



## CENTRAL COAST COUNCIL

MINUTES OF THE  
**ORDINARY COUNCIL MEETING OF COUNCIL**  
HELD IN THE COUNCIL CHAMBER  
LEVEL 2, 2 HELY STREET, WYONG  
ON 26 APRIL 2017  
COMMENCING AT 5:00PM

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### **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, Unit Manager Finance, Unit Manager Governance & Business Services, Chief Information Officer, Communications Coordinator, IT Infrastructure Administrator, Digital and Website Officer and two administration staff.

The Administrator, Ian Reynolds, declared the meeting open at 5.02pm 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, 1.5, 1.6 and 2.5 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**

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#### **Recommendation**

**173/17** *That Council receive the report on Disclosure of Interest and note the fact that no disclosure was made be noted.*

### **1.2 Proposed Briefings and Inspections**

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#### **RESOLVED on the motion of Mr REYNOLDS:**

**174/17** *That Council receive the report on Proposed Briefings and Inspections.*

### **1.3 Address by Invited Speakers**

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Ms Sandra Kay addressed Council in relation to item 2.5 – Crangan Bay Quarry at 5.04pm and retired at 5.13pm.

*Tabled Item D12685938 - Email from Mr Paul Crennan, representing Crennan Legal Pty Ltd addressed to Ms Sandra Kay*

#### **RESOLVED on the motion of Mr REYNOLDS:**

**175/17** *That Council receive the amended report on Invited Speakers.*

**176/17** *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.*

### **1.4 Confirmation of Minutes of Previous Meeting**

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#### **RESOLVED on the motion of Mr REYNOLDS:**

**177/17** *That Council confirm the minutes of the previous Ordinary Meeting held on Wednesday, 22 March 2017 (including the minutes of the closed confidential part of that meeting) that are attachments 1 and 2 to this report.*

#### **Business Arising**

There was no business arising.

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

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**RESOLVED on the motion of Mr REYNOLDS:**

**178/17 That Council resolve that the following matter be dealt with in closed session, pursuant to s.10A(2)(a) of the Local Government Act 1993:**

**Report 5.1 Establishment of the Audit, Risk and Improvement Committee**

**179/17 That Council note the reason for considering Report No 5.1 in closed session is that the report contains:**

**2(a) personnel matters concerning particular individuals (other than Councillors).**

**180/17 That Council request the Chief Executive Officer to report on this matter in open session of Council.**

**1.6 Mayoral (Administrator) Minute - Central Coast Council Group Leader Julie Vaughan honoured for State Award for empowering women**

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**RESOLVED on the motion of Mr REYNOLDS:**

**181/17 That Council formally recognise Group Leader of Connected Communities, Ms Julie Vaughan's success at the recent NSW Local Government Minister's Awards and present her with a certificate from the Federal Member for Dobell's speech to Parliament in her honour.**

**Procedural Motion**

**RESOLVED on the motion of Mr REYNOLDS:**

**182/17 That Council adopt, with the exception of Items 2.5, 2.6, 3.1, 3.2, 3.3, 3.4, 3.6, 3.8 and 5.1 the recommendations contained in the remaining reports. For the sake of clarity, that means that Items 2.1, 2.2, 2.3, 2.4, 2.7, 2.8, 3.5, 3.7, 4.1, 4.2, 4.3 and 4.4 were dealt with in accordance with the recommendations of the Council staff.**

**2.1 Planning Proposal 18/2011 - Rezoning Site at Mangrove Creek Road, Mangrove Creek**

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**RESOLVED on the motion of Mr REYNOLDS:**

**183/17 That Council resolves to discontinue preparation of a Planning Proposal with respect to Academy of Yoga Science on part of Lots 1-3 DP 241044, part of Lot 210 DP 804011 and part of Lot 102 DP 1090036 Mangrove Creek Road, Mangrove Creek on the following grounds:**

