



## Central Coast Council

Minutes of the  
**Ordinary Meeting of Council**  
Held in the Council Chamber  
2 Hely Street, Wyong  
on 28 May 2018  
commencing at 6.31pm  
and reconvened on 4 June 2018 at 7.31pm

### Present

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

### In Attendance

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

The Mayor, Jane Smith, declared the meeting open at 6.31pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

At the commencement of the ordinary meeting report nos 1.1, 2.1, 2.2, 2.5, 3.5, 4.6,4.8, 6.1, 6.3, 1.2, 2.3, 3.1, 3.11, 3.14, and were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

### Apologies/Leave of Absence

Nil

### Procedural Motion – Motion of Condolence

**Moved:** Mayor Smith  
**Seconded:** Councillor Matthews

### Resolved

***That Council consider a motion of condolence for the passing of Council employee, Lesley Crawley, with one minute silence.***

**For:**  
**Unanimous**

At 6.35pm the Mayor invited those in attendance to stand for one minute of silence to honour the passing of Lesley Crawley.

### **1.1 Disclosure of Interest**

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#### **2.1 DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah**

Councillor Greenaway declared a significant non-pecuniary interest in the matter as one of the residents impacted by this proposal made a reportable political donation for the purposes Section 86 of the Election Funding Expenditure and Disclosures Act 1981. Councillor Greenaway left the chamber at 6.46pm and during consideration of this item, returned at 6.52pm and was absent for the vote.

#### **2.2 DA 937/2017 - Boarding House - 6 South Street, Killarney Vale**

Councillor McLachlan declared a significant non-pecuniary interest in the matter as he has conducted business with the applicants family. He confirmed that he is not the nominated estate agent managing the property but feels it appropriate to declare as it is in his area of operation. Councillor McLachlan left the chamber at 6.53pm during consideration of this item, returned at 7.24pm and was absent for the vote.

#### **3.6 Deferred Item – Position of Council Employment - (Adjourned Meeting – 4 June 2018)**

Councillor Best declared pecuniary interest in the matter as he is the General Manager of Central Coast Group Training that provides apprentices to Central Coast Council. Councillor Best left the chamber at 8.06pm during consideration of this item, returned at 8.25pm and was absent for the vote.

#### **3.12 Stronger Communities Fund - Community Grants Round 4**

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she has professional relationships with grant applicants through her workplace. Councillor Hogan indicated that she will leave the chamber during consideration of this item. This item was resolved via the exception method.

#### **3.13 2017-18 Community Support Grant, Heritage Grant and Place Activation Grant Programs**

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she has professional relationships with grant applicants through her workplace. Councillor Hogan indicated that she will leave the chamber during consideration of this item. This item was resolved via the exception method.

#### **3.16 2017-18 - Q3 Business Report**

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as there has been thin asphalt and heavy patching work undertaken in Narambi Road, Buff Point, where Councillor Vincent is a resident and as there has been road and upgrade works with curb and guttering at Cape Three Points Road, Avoca, where Councillor Vincent has relatives residing.

Councillor Vincent chose to remain in the chamber and participate in discussion and voting as the works at Narambi Road and Cape Three Points Road were approved by the previous Council whilst under Administration, and are completed and it is proposed the budget be adjusted to reflect savings in those works.

**4.5 Response to Deferred Item - Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection - (Adjourned Meeting – 4 June 2018)**

Brian Glendenning declared a pecuniary interest in the matter as proposed resolution 5 refers to operation of shops at Council's waste facilities to improve recycling, and his brother and his partner work at a "Reviva" centre at a waste facility. Reviva is operated by Resource Recovery Australia (RRA). RRA may seek to provide services to Central Coast Council and his brother and/or his partner may receive a financial benefit from the provision of those services. Mr Glendenning first became aware of the interest last Saturday. Mr Glendenning left the chamber at 9.32pm during consideration of this item, returned at 9.53pm and was absent for the vote.

**4.7 2017/18 Capital Works Project Status**

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as there has been thin asphalt and heavy patching work undertaken in Narambi Road, Buff Point, where Councillor Vincent is a resident and as there has been road and upgrade works with curb and guttering at Cape Three Points Road, Avoca, where Councillor Vincent has relatives residing. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as the works at Narambi Road and Cape Three Points Road were approved by the previous Council whilst under Administration, and are completed and it is proposed the budget be adjusted to reflect savings in those works.

**4.8 Legal advices – Wallarah 2 Coal Mine**

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 who may have made submissions in relation to this matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Councillor Best declared a less than significant non-pecuniary interest in the matter as Wallarah has a substantial apprentice scholarship program of which the company he runs, Central Coast Training, manages on behalf of them. Councillor Best left the chamber at 9.21pm and during consideration of this item, returned at 10.14pm and was absent for the vote.

**6.1 Notice of Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge**

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 who may have made submissions in relation to this matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Councillor Best declared a less than significant non-pecuniary interest in the matter as Wallarah has a substantial apprentice scholarship program of which the company he runs, Central Coast Training, manages on behalf of them. Councillor Best left the chamber at 9.21pm and during consideration of this item, returned at 10.14pm and was absent for the vote.

**Moved:**            **Councillor Holstein**  
**Seconded:**       **Councillor Greenaway**

**Resolved**

**385/18     That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.**

**For:**  
**Unanimous**

**Procedural Motion – Address by Invited Speakers**

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

**386/18     That Council invite the following speakers to address Council:**

<b>SPEAKERS</b>	<b>REPORT</b>
Dr Victor Bourke Against the recommendation	Item No 2.1 – DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah
Mr Gary Chestnut Against the recommendation	Item No 2.1 – DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah
Dr Allan Meek Against the recommendation	Item No 2.1 – DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah
Mrs Heather Railton Against the recommendation	Item No 2.1 – DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah

