



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 26 March 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, Jilly Pilon, Lisa Matthews, Jeff Sundstrom, Rebecca Gale Collins, Richard Mehrtens and Chris Holstein.

#### **In Attendance**

Brian Glendenning (Acting Chief Executive Officer), Mike Dowling (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 (Chief Financial Officer).

The Mayor, Jane Smith, declared the meeting open at 6.32pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the commencement of the ordinary meeting report nos 1.1, 4.6, 3.1, 7.4, 7.6, 8.1, U3/18, 1.2, 1.3, 2.1, 4.1, 4.2, 4.4, 4.7, 4.5 and 4.8 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.

#### **Apology/Leave of Absence**

Council as resolved at the Ordinary Meeting of Council held 12 February 2018 granted Councillor Marquart a leave of absence for a period of 12 weeks commencing from 12 February 2018.

## **1.1 Disclosure of Interest**

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### **3.1 Planning Proposal - Outcomes of Public Exhibition - 44 Taylor Road, Lisarow (PP/62/2014)**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as her husband is acquainted with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance does not impact her view on progress on the Central Coast.

### **4.4 Central Coast Council Busking Policy**

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as he has children who are musicians and who may perform on the Central Coast. Councillor Vincent chose to remain in the Chamber and participate in discussion and voting as the Busking Policy is a Central Coast wide policy and he believes the conflict has not influenced him in carrying out his public duty.

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as her son holds a busking licence from Gosford City Council. Councillor Pilon chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect her ability to carry out her public duty.

### **4.7 Development Control Plan - Tree and Vegetation Management**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

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 bushcare groups 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.

### **4.8 Dredging of The Entrance and Brisbane Water channels**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as her husband is a member of the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance does not impact her decision on dredging.

### **5.3 Request for Briefing by Department of Planning & Environment**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**7.1 Deferred Item - Notice of Motion - Shade Trees**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with the Umina Community Group and GUST members. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintances will not determine her evaluation of the GUST.

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 bushcare groups 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.

**8.1 Rescission Motion - Draft Aviation HUB**

Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is acquainted with a member of the Australian Gliders Association. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance is not involved with Central Coast Airport.

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

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 former association with 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.

**9.1 Deferred Item - Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**9.2 Deferred Item - Legal Advice – Lease and Agreement for Lease with AAI – Resolution of 12 February 2018**

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**U3/18 Development of the former Old Sydney Town Site**

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter. He stated that the developer is not a client of McLachlan Partners nor does he have a close association with them. Councillor McLachlan chose to remain in the Chamber and participate in discussion.

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

**Resolved**

**179/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**Procedural Motion – Address by Invited Speakers**

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Gale Collins

**Resolved**

**180/18 That Council invite the following speakers to address Council:**

<b>SPEAKERS</b>	<b>REPORT</b>
Ms Denise Allen Mr Matthew Wales	3.1 Planning Proposal – Outcomes of Public Exhibition – 44 Taylor Road, Lisarow (PP/62/2014)
Mr James Sugumar, Audit Office of NSW Ms Caroline Mara, PricewaterhouseCoopers	4.6 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council for the period 13 May 2016 to 30 June 2017
Ms Chelsea Lewis	7.4 NOM – National Recycling Crisis
Ms Jodie Davis	7.6 NOM – Tuggerawong pathway
Mr John Codrington Mr Benjamin Morgan Mr Peter Franklin	8.1 Rescission Motion – Draft Aviation HUB

**For:**  
**Unanimous**

**Procedural Motion – Suspension of Standing Orders**

**Moved:**            **Councillor Vincent**  
**Seconded:**       **Councillor Sundstrom**

**Resolved**

**181/18**    ***That Council suspend standing orders and consider items 3.1, 4.6, 7.4, 7.6 and 8.1 after each speaker address and then the remaining items in agenda sequence.***

**For:**  
**Unanimous**

**U3/18      Development of the former Old Sydney Town Site**  
**Councillor Bruce McLachlan**

The Mayor determined that it was appropriate that Council determine whether this matter should be considered as a matter of urgency.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter. He stated that the developer is not a client of McLachlan Partners nor does he have a close association with them. Councillor McLachlan chose to remain in the Chamber and participate in discussion.