- a. Inconsistency with Cl(4) of Section 117(2) Ministerial Direction 4.4 (Planning for Bushfire Prone Land);**
- b. The potential risk to life and property arising from any consequential development on the subject site;**
- c. The proposal is not supported by sufficient information;**
- d. The proposal has been unable to adequately address the objections and issues raised by NSW State Government agencies; and**
- e. Inconsistency with the NSW Department of Planning and Environment's "Guidance for merged Council's on planning functions" (May 2016).**

**184/17 That Council advise the NSW Department of Planning and Environment that it will not be proceeding with the proposed Planning Proposal due to unresolved issues with the NSW Rural Fire Service and NSW Office of Environment and Heritage.**

**2.2 Planning Proposal 84/2015 - 2,14 and 24 Collingwood Drive and 107 Matcham Road, Matcham**

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**RESOLVED on the motion of Mr REYNOLDS:**

**185/17 That Council consult with the owners of Lot 12 DP 576336 No 14 Collingwood Drive, Matcham to seek their support to be included in the revised planning proposal as recommended by staff.**

**186/17 That Council prepare, subject to the outcome of Recommendation 1 above, a planning proposal to amend the Interim Development Order Number 122, to rezone the land listed below from 7(a) Conservation and Scenic Protection (Conservation) to 7(c2) Conservation and Scenic Protection (Scenic Protection – Rural Small Holdings), pursuant to Section 55 of the Environmental Planning and Assessment Act 1979:**

- a) Lot 11 DP 576336 No 24 Collingwood Drive, Matcham;**
- b) Lot 12 DP 576336 No 14 Collingwood Drive, Matcham;**
- c) Lot 2 DP 561283 No 2 Collingwood Drive, Matcham;**
- d) Lot 13 DP 576336 No 7 Matcham Road, Matcham.**

- 187/17 That Council ***forward*** the planning proposal to the NSW Minister for Planning 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.
- 188/17 That Council ***undertake*** community and public authority consultation in accordance with the gateway determination requirements.
- 189/17 That Council ***consider*** a further report on the results of the public authority and community consultation.
- 190/17 That Council ***request*** from the NSW Department of Planning & Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan.

### **2.3 Planning Proposal 91/2016 Manns Road, Gosford**

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**RESOLVED** on the motion of Mr REYNOLDS:

- 191/17 That Council ***prepare*** a Planning Proposal to amend Gosford Local Environmental Plan 2014, floor space requirements from clauses 10(2) and 11(2) of Schedule 1 Additional Permitted Uses, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979 to the following properties:
- a. part Lot 1 and Lots 18-21 DP 270678, Manns Rd West Gosford.
  - b. Lot 30 DP 1172968, Manns Rd West Gosford, and
  - c. part SP 84324 Manns Rd West Gosford.
- 192/17 That Council ***forward*** the Planning Proposal to the NSW Minister for Planning requesting a Gateway Determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979;
- 193/17 That Council ***undertake*** community and public authority consultation in accordance with the Gateway Determination requirements.
- 194/17 That Council ***consider*** a further report on the results of community and public authority consultation.
- 195/17 That Council ***request*** from the NSW Department of Planning and Environment delegations for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan.

**2.4 Planning Proposal (RZ11/2014) 30 Jack Grant Avenue, Warnervale**

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**RESOLVED on the motion of Mr REYNOLDS:**

- 196/17 That Council note that the Planning Proposal is currently placed on public exhibition, in accordance with the gateway determination requirement for a period of 40 days between 14 April 2017 and 22 May 2017.**
- 197/17 That Council consider a further report on the outcomes of the above exhibition period.**

**2.5 Crangan Bay Quarry**

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Ms Sandra Kay addressed Council in relation to item 2.5 – Crangan Bay Quarry at 5.04pm and retired at 5.13pm.