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Dr Sujatha Kalava & Dr Shashi Kalava For the recommendation	Item No 2.1 – DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah
Mr Patrick Lendvai Against the recommendation	Item 2.2 - DA 937/2017 - Boarding House - 6 South Street, Killarney Vale
Mr Laurie Ellis For the recommendation	Item 2.2 - DA 937/2017 - Boarding House - 6 South Street, Killarney Vale
Mr Brett Ellis For the recommendation	Item 2.2 - DA 937/2017 - Boarding House - 6 South Street, Killarney Vale
Mr Peter White For the recommendation	Item 2.5 - DA 53880/2018 - Reconstruction of Terrigal War Memorial and Relocation of Armistice Day War Memorial
Ms Merrill Jackson (General Information)	Item 2.5 - DA 53880/2018 - Reconstruction of Terrigal War Memorial and Relocation of Armistice Day War Memorial
Mr Lloyd Taylor For the recommendation	Item 3.4 - Deferred Item – Notice of Motion – Council’s Sister City Trip to Japan
Mr Stuart Harvey For the recommendation	Item 3.5 - Deferred Item – Notice of Motion Central Coast Council ‘Opts-in’ on Rock Fishing Life Jackets
Mrs Joy Cooper Against the recommendation	Item 4.6 - Winney Bay Reserve Project Update
Mrs Heather Graham Against the recommendation	Item 4.6 - Winney Bay Reserve Project Update
Mr Adam Richards For the recommendation	Item 4.6 - Winney Bay Reserve Project Update
Mr Michael Campbell For the recommendation	Item 6.1 - Notice of Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge
Mr Andrew Whitbourne For the recommendation	Item 6.3 - Notice of Motion – Blue Ringed Octopi in Community Pool

**For:  
Unanimous**



**Procedural Motion – Exception**

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

**Resolved**

**390/18**    ***That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:***

2.4	DA 53328/2017 - 99 Del Monte Place, Copacabana - Dwelling Addition
2.6	Activities of the Development
3.2	Deferred Item - Access to Hely Street Carpark in Wyong
3.3	Deferred Item - Free Shade Tree Program
3.4	Deferred Item - Notice of Motion - Council's Sister City Trip to Japan
3.6	Deferred Item - Notice of Motion - Position of Council Employment
3.8	Amendments to the Code of Conduct
3.9	Proactive Release
3.15	Proposed Regional Library and RPACC
4.2	Economic life span of the water infrastructure and water quality across the Central Coast
4.5	Response to Deferred Item - Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection
6.2	Notice of Motion - Councils Public Apology

**391/18**    ***That Council adopt the following items en-masse and in accordance with the report recommendations.***

<b>En-masse</b>	
3.7	Status of Legal Matters
3.10	Mangrove Mountain and Spencer Advisory Meeting held on 26 April 2018
3.12	Stronger Communities Fund - Community Grants Round 4
3.13	2017-18 Community Support Grant, Heritage Grant and Place Activation Grant Programs
3.16	2017-18 Q3 Business Report
4.1	Investment Report for April 2018
4.3	Voting Rights at the 2018 National General Assembly of Local Government
4.4	Response to Notice of Motion – Terrigal Roads
4.7	2017/18 Capital Works Project Status
4.9	Reports Due to Council

**For:**  
**Unanimous**

**Procedural Motion**

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

**Resolved**

**392/18 That Council extend the Ordinary Meeting of Council in accordance with the adopted Code of Meeting Practice to allow consideration of the following items:**

3.1	Deferred Item - NSW Government Architects Urban Design Implementation Frame Work
3.11	Determination of Water Supply, Sewerage and Drainage Fees and Charges 2018-2019
3.14	Water and Sewer Strategic Business Plan

**393/18 That Council defer all other items to a reconvened meeting to be held at 7.30pm on Monday, 4 June 2018 at Wyong Chambers.**

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

**Recommit Procedural Motion to include addition item for consideration**

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

**Resolved**

**394/18 That Council extend the Ordinary Meeting of Council in accordance with the adopted Code of Meeting Practice to allow consideration of the following items:**

2.3	DA 1082/2017 - Completion of partially constructed canopy and signage - 1625 Yarralong Road, Yarralong
3.1	Deferred Item - NSW Government Architects Urban Design Implementation Frame Work
3.11	Determination of Water Supply, Sewerage and Drainage Fees and Charges 2018-2019
3.14	Water and Sewer Strategic Business Plan

**395/18 That Council defer all other items to a reconvened meeting to be held at 7.30pm on Monday, 4 June 2018 at Wyong Chambers.**

**For:**  
**Unanimous**



**2.1 DA 135/2017 - Transitional Group Home (Drug and Alcohol Rehabilitation Facility) and Demolition of Existing Structures - 74 Glen Road, Ourimbah**

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Councillor Greenaway declared a significant non-pecuniary interest in the matter as one of the residents impacted by this proposal made a reportable political donation for the purposes Section 86 of the Election Funding Expenditure and Disclosures Act 1981. Councillor Greenaway left the chamber at 6.46pm and during consideration of this item, returned at 6.52pm and was absent for the vote.

**Moved: Councillor Holstein**  
**Seconded: Councillor McLachlan**

**Resolved**

**396/18 That Council defer consideration of this item to a future meeting of Council to allow for a site inspection.**

<b>For:</b>	<b>Against</b>
<b>Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Matthews, MacGregor, Pilon, McLachlan, Burke, Vincent and Hogan</b>	<b>Councillors Gale Collins and Best</b>

**2.2 DA 937/2017 - Boarding House - 6 South Street, Killarney Vale**

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Councillor McLachlan declared a significant non-pecuniary interest in the matter as he has conducted business with the applicants family. He confirmed that he is not the nominated estate agent managing the property but feels it appropriate to declare as it is in his area of operation. Councillor McLachlan left the chamber at 6.53pm during consideration of this item, returned at 7.24pm and was absent for the vote.

Mr Patrick Lendvai addressed Council at 6.54pm.

Mr Laurie Ellis addressed Council at 6.57pm.

**Moved: Councillor Mehrtens**  
**Seconded: Councillor Best**

**Resolved**

**397/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**

**398/18 That Council advise those who made written submissions of its decision.**

**For:**  
**Unanimous**

**2.3 DA 1082/2017 - Completion of partially constructed canopy and signage - 1625 Yarramalong Road, Yarramalong**

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**Moved:** Councillor MacGregor

**Seconded:** Councillor Greenaway

**Resolved**

**399/18 That Council refuse development application 1082/2017 for the following reasons having regard to the matters for consideration detailed in section 4.15(1) of the Environmental Planning and Assessment Act 1979 and other relevant issues:**

- a) The proposed signage does not comply with the requirements of State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64) as it is inconsistent with the objectives of the policy as set out in clause 3(1)(a)(i) and (ii). The signage is not compatible with the desired amenity and visual character of the area due to its size and location and the canopy fascia is not a suitable location for signage.**
- b) The proposed signage does not satisfy the assessment criteria specified in Schedule 1 of SEPP 64 as:
  - i. it is not compatible with the character of the area;**
  - ii. it compromises views of the streetscape and to the hills beyond the site;**
  - iii. the scale and proportion of the pylon sign is not appropriate for the streetscape or setting;**
  - iv. signage on the canopy fascia protrudes above nearby buildings;**
  - v. the proposed pylon sign is not compatible with the scale or proportion of the existing building on the site; and**
  - vi. illumination on the pylon sign would result in unacceptable glare on adjoining residents.****
- c) The proposal is inconsistent with the aims outlined within clause 1.2 of Wyong Local Environmental Plan 2013 as the proposed development will not maintain and enhance the existing character, amenity and environmental quality of the local government area and will not achieve a high standard of urban design that responds to the existing or desired future character of the area.**
- d) The proposed bulk, height, colours and materials of the canopy and the location, size and height of the proposed business identification signage is inconsistent with the objectives of the RU5 Village zone because it is a poor 'fit' with its surroundings and is not compatible with the desired future character of the area.**
- e) The proposal does not comply with the requirements of clause 2.2 Wyong Development Control Plan Chapter 3.7 Heritage Conservation because:**