Councillor Best left the chamber at 8.43pm, returned at 8.49pm and was absent for the vote on the procedural motion.

**Procedural Motion**

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

**Resolved**

**182/18**    ***That Council consider a motion of urgency regarding the development of the former Old Sydney Town Site.***

**For:**  
**Mayor Smith and Councillors Holstein,**  
**Mehtens, Sundstrom, Gale Collins,**  
**Matthews, MacGregor, Pilon, Greenaway,**  
**Burke, Vincent and Hogan**

**Abstained:**  
**Councillor McLachlan**

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

*That Council request the Acting Chief Executive Officer of Central Coast Council as a matter of urgency, to investigate the acquisition and potential development of the former Old Sydney Town Site for industrial and tourism development.*

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

*That upon the sale of the old Sydney town site and adjoining land that the Council formally approach the owner to discuss future opportunities for the site, its tourism potential and job creation opportunities.*

*For: Mayor Smith and Councillor Holstein*

*Against: Councillors Mehrtens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, Greenaway, Burke, Vincent, Hogan and Best*

*Councillor McLachlan (Abstained)*

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

*That Council request the Acting Chief Executive Officer of Central Coast Council as a matter of urgency, to investigate the acquisition and potential development of the former Old Sydney Town Site for industrial and tourism development.*

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

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

*Councillor McLachlan (Abstained)*

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

At this stage of the meeting being 9.17pm, Council adjourned the meeting.

Council resumed the meeting at 9.33pm.

## **1.2 Confirmation of Minutes of Previous Meeting**

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**Moved: Councillor Holstein**  
**Seconded: Councillor Sundstrom**

### **Resolved**

**183/18 That Council confirm the minutes of the previous Ordinary Meeting of the Council held on 12 March 2018.**

**For:**  
**Unanimous**

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

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**Moved:** Councillor Holstein  
**Seconded:** Councillor Sundstrom

**Resolved**

**184/18 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(g) of the Local Government Act 1993:**

**Report 9.1 Deferred Item - Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018**

**Report 9.2 Deferred Item - Legal Advice – lease and agreement for lease with AAI – resolution of 12 February 2018**

**185/18 That the Council note the reason for considering “Report No 9.1 – Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018” and “Report No 9.2 - Legal Advice – lease and agreement for lease with AAI – resolution of 12 February 2018” in closed session is that the report contains:**

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

**186/18 That the Council request the Acting Chief Executive Officer to report on this matter in open session of Council.**

**For:**  
**Unanimous**

**Procedural Motion - Exception**

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

**Resolved**

**187/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

2.1	Mayoral Minute – Code of Conduct
4.1	Central Coast Flying-fox Management Strategy
4.2	Miscellaneous Amendment to GLEP2014 and WLEP2013
4.4	Central Coast Council Busking Policy
4.5	2018 National General Assembly of Local Government
4.7	Development Control Plan - Tree and Vegetation Management

4.8	Dredging of The Entrance and Brisbane Water channels
5.3	Request for Briefing by Department of Planning & Environment
7.2	Deferred Item - Notice of Motion - Copyright Policy
7.5	Notice of Motion - Hely Street Carpark
9.1	Deferred Item - Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018
9.2	Deferred Item - Legal Advice – Lease and Agreement for Lease with AAI – Resolution of 12 February 2018

**188/18** *That Council adopt the following items en-masse and in accordance with the report recommendations.*

3.2	Planning Proposal - 205 Johns Road Wadalba - Outcome of Public Exhibition - RZ/5/2016
3.3	Planning Proposal - 8 Ocean Palms Close, Wamberal
4.3	Community Engagement Workshop
5.1	Investment Report for February 2018
5.2	Status Update on Child Care Centre - 612 The Entrance Road, Wamberal
7.1	Deferred Item - Notice of Motion - Shade Trees
7.3	Notice of Motion - Terrigal Roads

