road, Terrigal;
- b) Lot 1022, DP 1054632, No 77 Beaufort Road, Terrigal ;
- c) Lot 1023, DP 1054632, No 111 Beaufort Road, Terrigal.

136/17 That Council **forward** the planning proposal to the Department of Planning and Environment requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to s.56(1) of the Environmental Planning and Assessment Act 1979;

137/17 That Council **undertake** community and public authority consultation in accordance with the gateway determination requirements.

138/17 That Council **consider** a further report on the results of community and public authority consultation.

139/17 That Council **authorise** staff to negotiate and prepare a Voluntary Planning Agreement which establishes a monetary contribution for the provision of services, facilities and infrastructure required as a result of the rezoning of the land.

140/17 That Council **request** from the Department of Planning and Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environment Plan.

2.6 Asbestos Policy

RESOLVED on the motion of Mr REYNOLDS:

141/17 That Council **endorse** the draft Policy for Asbestos Management for the purpose of community consultation.

142/17 That Council **place** the draft Policy for Asbestos Management on public exhibition for a period of 28 days.

143/17 That Council **receive** a further report on the results of the community consultation on the draft Policy for Asbestos Management.

2.7 Planning Proposal 66/2014 Lot 31 DP DP811669 244 Debenham Rd Somersby

RESOLVED on the motion of Mr REYNOLDS:

144/17 That Council **support** the planning proposal as exhibited;

145/17 That Council ***requests*** that the Secretary of the Department of Planning and Environment to concur that the Planning Proposal complies with relevant Section 117 Ministerial Directions including: 1.2 Rural Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation and 5.1 Implementation of Regional Strategies.

146/17 That upon receipt of the concurrence requested by resolution 2, Council ***requests*** the Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment 16 April 2015 for PP 16/2014 to proceed with the steps for drafting and making of Amendment No. 28 to Gosford Local Environmental Plan 2014;

147/17 That Council ***advise*** all those who made a submission of the decision.

2.8 Exhibition of Amended Chapter 6.25 to the Wyong Development Control Plan - Rural Residential Development and Voluntary Planning Agreement in respect of Land at Mardi

RESOLVED on the motion of Mr REYNOLDS:

148/17 That Council ***endorse*** the proposed amendments to Chapter 6.25 – (Rural Residential Development, Mardi) to “Development Control Plan 2013 Development Controls for the Wyong Shire” and the Voluntary Planning Agreement in respect of land at 414 Old Maitland Road, Mardi, for the purposes of community consultation.

149/17 That Council ***undertake*** community consultation, for a period of 28 days in respect to those proposed amendments.

150/17 That Council ***consider*** a further report on results of the community consultation.

3.1 Classification of Land, Lots 63 and 64 DP 13019 at 326-328 Tuggerawong Road, Tuggerawong

RESOLVED on the motion of Mr REYNOLDS:

151/17 That Council ***adopt*** the classification of land known as Lots 63 and 64 DP 13019 at 326-328 Tuggerawong Road, Tuggerawong as Operational Land.

152/17 That Council ***note:***

a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).

b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is

inconsistent with the terms of any trust applying to the land.

3.2 Classification of Land, Lot 731 DP 1215621 at 26 Adele Avenue, Wadalba

RESOLVED on the motion of Mr REYNOLDS:

153/17 That Council resolve , for the purposes of s. 31 of the Local Government Act 1993, that land known as Lot 731 DP 1215621 at 26 Adele Avenue, Wadalba be classified as "Operational Land".

154/17 That Council note that:

a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).

b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.

4.1 Draft Disability Inclusion Action Plan 2017 - 2021

Mr Gary Blaschke, local resident, addressed Council at 5.17pm and retired at 5.25pm.

RESOLVED on the motion of Mr REYNOLDS:

155/17 That Council place the draft Central Coast Council Disability Inclusion Action Plan 2017 – 2021 on public exhibition in a variety of accessible formats for a period of 28 days.