- i. It is not sympathetic with nearby heritage items in terms of proportion, materials colours and finishes; and*
  - ii. It results in adverse visual impacts on the view of the nearby heritage items located 30m from the subject site.*
- f) The proposal is not suitable for the site because it does not adequately respond to the existing character.*
- g) The proposal is not in the public interest as the design is contrary to the existing and desired future character of the area and it results in unacceptable visual impacts on the village zone.*
  - i. A total of 37 public submissions objecting to the proposal were received.*

**400/18** *That Council advise those who made written submissions of its decision.*

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

**Abstain:**  
**Councillor McLachlan**

The meeting was reconvened at 7.31pm on Monday 4 June 2018.

### **Apologies/Leave of Absence**

Nil

### **Procedural Motion**

*Moved: Councillor Best*

*Seconded: Councillor Pilon*

*That Council recommit Item 3.16 Q3 - Financial Report.*

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

**Against**  
**Mayor Smith and Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Vincent, Hogan and Greenaway (Abstain)**

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

**2.4 DA 53328/2017 - 99 Del Monte Place, Copacabana - Dwelling Addition**

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*The Director of Environment and Planning, Mr Scott Cox, tabled item D13245926 – Memo to Mayor Jane Smith dated 4 June 2018 in relation to DA/53328/2017 typographical error on page 209 of the report.*

**Moved: Councillor Burke**

**Seconded: Councillor Holstein**

**Resolved**

**401/18 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979, and other relevant issues.**

**For:**

**Unanimous**

**2.5 DA 53880/2018 - Reconstruction of Terrigal War Memorial and Relocation of Armistice Day War Memorial**

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Mr Peter White addressed Council at 7.24pm.

Ms Merril Jackson addressed Council at 7.35pm.

**Moved: Councillor Holstein**

**Seconded: Councillor Gale Collins**

- 1 *That Council grant consent subject to the conditions detailed in schedule 2 attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*
- 2 *That Council advise those who made written submissions of its decision.*
- 3 *That Council advise the External Authorities of its decision.*
- 4 *That Council request the Acting Chief Executive Officer to investigate the correct title of the memorial, and amend the conditions of time limited consent.*
- 5 *That Council look at providing some assistance with traffic control when the memorial is moved.*

**Amendment Moved: Mayor Smith**

**Amendment Seconded: Councillor Greenaway**

- 1 *That Council grant consent subject to the conditions detailed in schedule 2 attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.*

- 2 *That Council advise those who made written submissions of its decision.*
- 3 *That Council advise the External Authorities of its decision.*
- 4 *That Council request the Acting Chief Executive Officer to investigate the correct title of the memorial, and amend the conditions of time limited consent.*
- 5 *That Council look at providing some assistance with traffic control when the memorial is moved.*
- 6 *That the duration of the consent be limited to a period for 3 years, with an assessment at that time on the suitability of the site.*

*For:*  
*Mayor Smith and Councillors McLachlan and Greenaway.*

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

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

**Resolved**

- 402/18** ***That Council grant consent subject to the conditions detailed in schedule 2 (except proposed condition 1.2) attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.***
- 403/18** ***That Council advise those who made written submissions of its decision.***
- 404/18** ***That Council advise the External Authorities of its decision.***
- 405/18** ***That Council request the Acting Chief Executive Officer to investigate the correct title of the memorial, and amend the conditions of time limited consent.***
- 406/18** ***That Council look at providing some assistance with traffic control when the memorial is moved.***

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

***Abstain:***  
***Councillors MacGregor and Greenaway***

**2.6 Activities of the Development Assessment and Environment and Certification Units - January to March 2018 Quarter 3**

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**Moved: Councillor Best**

**Seconded: Councillor Pilon**

**Resolved**

**407/18 That Council receive and note the report on development statistics.**

**For:**

**Unanimous**

**3.1 Deferred Item - NSW Government Architects Urban Design Implementation Frame Work**

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Councillor Matthews left the chamber at 10.58pm, did not return and was absent for the vote.

**Moved: Mayor Smith**

**Seconded: Councillor MacGregor**

**Resolved**

**408/18 That Council note the deferred NSW Government Architects Urban Design Implementation Frame Work report which is Attachment 1 to this report.**

**409/18 That Council endorse the draft submission to Ms Lee Shearer, The Coordinator General for the Central Coast, in response to the Stage 1 Reports on the Urban Design Implementation Framework (Attachment 1) with the following amendments:**

- **That overshadowing of Kibble Park should not deviate from the current planning controls**
- **That Council should remain the consent authority for development in the Gosford City Centre, notwithstanding the role of the JRPP in determining development with a capital investment value over \$30 million**
- **Council should be responsible for the appointment of any case managers, with regards to a "case management approach for major applications"**

**410/18 That Council request that the Acting Chief Executive Officer to forward the endorsed (or as amended by Council) submission to Ms Lee Shearer, The Coordinator General for the Central Coast.**

**411/18 That Council continue to work collaboratively with the Department of Planning and Environment and NSW Government Architects Office on the Urban Design Implementation Framework.**

- 412/18** That Council request the Department of Planning and Environment and the NSW Government Architects Office provide an urgent briefing to Council on further stages of the Urban Design Implementation Framework and announcements made today by the Minister for Planning including future traffic and parking management.
- 413/18** That Council request the Acting Chief Executive Officer to seek an extension from Department of Planning and Environment and the NSW Government Architects Office to the exhibition period for the current documents related to planning in the Gosford City Centre until 31 July 2018 to enable adequate time for community input.
- 414/18** That Council facilitate a minimum of two workshops to gauge community views in relation to proposed changes to planning in the Gosford City Centre, noting Sect 1.3(j) of the EP&A Act which legislates the requirement to provide increased opportunity for community participation in environmental planning and assessment.
- 415/18** That Council acknowledge and thank the Hon. Anthony Roberts MP, Minister for Planning for the announcement today of a commitment of \$52m in funding for infrastructure and public space upgrades.