Tabled Item - Email from Mr Paul Crennan, representing Crennan Legal Pty Ltd addressed to Ms Sandra Kay

**RESOLVED on the motion of Mr REYNOLDS:**

- 198/17 That Council decline the request by the landowner of Lots 2-7 DP 249281 and Lot 11 DP 598580 Pacific Highway, Crangan Bay, known as Crangan Bay Quarry, to seek to rezone the subject site as part of draft Major Amendment No. 2 (housekeeping amendment) to Wyong Local Environmental Plan 2013 for the following reasons:**
- a) It is contrary to the existing strategic planning for the area as outlined in the Central Coast Regional Strategy (CCRS), North Wyong Shire Structure Plan (NWSSP), Central Coast Regional Plan (CCRP), 2036 and Council's Settlement Strategy;**
  - b) No strategic planning investigative reports have been submitted to Council to inform the proposed rezoning;**
  - c) RU1 Primary Production is not an appropriate zone for the site, as this land is not suited for any rural activity other than the current existing use;**
  - d) Rezoning to RU1 Primary Production would create an isolated pocket of rural land;**
  - e) The current enabling clause permits the continued operation of the existing quarry and the ability to expand the quarry with development consent. This is also permissible under the Mining, Petroleum Production and Extractive Industries State Environmental Planning Policy (SEPP) 2007; and**
  - f) The site is environmentally constrained and located within the future green corridor. This constraint should be recognised as part of the land zoning and potential land uses permitted on the site.**
  - g) The ongoing use of the site as a quarry is not at risk and is protected by**

*a number of planning instruments.*

199/17 *That Council request the Chief Executive Officer to write to the landowner advising that:*

- a) Council does not support the rezoning of the subject site as part of draft Major Amendment No. 2 to Wyong Local Environmental Plan 2013.*
- b) That any future request for rezoning the site should occur through lodgement of a planning proposal in accordance with Council's Planning Proposal Procedure.*

## **2.6 Notification Development Control Plans Review**

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**RESOLVED** on the motion of Mr REYNOLDS:

200/17 *That Council, for the purposes of community consultation endorse the exhibition of the draft amended Chapter 1.2 of Development Control Plan 2013 – Development Controls for Wyong Shire and Chapter 7.3 of the Gosford Development Control Plan 2013 for a period of 28 days.*

201/17 *That Council consider a further report on results of community consultation.*

## **2.7 Proposed Retail/Tourist Facility - 414 Old Maitland Road (Old Farm), Mardi**

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**RESOLVED** on the motion of Mr REYNOLDS:

202/17 *That Council discontinue the preparation of a Planning Proposal for a Retail/Tourism Village in relation to land at 414 Old Maitland Road, Mardi (Old Farm) for the following reasons:*

- a. The extensive lapse of time from the original Council resolution;*
- b. The absence of the required funding agreement and payment of appropriate fees; and*
- c. The absence of any further investigative studies from the Proponent.*

203/17 *That Council advise the NSW Department of Planning and Environment that it will not be proceeding with the preparation of the Planning Proposal.*

**2.8 Wyong Local Environmental Plan 2013 Amendment Request - 15 Mulloway Road, Chain Valley Bay**

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**RESOLVED on the motion of Mr REYNOLDS:**

- 204/17 That Council prepare a Planning Proposal to amend Wyong Local Environmental Plan 2013, to rezone the land known as Lot 273 DP 755266, 15 Mulloway Road, Chain Valley Bay, from E2 Environmental Conservation and E3 Environmental Management to E2 Environmental Conservation and R2 Low Density Residential, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979;**
- 205/17 That Council forward the Planning Proposal to the NSW Minister for Planning requesting a gateway determination, as well as requesting delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the Environmental Planning and Assessment Act, 1979;**
- 206/17 That Council prepare and exhibit, subject to the Gateway Determination, appropriate Development Control Plan provisions to amend Wyong Development Control Plan 2013;**
- 207/17 That Council prepare and exhibit, subject to the Gateway Determination, appropriate amendments to applicable Section 94 Development Contributions Plan (if required) to support the development of the subject land;**
- 208/17 That Council authorise staff to negotiate and prepare a Voluntary Planning Agreement with respect to any aspect of the proposal, (if required);**
- 209/17 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, draft amending Section 94 Development Contributions Plan and draft Voluntary Planning Agreement (if required);**
- 210/17 That Council consider a further report on results of the agency and community consultation.**