**For:**  
**Unanimous**

## **2.1** **Mayoral Minute - Code of Conduct**

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*Moved:* Mayor Smith

*That Council defer this matter to the next Ordinary Meeting of Council to be held 9 April 2018 to allow further discussion with Councillors.*

*Amendment Moved:* Councillor Best

*Amendment Seconded:* Councillor Pilon

- 1 That Council in accordance with s. 440 note that it has now reviewed its adopted Code of Conduct.*
- 2 That as the Office of Local Government is currently reviewing this very code, Council defer further consideration pending the outcome of this review.*

*For:*  
Councillors Pilon, McLachlan, Burke and Best

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

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

**Resolved**

**189/18** *That Council defer this matter to the next Ordinary Meeting of Council to be held 9 April 2018 to allow further discussion with Councillors.*

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

**Against:**  
**Councillors Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Burke and Best**

*The Motion was carried on the casting vote of the Mayor.*

**3.1 Planning Proposal - Outcomes of Public Exhibition - 44 Taylor Road, Lisarow (PP/62/2014)**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as her husband is acquainted with the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance does not impact her view on progress on the Central Coast.

Ms Denise Allen addressed Council at 7.00pm.

Mr Matthew Wales addressed Council at 7.06pm.

**Moved:** **Councillor Best**  
**Seconded:** **Councillor Burke**

**Resolved**

**190/18** *That Council support the planning proposal as exhibited.*

**191/18** *That Council request the Acting Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (8 August 2017) for PP/62/2014 and proceed with the steps for drafting and making of Amendment No. 32 to Gosford Local Environmental Plan 2014.*

**192/18** *That Council approve the amendments to Chapter 2.1 and Chapter 5.14 of Gosford Development Control Plan 2013 as exhibited and presented in Attachment 2 and 3 respectively.*

**193/18** *That Council advise all those who made a public submission of the decision.*

**194/18** *That Council acknowledge drainage and flooding issues downstream in Cutrock Creek and that the stormwater drainage systems downstream from this site have not been designed to cater for an increase in stormwater runoff from this land. Therefore requirements to provide onsite detention so as to restrict runoff to pre-development flows must be implemented and overseen as a matter of priority.*

**For:**  
**Mayor Smith and Councillors Holstein,  
Gale Collins, Pilon, McLachlan, Burke and  
Best**

**Against:**  
**Councillors Mehrrens, Sundstrom,  
Matthews, MacGregor, Greenaway, Vincent  
and Hogan**

*The Motion was carried on the casting vote of the Mayor.*

**3.2 Planning Proposal - 205 Johns Road Wadalba - Outcome of Public Exhibition  
- RZ/5/2016**

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

**Resolved**

**195/18 That Council support the planning proposal as exhibited.**

**196/18 That Council request the Acting Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment (2 December 2016) for RZ/5/2016 and proceed with the steps for drafting and making of Wyong LEP 2013 (Amendment No.32).**

**197/18 That Council advise all those who made a submission of the decision.**

**For:**  
**Unanimous**

**3.3 Planning Proposal - 8 Ocean Palms Close, Wamberal**

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

**Resolved**

**198/18 That Council support the planning proposal as exhibited.**

**199/18 That Council request, the Acting Chief Executive Officer to exercise the delegation issued by the Department of Planning and Environment for PP/95/2016 and proceed with the steps for drafting and making of Amendment No. 33 to Gosford Local Environmental Plan 2014.**

**For:**  
**Unnimous**

**4.1 Central Coast Flying-fox Management Strategy**

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**Moved:** Councillor Burke

**Seconded:** Councillor Best

**Resolved**

**200/18 That Council undertake community consultation regarding the Central Coast Flying-fox Management Strategy, for a period of 28 days;**

**201/18 That Council endorse the Central Coast Flying-fox Management Strategy subject to there being no significant objections.**

**For:**

**Unanimous**

**4.2 Miscellaneous Amendment to GLEP2014 and WLEP2013**

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**Moved:** Mayor Smith

**Seconded:** Councillor Best

**Resolved**

**202/18 That Council defer this meeting pending a briefing for Councillors.**

**For:**

**Unanimous**

**4.3 Community Engagement Workshop**

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**Moved:** Councillor Holstein