156/17 That Council distribute copies of the draft plan to stakeholder groups for review and comment.

157/17 That Council report back the results of the exhibition and this is reported to Council.

4.2 Update on the Establishment of the Audit, Risk and Improvement Committee

RESOLVED on the motion of Mr REYNOLDS:

158/17 That Council note that there has been a larger than expected number of applications and further time is required for a proper analysis of each application, including interviews, to be undertaken by the selection panel.

159/17 That Council request the CEO to continue to undertake an open recruitment process to identify potential independent members of the "Audit, Risk and

Improvement Committee”, and provide a further report to the Ordinary Meeting of the Council on 26 April 2017 on the recommended appointment of the three independent external members to that Committee.

4.3 Protection of the Environment Trust Funding Application

RESOLVED on the motion of Mr REYNOLDS:

160/17 That Council adopt the recommendations from the former Gosford City Council’s Protection of the Environment Trust (PoET) management committee meeting held on 11 April 2016.

161/17 That Council allocate the distribution of \$67,900 in funding from the PoET application process, to the following five projects:

| Applicant | Project | Staff Funding Recommended |
|--|--|----------------------------------|
| Holy Cross Primary School, St Patricks Primary School, Taronga Education Centre, Taronga Conservation Society Australia | Yellow Bellied Glider Environmental Stories | \$7,400.00 |
| Council | Bushcare Support | \$20,000.00 |
| Council | Vertebrate Pest Management | \$30,000.00 |
| Clean4Shore | Clean4Shore – Foreshore Rubbish Removal | \$10,000.00 |
| Sue Chidgey | Pre-School Environmental Education | \$500.00 |
| Total | | \$67,900.00 |

4.4 Update on the Live Webcasting of Ordinary Council Meetings.

RESOLVED on the motion of Mr REYNOLDS:

162/17 That Council note that there has been a successful proof of concept on the live webcasting of Ordinary Meetings of the Council.

163/17 That Council request the CEO to complete a review of the trial process and provide a further report to the Ordinary Meeting of the Council on 26 April 2017 on the outcomes of the webcasting trial.

5.1 Local Representation Committee - Working Group Meeting Records 15 February 2017

RESOLVED on the motion of Mr REYNOLDS:

164/17 That Council receive the report on Local Representation Committee - Working Group Meeting Records 15 February 2017.

5.2 Investment Report for February 2017

RESOLVED on the motion of Mr REYNOLDS:

165/17 That Council receive the Investment Report for February 2017.

CONFIDENTIAL SESSION

RESOLVED on the motion of Mr REYNOLDS:

166/17 That the meeting move into Confidential Session.

At 5.45pm the meeting was closed, 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 s.10A of The Local Government Act, 1993 as the items listed come within the following provisions:-

- 2(a) personnel matters concerning an individual who is not a councillor; and
- 2(g) legal advice that would be privileged for production in legal proceedings on the ground of legal professional privilege.
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.1 Future Delivery of YMCA Contracted Pools and Recreation Centre

RESOLVED on the motion of Mr REYNOLDS:

167/17 That Council resolve to provide ninety (90) days' notice to terminate the current rolling contract with YMCA, in accordance with the termination provisions of that contract.

168/17 That Council note that from termination of the contractual arrangement with YMCA, Council will resume the management and operation of Lake Haven Recreation Centre, Toukley Indoor Pool and Wyong Olympic Pool using Council staff.

169/17 That Council note that the resumption of management and control of the four facilities will require an increase in the staff allocation for the Connected Communities Group of 14.23 FTE positions.

170/17 That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachment 1 is to be treated and remain as confidential because these documents contain information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business.

6.2 Report on issue arising concerning a member of the Local Representation Committee

RESOLVED on the motion of Mr REYNOLDS:

171/17 That Council resolve to defer this matter for future consideration.

THE MEETING closed at 5.49pm.