**Procedural Item**

**RESOLVED on the motion of Mr REYNOLDS:**

- 211/17 That Council consider items 3.1, 3.2, 3.3 and 3.4 en-bloc.**



### **3.1 Policy for Pensioner Rebates**

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**RESOLVED on the motion of Mr REYNOLDS:**

**212/17 That Council note that a review of the Policy for Pensioner Rebates has been undertaken.**

**213/17 That Council adopt the Policy for Pensioner Rebates.**

**214/17 That Council refer the Policy for Pensioner Rebates to the Audit, Risk and Improvement Committee for review and provide a report to Council.**

### **3.2 Policy for Debt Recovery and Hardship**

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**RESOLVED on the motion of Mr REYNOLDS:**

**215/17 That Council note that a review of the Policy for Debt Recovery and Hardship has been undertaken.**

**216/17 That Council adopt the Policy for Debt Recovery and Hardship.**

**217/17 That Council refer the Policy for Debt Recovery and Hardship to the Audit, Risk and Improvement Committee for review and provide a report to Council.**

### **3.3 Policy for Debt Management**

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**RESOLVED on the motion of Mr REYNOLDS:**

**218/17 That Council note that a review of the Policy for Debt Management has been undertaken.**

**219/17 That Council adopt the Policy for Debt Management.**

**220/17 That Council refer the Policy for Debt Management to the Audit, Risk and Improvement Committee for review and provide a report to Council.**

### **3.4 Policy for Investment Management**

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**RESOLVED on the motion of Mr REYNOLDS:**

- 221/17 *That Council note that a review of the Policy for Investment Management has been undertaken.*
- 222/17 *That Council adopt the Policy for Investment Management.*
- 223/17 *That Council refer the Policy for Investment Management to the Audit, Risk and Improvement Committee for review and provide a report to Council.*

### **3.5 Waiving of the final notice fee on overdue rates (former Gosford City Council)**

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**RESOLVED on the motion of Mr REYNOLDS:**

- 224/17 *That Council receive and note this report.*
- 225/17 *That Council resolve to give notice for the purposes of sections 608, 610D and 610F of the Local Government Act 1993 and sub-section 210(2) of the Water Management Act 2000 that the \$25.00 fee charged on issue of a Final Notice be waived.*
- 226/17 *That Council resolve that it will waive the \$25.00 fee charged on issue of a Final Notice pursuant to sections 608, 610D and 610F of the Local Government Act 1993 and sub-section 210(2) of the Water Management Act 2000 if there are no significant submissions received in response to the public notice given pursuant to the resolution 2 above.*
- 227/17 *That Council resolve that for the purposes of sections 608, 610D and 610F of the Local Government Act 1993 and sub-section 210(2) of the Water Management Act 2000 that the removal of the \$25.00 fee is not retrospective.*

### **3.6 Report on Six Month Webcasting Trial**

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**RESOLVED on the motion of Mr REYNOLDS:**

- 228/17 *That Council determine to continue to webcast its Council Meetings.*
- 229/17 *That Council request a further report on the outcomes of the investigation into a long term solution for webcasting of Council Meetings.*
- 230/17 *That Council authorise the Chief Executive Officer to undertake the necessary procurement, budget allocation and other steps necessary to continue and upgrade the webcasting platform.*

**3.7 Proposal to name a public facility in Mannering Park in honour of the Wynn family**

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**RESOLVED on the motion of Mr REYNOLDS:**