**Seconded:** Councillor Gale Collins

**Resolved**

**203/18 That Council receive the report on the community workshop consultation and implements improvements to the community engagement activities.**

**204/18 That Council request the Acting Chief Executive Officer coordinate a Councillor briefing workshop before the end of April 2018 to develop a Councillor approach to community engagement and provide an updated framework by the end of May 2018.**

**For:**

**Unanimous**

#### **4.4 Central Coast Council Busking Policy**

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Councillor Vincent declared a less than significant non-pecuniary interest in the matter as he has children who are musicians and who may perform on the Central Coast. Councillor Vincent chose to remain in the Chamber and participate in discussion and voting as the Busking Policy is a Central Coast wide policy and he believes the conflict has not influenced him in carrying out his public duty.

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as her son holds a busking licence from Gosford City Council. Councillor Pilon chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect her ability to carry out her public duty.

**Moved: Councillor MacGregor**

**Seconded: Councillor Greenaway**

#### **Resolved**

**205/18 That Council adopt the Central Coast Council Busking Policy (Attachment 1) and the Central Coast Council Busking Guidelines (Attachment 2).**

**206/18 That Council investigate the inclusion of footpaths within town centres in the Busking Policy.**

**For:**

**Unanimous**

#### **4.5 2018 National General Assembly of Local Government**

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**Moved: Councillor Best**

**Seconded: Councillor McLachlan**

#### **Resolved**

**207/18 That Council endorse the submission of the following Motions to the 2018 National General Assembly of Local Government to be held 17 – 20 June 2018 in Canberra;**

**a That the National General Assembly notes in 2016/17 the NSW State Government raise \$659m from local councils through their waste levy returning only 18% (\$118m) to local communities for waste management initiatives.**

**b That the National General Assembly now call on the State Governments to return all waste levy revenues through their councils waste and recycling initiatives.**

**208/18 That Council note that a further report will be provided to Council for the purpose of determining the Councillor attendees and Council voting delegate.**

**For:**

**Unanimous**

**Procedural Motion**

**Moved:** Mayor Smith  
**Seconded:** Councillor Greenaway

**Resolved**

**209/18** That Council extend the Ordinary Meeting of Council by 30 minutes in accordance with the adopted Code of Meeting Practice.

**For:**  
**Unanimous**

**4.6 Presentation of Financial Reports and related Auditor's Reports for Central Coast Council for the period 13 May 2016 to 30 June 2017**

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Mr James Sugumar and Ms Caroline Mara addressed Council at 6.41pm.

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

**Resolved**

- 210/18** That Council note that the audited financial reports including the auditor's reports have been presented to this meeting of the Council, in accordance with s. 419(1) of the Local Government Act 1993 ("LG Act").
- 211/18** That Council note that the external auditor, addressed the Council on the auditor's report on Central Coast Council's 2016-17 Financial Statements in accordance with s. 419(2) of the LG Act.
- 212/18** That Council adopt the audited 2016-17 financial reports for Central Coast Council and Central Coast Council's activities as a Water Supply Authority as presented in accordance with ss. 213(2)(c) and 377(1)(k) of the LG Act, and cl. 215(1)(a) of the Local Government (General) Regulation 2005.
- 213/18** That Council include the audited 2016-17 Consolidated Financial Reports as an addendum to Council's 2016-17 Annual Report in accordance with s.428(4)(a) of the LG Act.
- 214/18** That Council make available on Council's website the 2016-17 Annual Report including audited 2016-17 Financial Statements and a copy be provided to the Minister of Local Government in accordance with s. 428 (5) of the LG Act.
- 215/18** That Council congratulate its staff for their exception efforts in delivering the accounts of the former Gosford City and Wyong Shire Councils as well as the Audit Office of NSW and PWC.

**For:**  
**Unanimous**

#### **4.7 Development Control Plan - Tree and Vegetation Management**

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Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

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 bushcare groups 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.