**For:**

**Unanimous**

**3.2** **Deferred Item - Access to Hely Street Carpark in Wyong**

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

**Seconded:** **Councillor Sundstrom**

**Resolved**

- 416/18** That Council note the deferred Access to Hely Street Carpark in Wyong report which is Attachment 1 to this report.
- 417/18** That Council request the Acting Chief Executive Officer to open the boom gates to the carpark located in Hely Street, Wyong for public access 24 hours per day, or unless obligated to do otherwise due to the license agreement between the Council and the Art House Company Incorporated Pty Ltd.

**For:**

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

**Abstain**

**Councillor Gale Collins**

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

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**Moved:** Councillor Mehrrens

**Seconded:** Councillor Holstein

**Resolved**

**418/18 That Council defer consideration of this item to the Ordinary Meeting to be held on Monday 9 July 2018.**

**For:**

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

**Against**

**Councillors Best and Gale Collins**

### **3.4 Deferred Item - Notice of Motion - Council's Sister City Trip to Japan**

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**Moved:** Councillor Holstein

**Seconded:** Councillor Gale Collins

**Resolved**

**419/18 That Council defer consideration of this item to the Ordinary Meeting of Council to be held Tuesday, 12 June 2018.**

**For:**

**Unanimous**

### **3.5 Deferred Item - Notice of Motion - Central Coast Council 'Opts-in' on Rock Fishing Life Jackets**

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Mr Stuart Harvey addressed Council at 8.08pm.

**Moved:** Councillor Best

**Seconded:** Councillor Pilon

**Resolved**

**420/18 That Council note the deferred Notice of Motion - Central Coast Council 'Opts-in' on Rock Fishing Life Jackets which is Attachment 1 to this report.**

**421/18 That Council welcomes the recent announcement by the NSW State Government to introduce a program that allows Council to "opt in" to a process where the wearing of approved life jackets will be mandatory while fishing from high risk rock fishing platforms on the Central Coast.**



- 422/18** *That Council note that if it "opt in" to that program that the deadly Lake Munmorah Fishing Platform that is located within the Lake Munmorah State Recreation Area will be one of the rock platforms where the wearing of approved life jackets will be mandated.*
- 423/18** *That Council recognises the significant contribution made to this critical public safety initiative by the former Wyong Shire Council & in-particularly the Central Coast Surf Life Saving Service for their tremendous efforts in achieving this outcome.*
- 424/18** *That further Council also recognise the outstanding advocacy on this important issue by our local State Members.*
- 425/18** *That Council request that the Acting Chief Executive Officer provide a detailed report to Council on the costs, benefits and challenges of Council "opting in" to the Central Coast local government area becoming a declared "high risk rock fishing location" for the purposes of the Rock Fishing Safety Act 2016, that report to include:*
- a proposed public education and signage program;*
  - b proposed arrangements with the National Parks and Wildlife Service concerning the erection and maintenance of signage and enforcement actions within that Service's Lake Munmorah State Conservation Area; and*
  - c proposed adjustments to the adopted budget of Council to meet the costs of "opting in".*
  - d proposed arrangements in terms of enforcement across agencies.*
  - e Identification of proposed areas to which the provisions would apply.*

**For:**

**Unanimous**

### **3.6 Deferred Item - Notice of Motion - Position of Council Employment**

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Councillor Best declared pecuniary interest in the matter as he is the General Manager of Central Coast Group Training that provides apprentices to Central Coast Council. Councillor Best left the chamber at 8.06pm during consideration of this item, returned at 8.25pm and was absent for the vote.

**Moved:** **Councillor Hogan**

**Seconded:** **Councillor Matthews**

**Resolved**

- 426/18** *That Council note the deferred Notice of Motion – Position of Council Employment which is Attachment 1 to this report.*
- 427/18** *That Council advise on their approach to long term direct employment, recognising the importance of secure long term employment for current staff, upholding the 15% apprenticeship quota as well as supporting employment for people with a disability, especially young people.*

**428/18** *That Council provide a report that shows the breakdown of current FTE, PTE, casual employment, apprentices, traineeships, internships and people with a disability.*

**429/18** *Further to this, that Council takes into consideration population growth since amalgamation and future projected growth to ensure Council employment meets residents' demands.*

**430/18** *That Council request the Acting CEO to provide Councillors with a copy of the review of the approach to employing apprentices by the new organisation (CCC) - which was to be undertaken prior to the conclusion of the six month extension as per Resolution 1303/15 of Meeting 9 December 2015. If the review was not conducted, would staff please advise if the motion was rescinded and if not, if the review could be undertaken and be provided to Council at the meeting in one month's time.*

<b>For:</b> <b>Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, MacGregor, McLachlan, Greenaway, Burke, Vincent, Hogan</b>	<b>Abstain</b> <b>Councillor Pilon</b>
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### **3.7 Status of Legal Matters**

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

**Resolved**

**431/18** *That Council note the status of legal matters as provided in confidential attachment 1 to this report.*

**432/18** *That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that the attachment to this report remain confidential because that attachment includes advice concerning potential litigation or would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.*

**For:**  
**Unanimous**

### **3.8 Amendments to the Code of Conduct**

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**Moved:** Councillor Greenaway

**Seconded:** Councillor Matthews

**Resolved**

**433/18 That Council adopt the amended Central Coast Council's Code of Conduct set out in Attachment 1 to this report in accordance with section 440(7) of the Local Government Act 1993.**

**434/18 That Council increase the value of a token gift, from up to \$20.00, to up to \$50.00 in total.**

**For:**

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

**Against**

**Councillors Gale Collins, Pilon and Best**

### **3.9 Proactive Release**

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*Councillor Greenaway tabled item D13245923 - Development Application Notice of Determination for DA/1055/2017 and item D13245919 'Letter from Lake Macquarie Council to Central Coast Council dated 13 March 2018 regarding Warnervale Airport.*

**Moved:** Councillor Greenaway

**Seconded:** Councillor Vincent

**Resolved**

**435/18 That Council receive the report providing an update on the ongoing release of Council information under the Government Information (Public Access) Act 2009 and Council's proactive active release program.**

**436/18 That Council request the Acting Chief Executive Officer to consider the following as a proactive release of documents on the Council website:**

- 1 A link to the Warnervale Airport (Restrictions) Act.**
- 2 The Ministers reasons for retaining the Act.**
- 3 Letter dated 13 March 2018 to Council from Lake Macquarie City Council.**
- 4 Development Application Notice of Determination for DA/1055/2017 for clearing of native vegetation which was refused on 6 April 2018.**

**For:**

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

**Against**

**Councillors Burke and Best**

**3.10 Mangrove Mountain and Spencer Advisory Meeting held on 26 April 2018**

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

**Resolved**

- 437/18 That Council note the meeting record that is attached to this report.**
- 438/18 That Council endorse Recommendation 27 of the NSW Parliamentary Inquiry into Waste and request in particular a Special Commission of Inquiry.**
- 439/18 That Council request the Acting Chief Executive Officer to write to the NSW Premier and the NSW Minister for the Environment advising of Council's support for an Independent Inquiry and in particular a Special Commission of Inquiry.**
- 440/18 That Council request to be invited to participate in the development of the Terms of Reference for the Inquiry and seek input from the Mangrove Mountain and Spencer Advisory Committee.**

**For:**  
**Unanimous**

**3.11 Determination of Water Supply, Sewerage and Drainage Fees and Charges 2018-2019**

---

Councillor Matthews left the chamber at 10.58pm, did not return and was absent for the vote.