**231/17 That Council name the public path around the foreshore at Mannering Park the 'William and Clarence Wynn walkway'**

**3.8 Report on the Draft Gosford Beaches Coastal Zone Management Plan**

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**RESOLVED on the motion of Mr REYNOLDS:**

**232/17 That Council resolve to submit, for the purpose of s. 55G(1) of the coastal Protection Act 1979, the Draft Coastal Zone Management Plan (CZMP) for Gosford's Open Coast and Broken Bay Beaches to the Minister for the Environment, to seek certification from the Minister pursuant to s.55G(4) of that Act.**

**233/17 That Council authorise the Chief Executive Officer to make minor amendments to the Draft Gosford Coastal Zone Management Plan prior to submitting that Plan to the Minister, to ensure that references to the former Gosford Council, this Council and the former Gosford local government area are correct.**

**4.1 Development Applications Approved with a Variation to Development Standards**

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**RESOLVED on the motion of Mr REYNOLDS:**

**234/17 That Council receive and note the report on development consents that included variation to relevant development standards.**

**4.2 Central Coast Council Submission - Proposed Amendments to the Environmental Planning and Assessment Act 1979**

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**RESOLVED on the motion of Mr REYNOLDS:**

**235/17 That Council receive the report on Central Coast Council Submission - Proposed Amendments to the Environmental Planning and Assessment Act 1979.**

**4.3 Local Representation Committee - Meeting Record 15 March 2017**

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**RESOLVED on the motion of Mr REYNOLDS:**

**236/17 That Council receive the report on Local Representation Committee - Meeting Record 15 March 2017.**

**4.4 Investment Report for March 2017**

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**RESOLVED on the motion of Mr REYNOLDS:**

**237/17 That Council receive the Investment Report for March 2017.**

**QUESTIONS ON NOTICE**

Nil

**CLOSED SESSION**

**RESOLVED on the motion of Mr REYNOLDS :**

**238/17 That the meeting move into Closed Session.**

At this stage of the meeting being 5.38pm 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(a) personnel matters concerning particular individuals (other than Councillors)*

**OPEN SESSION**

The meeting resumed in open session at 5.40pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

**5.1 Establishment of the Audit Risk and Improvement Committee**

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**RESOLVED on the motion of Mr REYNOLDS:**

**239/17 That Council resolve to appoint the following three independent external members, who are seen as recognised leaders in the NSW Local Government Internal Audit sphere, to Central Coast Council's Audit, Risk and Improvement Committee:**

- i. Dr Colin Gellatly AO**
- ii. Mr John Gordon**
- iii. Mr Carl Millington**

**240/17 That Council resolve to equalise the pay between the three appointed independent external members so that they will each be paid an annual sum of \$20,920 excluding GST for the first term of the Committee given that they are each recognised leaders in the NSW Local Government Internal Audit sphere.**

**241/17 That Council resolve that the Chairperson receive an additional 15% or \$3,138 excluding GST in annual compensation for the first term of the Committee given the additional work required from the Chairperson.**

**242/17 That Council appoint Dr Colin Gellatly AO as the Chairperson of the Central Coast Council's Audit, Risk and Improvement Committee for the first term of the Committee given that the Committee has not held a meeting before and given the unique and significant audit and governance issues confronted during the post-merger period of newly formed Councils.**

**243/17 That Council appoint the Administrator and the Chief Executive Officer as Council's representatives on the Audit, Risk and Improvement Committee until such time as they are replaced by the elected Council.**

**244/17 That Council notes that the first term of the Committee will be for a period of three years from the date of this resolution.**

**245/17 That Council request the Chief Executive Officer to organise the first meeting of Central Coast Council's Audit, Risk and Improvement Committee as soon as practical.**

**246/17 That Council request the Chief Executive Officer to report on these matters in the Open Session of Council.**

**THE MEETING** closed at 5.46pm.