Moved: Mayor Smith

Seconded: Councillor Vincent

- 1 *That Council endorse the public exhibition of draft "Chapter "XX" – Tree and Vegetation Management" that is Attachment 2 to this report, to replace Chapter 3.6 of Development Control Plan 2013 - Development Controls for Wyong Shire and Chapter 6.6 of the Gosford Development Control Plan 2013, for a minimum period of 28 days.*
- 2 *That Council note that a further report will be provided to Council following the public exhibition required by Resolution 1 above.*
- 3 *That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that confidential Attachment 1 to this report remain confidential, as that attachment is legal advice provided to Council that would be privileged from production in legal proceeding on the ground of legal professional privilege.*

Amendment Moved: Councillor Greenaway

Amendment Seconded: Councillor McLachlan

- 1 *Council notes that from 8 March 2018 the Wyong DCP provisions regarding tree management and protections are now the same as those in the Gosford DCP.*
- 2 *Council notes that this has achieved Council's aim of creating a consistent approach to tree management controls across the Central Coast LGA.*
- 3 *Council request the Acting CEO provide a detailed briefing on the proposed new "XX"- Tree and Vegetation Management Chapter using case studies so that Councillors may more fully understand the*
  - *stated benefits of the proposed new policy*
  - *differences in application between the (now consistent) existing tree policy currently applying in the LGA*
  - *discuss further opportunities for Councillor and community input into any new proposed tree policy.*

- 4 Council receive a further report in one months time on how Council staff have been resources to implement the new policy across the full LGA as opposed to just the Gosford part of the LGA.
- 5 That Council receive a further report in two weeks on the issues as moved in Council on 26 February 2018, item 2.2 minute number 90/18.

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

*Against:*  
Councillor Holstein, Gale Collins, Matthews,  
Pilon, Burke and Best

The Amendment was put to the vote and declared CARRIED. The Amendment became the Motion.

**Resolved**

- 216/18 Council notes that from 8 March 2018 the Wyong DCP provisions regarding tree management and protections are now the same as those in the Gosford DCP.
- 217/18 Council notes that this has achieved Council's aim of creating a consistent approach to tree management controls across the Central Coast LGA.
- 218/18 Council request the Acting CEO provide a detailed briefing on the proposed new "XX"- Tree and Vegetation Management Chapter using case studies so that Councillors may more fully understand the
- *stated benefits of the proposed new policy*
  - *differences in application between the (now consistent) existing tree policy currently applying in the LGA*
  - *discuss further opportunities for Councillor and community input into any new proposed tree policy.*
- 219/18 Council receive a further report in one months time on how Council staff have been resources to implement the new policy across the full LGA as opposed to just the Gosford part of the LGA.
- 220/18 That Council receive a further report in two weeks on the issues considered by Council on 26 February 2018, item 2.2 minute number 90/18.

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

***Against:***  
Councillor Holstein, Gale Collins,  
Matthews, Pilon, Burke and Best

#### **4.8 Dredging of The Entrance and Brisbane Water channels**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as her husband is a member of the Peninsula Chamber of Commerce. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance does not impact her decision on dredging.

Councillor Best left the meeting at 10.28pm during discussion of this item and did not return.

Councillor Matthews left the meeting at 10.28pm during discussion of this item and did not return.

**Moved: Councillor Vincent**  
**Seconded: Councillor Greenaway**

**Resolved**

**221/18 That Council receive and note the information report on Dredging.**

**222/18 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that confidential attachment 1 to this report remain confidential, on the basis that the attachment contains legal advice from a solicitor that is subject to client legal privilege.**

<b>For:</b>	<b>Against:</b>
<b>Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, MacGregor, McLachlan, Greenaway, Vincent and Hogan</b>	<b>Councillors Gale Collins, Pilon and Burke</b>

*Councillor Vincent tabled Item D13191405 – Dredging Petition – Tuggerah Lakes Care*