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

**Resolved**

- 441/18 That Council approve the water, sewerage and drainage Fees and Charges set out in Attachment 1.**
- 442/18 That Council determine, for the purposes of s.315(1)(a) the Water Management Act 2000, that the amount of revenue it proposes to raise by way of service charges is \$125,740,000.**
- 443/18 That Council determine, for the purpose of s.315(1)(b) of the Water Management Act 2000, that land is to be classified for the purpose of levying services charges according to the following factors:**
- a the purpose for which the land is actually being used,**
  - b the intensity with which the land is being used for that purpose,**
  - c the purposes for which the land is capable of being used,**
  - d the nature and extent of the water or sewerage services connected to the**

*land.*

**444/18** *That Council determine, for the purposes of s.315(1)(c) of the Water Management Act 2000 that services charges be levied on the following bases, as applicable to each charge:*

- a** *the availability of the service*
  - i** *the classification of land*
  - ii** *the size of the water meter registering supply*
  - iii** *the cost of providing the service (i.e. sewage discharge factor)*
- b** *the usage of the service*
  - i** *the volume of water supplied (as measured or estimated by Council)*
  - ii** *the degree of use (i.e. sewage discharge factor)*

**445/18** *That Council determine, for the purposes of s.315(1)(d) of the Water Management Act 2000, that the service charges be levied in accordance with attachment 1 to the report.*

**446/18** *That Council request that the Chief Executive Officer seek the Minister's approval under s315(3) of the Water Management Act 2000 for the service charges in accordance with the above determination.*

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

### **3.12 Stronger Communities Fund - Community Grants Round 4**

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Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she has professional relationships with grant applicants through her workplace. Councillor Hogan indicated that she will leave the chamber during consideration of this item. This item was resolved via the exception method.

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

**Resolved**

**447/18** *That Council adopt the recommendations for awarding \$291,616.34 in Round 4 of the Stronger Communities Fund – Community Grants (Confidential Attachment 2).*

**448/18** *That Council advise all applicants of Council's decision.*

**449/18** *That Council ensure recipients of the Stronger Communities Fund – Community Grants sign a funding agreement prior to funds being released.*

**450/18** *That Council resolve, for the purposes of s.11(3) of the Local Government Act 1993, that Attachments 2 and 3 are 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.*

**For:**

**Unanimous**

### **3.13 2017-18 Community Support Grant, Heritage Grant and Place Activation Grant Programs**

---

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she has professional relationships with grant applicants through her workplace. Councillor Hogan indicated that she will leave the chamber during consideration of this item. This item was resolved via the exception method.

**Moved:** **Councillor Holstein**

**Seconded:** **Councillor Gale Collins**

**Resolved**

**451/18***That Council allocate \$56,323 from the 2017-18 grants budget to the community grant programs as outlined in the 2017-18 Community Support, Heritage and Place Activation Grant Programs Recommended for Funding (Attachment 1).*

**452/18***That Council decline applications as outlined in the 2017-18 Community Support, Heritage and Place Activation Grant Programs Not recommended for Funding (Attachment 2), and the applicants be advised and where relevant, directed to alternate funding.*

**For:**

**Unanimous**

### **3.14 Water and Sewer Strategic Business Plan**

---

Councillor Matthews left the chamber at 10.58pm, did not return and was absent for the vote.

Councillor Greenaway left the chamber at 11.16pm, did not return and was absent for the vote.

**Moved:** **Mayor Smith**

**Seconded:** **Councillor Sundstrom**

**Resolved**

**453/18** *That Council endorse the 'Central Coast Council Water and Sewer Strategic Business Plan' that is attachment 1 to this report, with a Councillor workshop and a review to be undertaken within 6 months including consideration of water infrastructure and water quality as outlined in*

***previous resolutions, improved catchment management and improved demand management measures and other matters raised by Councillors.***

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

**Against:**  
**Councillors Pilon and Best**

The meeting was adjourned at 11.27pm and scheduled to reconvene at 7.30pm Monday 4 June 2018.

### **3.15 Proposed Regional Library and RPACC**

---

Moved: Councillor Holstein  
Seconded: Mayor Smith

- 1 *That Council request the Acting CEO to commence detailed design of option 7.2 as presented at the design workshop and contained within confidential attachment 4 (noting the proposed programme of works outlined in Confidential Attachment 4) and report back to Council with schematic designs and indicative cost estimates to the ordinary Council meeting of 27 August 2018.*
- 2 *That Council request the Acting CEO ensure that the development of option 7.2 include space for ET Australia and associated tenants within the proposed precinct, subject to acquisition of the lot known as 123B-125A Donnison Street (Lot 11 DP746819) by Council.*
- 3 *That Council requests the Acting CEO to acquire the lots included in Confidential Attachment 5 by private treaty, or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.*
- 4 *That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that all of the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the council proposes to conduct business with.*
- 5 *That the Mayor and Acting CEO seek urgent discussions with both State and Federal Government funding bodies to assist with funding shortfall for these much needed community projects.*

Amendment Moved: Councillor McLachlan  
Amendment Seconded: Councillor Best

- 1 *That Council request the Acting CEO to commence detailed design of option 7.2 as presented at the design workshop and contained within confidential attachment 4 (noting the proposed programme of works outlined in Confidential Attachment 4) and report back to Council with schematic designs and indicative cost estimates to the ordinary Council meeting of 27 August 2018.*