#### **5.1 Investment Report for February 2018**

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

**Resolved**

**223/18 That Council receive the Investment Report for February 2018.**

**For:**  
**Unanimous**

**5.2 Status Update on Child Care Centre - 612 The Entrance Road, Wamberal**

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

**Resolved**

**224/18 That Council note the report on Status Update on Child Care Centre - 612 The Entrance Road, Wamberal.**

**For:**  
**Unanimous**

**5.3 Request for Briefing by Department of Planning & Environment**

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Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**Moved:** Councillor Greenaway  
**Seconded:** Councillor Gale Collins

**Resolved**

**225/18 That Council receive and note the report "Request for Briefing by Department of Planning and Environment".**

**For:**  
**Unanimous**

*Councillor Greenaway tabled Item D13190529 – Letter (16 October 2016) from NSW Planning and Environment - Investigation - Central Coast Airport at Warnervale*

**7.1 Deferred Item - Notice of Motion - Shade Trees**

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Councillor Gale Collins declared a less than significant non-pecuniary interest in the matter as she is in contact with the Umina Community Group and GUST members. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintances will not determine her evaluation of the GUST.

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 bushcare groups 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.

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

**Resolved**

**226/18** That Council note the deferred Notice of Motion – Shade Trees report which is Attachment 1 to this report.

**227/18** That Council note that trees enhance the appearance of our homes and public areas, and that our suburban streetscapes are an important part of our urban landscape.

**228/18** That Council note trees reduce noise pollution by acting as sound barriers and reduce airborne pollution by trapping particles on their leaves, provide shade and shelter, reduce annual heating or cooling costs, keep our air supply fresh by absorbing carbon dioxide and producing oxygen, and provide food and shelter for wildlife.

**229/18** That Council acknowledge the work of Grow Urban Shade Trees (GUST) in encouraging residents to bring shade and beauty to their neighbourhoods, and commend the members for taking the lead in educating the community about the benefits of shade trees and reducing the stigma associated with having trees in front yards and on nature strips.

**230/18** That Council request the Acting Chief Executive Officer bring a report to Council no later than three ordinary meetings following the passing of this motion that outlines:

- the reasons why the legacy Gosford City Council free tree program was ended
- how many trees were provided to residents in the five years before the program ended
- what advertising was done for the program to residents
- a list of preferred tree species suitable for planting in public areas, and what the proposed effect on the budget might be to reinstate the program across the
- Central Coast Council area (with consideration given to potentially non-economic benefits that increased tree cover might bring.)

**For:**  
**Unanimous**

**7.2 Deferred Item - Notice of Motion - Copyright Policy**

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**Moved:** Councillor Greenaway

**Seconded:** Mayor Smith

**Resolved**

**231/18** Council adopt a policy that actively seeks to engage consultants who do not retain copyright over their reports (save for commercial in confidence issues and other specific confidential information).

**232/18** Where members of the public request copies of documents over which copyright is retained that Staff approach the consultant for permission to distribute the report (maybe with certain sections redacted).

**233/18** That Council request that the acting Chief Executive Officer give consideration to ensuring that any documents made available to a member of the public be made available on Council's website to obviate the need for residents to make individual requests for the same document.

**For:**

**Unanimous**

**7.3 Notice of Motion - Terrigal Roads**

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**Moved:** Councillor Holstein

**Seconded:** Councillor Gale Collins

**Resolved**

**234/18** That Council undertake an investigation into the safety of the chicane in the vicinity of 59 Barnhill Rd Terrigal.

**For:**

**Unanimous**

**7.4 Notice of Motion - National Recycling Crisis**

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Ms Chelsea Lewis addressed Council at 7.27pm.

**Moved:** Councillor Best

**Seconded:** Councillor Burke

**Resolved**

**235/18** That Council note with concern the recent announcement by China to significantly reduce its intake of recyclable materials and that this has the potential to derail kerbside and processing activities.