- 2 *That Council request the Acting CEO ensure that the development of option 7.2 include space for ET Australia and associated tenants within the proposed precinct, subject to acquisition of the lot known as 123B-125A Donnison Street (Lot 11 DP746819) by Council.*
- 3 *That Council requests the Acting CEO to acquire the lots included in Confidential Attachment 5 by private treaty, or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.*
- 4 *That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that all of the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the council proposes to conduct business with.*
- 5 *That the Mayor and Acting CEO seek urgent discussions with both State and Federal Government funding bodies to assist with funding shortfall for these much needed community projects.*
- 6 *That Council request the Acting CEO provide a report on potential funding of these projects including the sale or development of other assets of the Council.*

*For:*  
*Councillor McLachlan*

*Against*  
*Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, Gale Collins, Matthews, MacGregor, Greenaway, Burke, Vincent, Hogan and Best*

*Councillors Marquart and Pilon (Abstain)*

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

**Procedural Motion – Motion be Put**

**Moved: Mayor Smith**

**Resolved**

**454/18 That Council put the amendment to the vote.**

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

**Against:**  
**Councillors Marquart, Gale Collins, Pilon, Burke, Vincent and Best**

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



**Resolved**

- 455/18** That Council request the Acting CEO to commence detailed design of option 7.2 as presented at the design workshop and contained within confidential attachment 4 (noting the proposed programme of works outlined in Confidential Attachment 4) and report back to Council with schematic designs and indicative cost estimates to the ordinary Council meeting of 27 August 2018.
- 456/18** That Council request the Acting CEO ensure that the development of option 7.2 include space for ET Australia and associated tenants within the proposed precinct, subject to acquisition of the lot known as 123B-125A Donnison Street (Lot 11 DP746819) by Council.
- 457/18** That Council requests the Acting CEO to acquire the lots included in Confidential Attachment 5 by private treaty, or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
- 458/18** That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that all of the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the council proposes to conduct business with.
- 459/18** That the Mayor and Acting CEO seek urgent discussions with both State and Federal Government funding bodies to assist with the funding shortfall for these much needed community projects.

A division was called by Councillor Best and Gale Collins.

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

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

**Procedural Motion – Motion be Put**

**Moved:** Mayor Smith

**Resolved**

**460/18** That Council put the motion to the vote.

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

**Against:**  
Councillors Marquart, Holstein, Gale  
Collins, Pilon and Burke

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

**3.16 2017-18 Q3 Business Report**

---

Councillor Vincent declared a less than significant non-pecuniary interest in the matter as there has been thin asphalt and heavy patching work undertaken in Narambi Road, Buff Point, where Councillor Vincent is a resident and as there has been road and upgrade works with curb and guttering at Cape Three Points Road, Avoca, where Councillor Vincent has relatives residing. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as the works at Narambi Road and Cape Three Points Road were approved by the previous Council whilst under Administration, and are completed and it is proposed the budget be adjusted to reflect savings in those works.

**Moved: Councillor Holstein**

**Seconded: Councillor Gale Collins**

**Resolved**

**461/18 That Council receive Central Coast Council's Q3 Business Report on progress against Central Coast Council's 2017-18 Operational Plan.**

**462/18 That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.**

**463/18 That Council approve the proposed budget amendments included in Central Coast Council's Q3 Business Report for 2017-18.**

**For:**

**Unanimous**

**4.1 Investment Report for April 2018**

---

**Moved: Councillor Holstein**

**Seconded: Councillor Gale Collins**

**Resolved**

**464/18 That Council receive the Investment Report for April 2018.**

**For:**

**Unanimous**

**4.2 Economic life span of the water infrastructure and water quality across the Central Coast**

---

**Moved:** Councillor Mehrtens

**Seconded:** Councillor Vincent

**Resolved**

**465/18 That Council note this report.**

**For:**

**Unanimous**

**4.3 Voting Rights at the 2018 National General Assembly of Local Government**

---

**Moved:** Councillor Holstein

**Seconded:** Councillor Gale Collins

**Resolved**

**466/18 That Council receive the report on Voting Rights at the 2018 National General Assembly of Local Government.**

**For:**

**Unanimous**

**4.4 Response to Notice of Motion – Terrigal Roads**

---

**Moved:** Councillor Holstein

**Seconded:** Councillor Gale Collins

**Resolved**

**467/18 That Council receive the report on Response to Notice of Motion – Terrigal Roads.**

**For:**

**Unanimous**

**4.5 Response to Deferred Item - Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection**

---

Brian Glendenning declared a pecuniary interest in the matter as proposed resolution 5 refers to operation of shops at Council's waste facilities to improve recycling, and his brother and his partner work at a "Reviva" centre at a waste facility. Reviva is operated by Resource Recovery Australia (RRA). RRA may seek to provide services to Central Coast Council and his brother and/or his partner may receive a financial benefit from the provision of those services. Mr Glendenning first became aware of the interest last Saturday. Mr Glendenning left the chamber at 9.32pm during consideration of this item, returned at 9.53pm and was absent for the vote.

Councillor Best left the chamber at 9.51pm, did not return and was absent for the vote.

**Moved: Councillor Vincent**

**Seconded: Councillor Sundstrom**

**Resolved**

**468/18 That Council receive the report on Response to Deferred Item - Notice of Motion - Policies Around Bulk Kerbside Rubbish Collection.**

**469/18 That Council thank the staff members involved in preparing the report.**

**470/18 That the Acting CEO request staff investigate the activation of an after-hours kerbside pickup telephone booking number (For example: up to 7.00pm on weekdays and 5.00pm on weekends)**

**471/18 That the Acting CEO request staff investigate the educational and promotional resources, further micro sorting information for waste when it is placed on the Kerbside, (For example: metal, white goods, car batteries and items of value which can be reused) and penalties for enforcement.**

**472/18 That the Acting CEO request staff to investigate and consider introducing a recycle shop at appropriate Central Coast Waste Management Facilities for the sale of items that can be reused.**

**473/18 That the Acting CEO request staff investigate including, in the educational and promotional resources, advising residents to consider contacting a charity or recycling organisation to take useable items away to avoid them needing to be disposed of in landfill.**

**474/18 That the Acting CEO include these investigations include potential costs and savings.**

**For:**

**Unanimous**

#### **4.6 Winney Bay Reserve Project Update**

---

Mrs Joy Cooper addressed Council at 8.32pm.

Mrs Heather Graham addressed Council at 8.45pm.

Mr Adam Richards addressed Council at 8.49pm.