- 236/18** *That Council recognise significant challenges ahead, however equally recognises that there are significant opportunities, particularly around supporting local community based recycling initiatives.*
- 237/18** *Further, that Council understands the importance of resourcing and supporting key recycling initiatives.*
- 238/18** *That Council note that the State Government through its Waste Levy has raised from NSW Residents and Ratepayers \$659m in just 2016-17 and only returned 18% (\$118m) of these funds to Local Government to assist in waste management and recycling*
- 239/18** *That Council request the Acting Chief Executive Officer provide a report on the possible impacts on Councils waste stream management, identification of these opportunities globally, waste minimisation initiatives, kerbside and processing contracts along with possible budget implications.*

**For:**

**Unanimous**

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**7.5** **Notice of Motion - Hely Street Carpark**

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**Moved:** **Councillor Greenaway**

**Seconded:** **Councillor Burke**

**Resolved**

- 240/18** *That Council request that the Hely St carpark boom gate be removed or placed in an upright position to enable the community to access this public access.*
- 241/18** *That Council staff prepare a report to council detailing any issues arising from making the Hely St car park accessible to the public so that measures to address same can be considered and implemented.*

**For:**

**Unanimous**

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**7.6** **Notice of Motion - Tuggerawong Pathway**

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Jodie Davis addressed Council at 7.45pm.

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor McLachlan**

**Resolved**

- 242/18** *That Council request that the Acting Chief Executive Officer when presenting the draft 2018/19 budget presents advice around the proposed Tuggerawong pathway including a staged approach to proposed budgets.*

- 243/18** *That Council include the Tuggerawong Pathway project in the Pedestrian Access Mobility Plan (PAMP) and make it a 'priority project'. Commencement of this project must be scheduled for 2018/2019 works program and that all works to connect these 4 communities be completed no later than the end of the term of the current Council.*
- 244/18** *That Council note that there are existing commitments from both State and Federal Members of Parliament with potential grant funding available to further reduce cost to Central Coast Council.*
- 245/18** *That Council commit to an integrated connected public foreshore pathway that circumnavigates around the Tuggerah Lakes as part of the ambit of the newly established pathways committee created at our previous Council meeting.*
- 246/18** *That Council consider this project of special significance as a legacy item for the Central Coast Council, one that will enhance the connectivity and amenities of our region, will attract significant local engagement, linking communities and residents; as well as become a key tourist attraction for our region.*

**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 acquainted with a member of the Australian Gliders Association. Councillor Gale Collins chose to remain in the Chamber and participate in discussion and voting as the acquaintance is not involved with Central Coast Airport.

Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

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 former association with 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.

Mr John Codrington addressed Council at 8.06pm.

Mr Benjamin Morgan addressed Council at 8.11pm.

Mr Peter Franklin addressed Council at 8.17pm.

*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.*

*A division was called by Councillor Best and Pilon.*

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

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

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

**Procedural Motion - Closed Session**

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

**Resolved**

**247/18     That the meeting move into Confidential Session.**

**For:**  
**Unanimous**

At this stage of the meeting being 10.51pm the meeting moved into Confidential 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:**            **Councillor Vincent**  
**Seconded:**       **Councillor MacGregor**

**Resolved**

**248/18     That the meeting move into 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:

**9.1 Deferred Item - Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018**

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Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**Resolved**

- 249/18 That Council note the deferred Legal Advice – Chapter 3.6 of the Wyong Shire Development Control Plan 2013 – resolutions of 27 November 2017 and 26 February 2018 report which is Attachment 1 to this report.**
- 250/18 That Council note the legal advice that is attachment 2 to this report.**
- 251/18 That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that the attachments to this report remain confidential because those attachments include advice concerning potential litigation or would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.**

**9.2 Deferred Item - Legal Advice – Lease and Agreement for Lease with AAI – Resolution of 12 February 2018**

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Mayor Smith declared a less than significant non-pecuniary interest in the matter as she was a former voluntary CEO and 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 conflict to be minor and will not affect her consideration or decision making on this matter.