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

#### **Resolved**

- 475/18 That Council receive the report on Winney Bay Reserve Project Update.**
- 476/18 That Council re exhibit the concept plans proposed for stage 2 in consultation with the community.**
- 477/18 That Council invite all attendees at the community meeting held in April 2018 to be involved in the formation of bush care groups in the Winney Bay and Copacabana area.**
- 478/18 That Council investigate potential improvements to Del Monte Place in terms of parking and both vehicular and pedestrian traffic.**
- 479/18 That Council request the Acting Chief Executive Officer to consider the matters put by the speakers Miss Graham and Miss Cooper and provide a follow up report to the Council on those matters.**

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

#### **4.7 2017/18 Capital Works Project Status**

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Councillor Vincent declared a less than significant non-pecuniary interest in the matter as there has been thin asphalt and heavy patching work undertaken in Narambi Road, Buff Point, where Councillor Vincent is a resident and as there has been road and upgrade works with curb and guttering at Cape Three Points Road, Avoca, where Councillor Vincent has relatives residing. Councillor Vincent chose to remain in the chamber and participate in discussion and voting as the works at Narambi Road and Cape Three Points Road were approved by the previous Council whilst under Administration, and are completed and it is proposed the budget be adjusted to reflect savings in those works.

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

#### **Resolved**

**480/18** *That Council note the status of capital projects as provided in Attachment 1 to this report.*

**For:**

**Unanimous**

#### **Procedural Motion**

Councillor Best left the chamber at 9.21pm, returned at 10.14pm and was absent for the vote on the procedural item.

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

**Seconded:** **Mayor Smith**

**Resolved**

**481/18** *That Council consider items 4.8 and 6.1 together.*

**For:**

**Unanimous**

#### **4.8 Legal advices – Wallarah 2 Coal Mine**

---

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 who may have made submissions in relation to this matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Councillor Best declared a less than significant non-pecuniary interest in items 4.8 and 6.1 as Wallarah has a substantial apprentice scholarship program of which the company he runs, Central Coast Training, manages on behalf of them. Councillor Best left the chamber at 9.21pm and during consideration of this item, returned at 10.14pm and was absent for the vote.

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

**Seconded:** **Councillor Matthews**

**Resolved**

**482/18** *That the Council notes the advices of Ian Hemmings SC, Kate Lindeman and Martin Ball that are attachments 1 and 2 to the report in respect to item 4.8 in this business paper.*

**483/18** *That the Council notes the judicial review proceedings which have been commenced in the Land and Environment Court by Australian Coal Alliance Incorporated challenging the consent granted by the PAC.*

- 484/18** *That the Council does not commence similar and overlapping judicial review proceedings and does not seek leave to intervene in the existing proceedings.*
- 485/18** *That the Council provide funding of \$200,000 to Australian Coal Alliance Incorporated for the specific purpose of engaging a suitable expert(s) to provide evidence in the proceedings in respect of the issues of concern to the Council, noting leave must first be granted in the judicial review proceedings for such expert evidence to be presented.*
- 486/18** *That Council request the Acting Chief Executive Officer enter in to an agreement with Australian Coal Alliance Incorporated, and if necessary with the solicitors acting for the Australian Coal Alliance Incorporated, that provides for proper and transparent accounting of the funding provided to Australian Coal Alliance Incorporated by Council as well as the return of such of that funding that might be recovered by Australian Coal Alliance Incorporated pursuant to a costs order in its favour in the judicial review proceedings.*
- 487/18** *That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that attachments 1 and 2 to the report in respect to item 4.8 in this business paper (being the advice of Ian Hemmings SC and Kate Lindeman, and the advice of Martin Ball respectively) remain confidential, as those attachments include legal advice to Council that is subject to legal client privilege.*

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

**Against**  
**Councillors Marquart, Gale Collins, Pilon and Burke**

**Procedural Motion – Motion be Put**

Moved: Mayor Smith

*That Council put the motion to the vote.*

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

**Against:**  
**Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan, Greenaway, Burke and Vincent**

*The Motion was put to the vote and declared LOST. Discussions continued in relation to the motion.*

#### **4.9 Reports Due to Council**

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

**Resolved**

**488/18 That Council note the report on Reports Due to Council.**

**For:**  
**Unanimous**

#### **6.1 Notice of Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge**

---

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 who may have made submissions in relation to this matter. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

Councillor Best declared a less than significant non-pecuniary interest in items 4.8 and 6.1 as Wallarah has a substantial apprentice scholarship program of which the company he runs, Central Coast Training, manages on behalf of them. Councillor Best left the chamber at 9.21pm and during consideration of this item, returned at 10.14pm and was absent for the vote.

Mr Michael Campbell addressed Council at 9.21pm.

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Matthews

**Resolved**

**489/18 That the Council notes the advices of Ian Hemmings SC, Kate Lindeman and Martin Ball that are attachments 1 and 2 to the report in respect to item 4.8 in this business paper.**

**490/18 That the Council notes the judicial review proceedings which have been commenced in the Land and Environment Court by Australian Coal Alliance Incorporated challenging the consent granted by the PAC.**

**491/18 That the Council does not commence similar and overlapping judicial review proceedings and does not seek leave to intervene in the existing proceedings.**

**492/18 That the Council provide funding of \$200,000 to Australian Coal Alliance Incorporated for the specific purpose of engaging a suitable expert(s) to provide evidence in the proceedings in respect of the issues of concern to the Council, noting leave must first be granted in the judicial review proceedings for such expert evidence to be presented.**



**493/18** *That Council request the Acting Chief Executive Officer enter in to an agreement with Australian Coal Alliance Incorporated, and if necessary with the solicitors acting for the Australian Coal Alliance Incorporated, that provides for proper and transparent accounting of the funding provided to Australian Coal Alliance Incorporated by Council as well as the return of such of that funding that might be recovered by Australian Coal Alliance Incorporated pursuant to a costs order in its favour in the judicial review proceedings.*

**494/18** *That Council resolve, for the purposes of s. 11(3) of the Local Government Act 1993, that attachments 1 and 2 to the report in respect to item 4.8 in this business paper (being the advice of Ian Hemmings SC and Kate Lindeman, and the advice of Martin Ball respectively) remain confidential, as those attachments include legal advice to Council that is subject to legal client privilege.*

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

**Against**  
*Councillors Marquart, Gale Collins, Pilon and Burke*

## **6.2** Notice of Motion - Councils Public Apology

---

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

**Resolved**

**495/18** *That Council defer consideration of this item to the Ordinary Meeting of Council to be held Tuesday, 12 June 2018.*

**For:**  
*Unanimous*

## **6.3** Notice of Motion - Blue Ringed Octopi in Community Pool

---

Mr Andrew Whitbourne addressed Council at 10.13pm.

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

**Resolved**

**496/18** *That Council requests the Acting Chief Executive Officer to provide a report on a strategy for the upgrading of all netted baths.*

**497/18** *That Council gives consideration to that report.*

**For:**  
*Unanimous*

The meeting was adjourned from 10.30pm to 10.43pm.

**Questions on Notice**

**Q66/18 QON - Emergency State Government Funding  
Councillor Troy Marquart**

*If we could please get an update in regards to the Emergency State Government funding grant application to complete the emergency dredging in Ettalong Channel. Will a compliant grant application be lodged within the communicated closing date timeframe? How long does the Council expect these emergency works to take and when will they commence?*

**Response – Brian Glendenning – Acting Chief Executive Officer**

*I have got a communication from DPI Lands today and I haven't had a chance to review that so I will have to take that on notice but I will be able to turn it around very quickly.*

**Q67/18 QON - Mandatory Food Preparation Inspections  
Councillor Troy Marquart**

*A local small business owner suggest to me that their business has been informed that mandatory food preparation inspections which were previously completed by the NSW Food Authority, will now be the responsibility of and conducted by local Councils. Is this true and if it's true on what date these inspections will be the direct responsibility of the Council and also what these inspections will cost Central Coast Council.*

**Q68/18 QON - Review Meeting Practices  
Councillor Chris Holstein**

*Madam Mayor, are you prepared to call a meeting of all the Councillors to review aspects of meeting procedures with a view to improving them?*

**Response – Shane Sullivan**

*It is proposed that a report will come to the 25 June 2018 Council meeting and we are trying to find some time in Council's busy schedule for a discussion around tools to expedite meetings.*

**Q69/18 QON - Umina Beach Shower  
Councillor Richard Mehrtens**

*There is a shower at the Umina Beach amenities block that has been broken now since at least January. Two requests to Councillor Support have revealed that they were one going to be fixed in January. That has not happened and then on further requests I have been told it would be fixed by the end of May. May has now passed. Has that repair work been done? If not, when will that repair work be done?*

**Q70/18 QON - 61 Scenic Hwy Terrigal**  
**Councillor Rebecca Gale Collins**

*At 61 Scenic Hwy Terrigal residents have lost a third of their backyard due to excavation work at the neighbouring property Was a Geotech survey done in compliance with the engineers requirements prior to the excavation within the vicinity of the retaining wall?*

**Q71/18 QON - Ocean Beach Sandwall**  
**Councillor Rebecca Gale Collins**

*Can Council please prioritise addressing the erosion and re-profiling of Ocean Beach, as the sand wall has now collapsed?*

**Q72/18 QON - Old Grove School Site**  
**Councillor Lisa Matthews**

*Can staff please advise what has become of the previous Wyong Councils' motion that Council pursue compulsory acquisition of the Old Grove School site or part of?*

**Q73/18 QON - Kangy Angy Roundabout**  
**Councillor Lisa Matthews**

*Has Transport NSW submitted a DA for the proposed new roundabout required for the Kangy Angy transport facility on the corner of Old Chittaway Road and Enterprise Drive, Fountaindale?*

**Q74/18 QON - Adcock Park Gosford Netball**  
**Councillor Kyle MacGregor**

*Why were Gosford Netball and Netball NSW informed by Council that they have to engage a contractor to locate services such as irrigation, water mains, sewer mains, power and other possible services in order to utilise Adcock Park 7 oval utilised as a place to set up tents, has this occurred previously and if not why is this occurring now? Is council unaware of where these services are in other sporting fields or is this limited to Adcock Park Oval 7 and what steps can Council take to urgently resolve this issue and impasse with Netball NSW and Gosford Netball before their upcoming gala day and to avoid any confusion or further issues into the future with the location of these services at Adcock Park or at other sporting fields across the Central Coast Council area?*

**Q75/18 QON - Community and Sporting Fees, Charges and Lease Agreements**  
**Councillor Kyle MacGregor**

*I note that the fees and charges are in the Draft Delivery Program and Operational Plan. Are there any plans for councillors, community and sporting organisations to be given the opportunity to review these charges with staff in the near future?*

**Q76/18 QON - Airport Phone Survey**  
**Councillor Jilly Pilon**

*Did Council ever undertake an official or unofficial survey about the airport, and if yes, can you please provide us with the results?*

**Q77/18 QON - Asbestos Urgency Motion**  
**Councillor Jilly Pilon**

*Can you please advise regarding the asbestos urgency motion that was back on 23 April 2018, just in relation to when those seven points will be coming back to us?*

**Q78/18 QON - Wallarah Coal Funds**  
**Councillor Bruce McLachlan**

*The budget is \$64,000 for surplus this year. We gave away \$200,000 for the coal last week. I was just wondering, and correct me if I'm wrong, we were given \$17million for Kangy for environmental land purposes. Could the \$200,000 be taken from the \$17million that was paid for the Kangy land?*

**Q79/18 QON - Duplicated Assets**  
**Councillor Bruce McLachlan**

*Can the Councillors be provided with a report of assets duplicated, surplus, or offering redevelopment potential that can be sold or developed, to assist in any funding shortfalls of capital works programme?*

**Q80/18 QON - Timeframe for Responses to Questions on Notice**  
**Councillor Louise Greenaway**

*What is the timeframe for replying to Questions on Notice? .Is there any time that would seem like too much time? I just don't know when to start chasing without getting staff offside.*

**Response – Brian Glendenning – Acting Chief Executive Officer**

*The answer is it depends on resourcing priorities and some questions we can get to quickly and some require more research, so there is no set time, we genuinely try to get to them as quickly as we can in the context. There is no prescribed time but we have introduced a periodic report so you can see when resolutions and questions are outstanding so that you get eyes on that. Some questions that you ask actually require a fair bit of work and some require almost no work, but there is no set time like there is for Councillor Requests.*

**Q81/18 QON - Airport Phone Survey**  
**Councillor Louise Greenaway**

*In relation Councillor Pilon's question about a telephone survey. I thought that there was on so that may come out when staff look into that. If it is found that one was conducted, I just would ask that the source of the questions be identified.*

**Q82/18 QON - Next Ordinary Meeting**  
**Councillor Chris Burke**

*Just clarification that our next meeting is next Tuesday because of the long weekend, is that right?*

**Response – Mayor Smith**

*Yes Councillor Burke, that is right.*

**Q83/18 QON - Pacific Highway, Blue Haven**  
**Councillor Jillian Hogan**

*After the recent fatalities on the Pacific Highway at Blue Haven the speed limit has been reduced from 100ks/hr to 80kms/hr. Residents are asking if they has been any consideration by Council and the Transport Committee to change the give way sign on Blue Haven Way to a stop sign?*

**The Meeting** adjourned at 11.27pm on Monday 28 May 2018.

**The reconvened Meeting** closed at 10.04pm on Monday 4 June 2018.