**Resolved**

- 252/18 That Council note the deferred Legal Advice – Lease and Agreement for Lease with AAI – Resolution of 12 February 2018 report which is Attachment 1 to this report.**
- 253/18 That Council note the legal advice that is attachment 2 to this report.**
- 254/18 That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that the attachments to this report remain confidential because those attachments include advice concerning potential litigation or would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.**
- 255/18 That Council request the Acting Chief Executive Officer to act upon the recommendation contained within the legal advice that is attachment 2 to this report**
- 256/18 That Council request that the Acting Chief Executive Officer report any proposed resolution pursuant to resolution four above prior to entering into any binding arrangement.**

**Questions on Notice**

**Q20/18 Development Applications to Council  
Councillor Richard Mehrrens**

*That despite ongoing concerns from councillors that we would be inundated with DAs, we have not had a DA brought to Council since 17 December 2017. Could staff please indicate why that might be?*

**Q21/18 Terrigal Tourism Levy  
Councillor Rebecca Gale Collins**

*Can Council staff please engage with business owners in Terrigal about the purpose and use of the Terrigal Tourism Levy and the proposed traffic flow changes through a town centre forum.*

**Q22/18 Hotels and Boarding Houses in Copacabana  
Councillor Rebecca Gale Collins**

*Senator Deb O'Neil and Candidate Anne Chalton have targeted Copacabana residents through a mailbox and Facebook campaign stating Central Coast Council is going to overdevelop Copacabana with the consolidated LEP allowing for hotels and boarding houses 24 metres to be built in the suburb. Is this correct?*

**Q23/18 Winney Bay  
Councillor Kyle MacGregor**

*Can Council Staff confirm if 2 of the lots are crown land, If so, who are the trustees of that crown land, Is there a plan of management for the Crown Land, is there any COSS which is part of the current works, are there any endangered ecological communities in the lots where the work is being undertaken and if so has that been taken into consideration with the land clearing, has there been an environmental impact statement undertaken and is it available for the public, was there a need for a development application, was there community consultation and when did this occur if it did, were any signs erected to inform bush walkers of the walk?*

**Q24/18 Apprenticeship Ratios**  
**Councillor Kyle MacGregor**

*How many apprentices have been hired since the change to the 15% apprenticeship ratio and how has this resolution impacted on council staff, contracts or tendering documents, is Council employing directly any apprentices currently?*

**Q25/18 Parking Audit**  
**Councillor Louise Greenaway**

*Condition 66 of DA 1066/2013D dated 20 April 2016 provides that "at the conclusion of 12 months operation, the submission of a parking audit to address the functionality of available car parking to the satisfaction of Council and consider solutions if required to address problems that may arise from the Audit". Has this report been prepared and if so, could it please be provided?*

**Q26/18 Parking Signage**  
**Councillor Louise Greenaway**

*Condition 103 of DA 1155/2010 dated 11 January 2011 relates to car parking. It provides:*

*"The 44 parking spaces provided within the two Council owned car parks in Margaret Street (Lots 9 and 11 in DP 3136 known as 9 and 13 Margaret Street) are to be available after 5 pm on Monday – Friday and at weekends for the purpose of parking for staff, performers and visitors to the performing arts and cultural centre. Advisory signage to this effect is to be installed to inform patrons of the availability of this parking after working hours."*

*Is this condition still current and if so when will the signs be installed?*

**Q27/18 Food Scrap Recycling**  
**Councillor Doug Vincent**

*The NSW Government has a target to increase the recycling rate for solid waste to 70% by 2021-22. Approximately 40% garbage bin content is food waste. Food waste recycling can help meet this target, reduce costs and give an environmental benefit.*

*Since November 2013, Randwick City Council has been trialling food scrap collection. Other Councils have also implemented food waste recycling initiatives such as, Northern Rivers Waste (BIObags & Caddies), Kempsey Shire (Kitchen Caddy), Tweed Shire (Caddies and Liners) and Campbelltown (Food Scrap Recycling), Woollahra Council (Kitchen to Compost), Bathurst Council (Kerbside Food & Garden Waste), Port Macquarie Council (Kitchen Food Waste Bins), Lake Macquarie (Food + Garden = Green).*

*Could staff please advise if the Central Coast Council can trial or adopt household food scrap recycling in the near future?*

**Q28/18 Meeting Efficiencies**  
**Councillor Jillian Hogan**

How can we run these meetings more efficiently than what they are?

**The Meeting** closed at 11.07pm.