



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
49 Mann Street, Gosford
on 9 April 2018
Commencing at 6.30pm

Present

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

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 6.35pm 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 no. 6.2 was 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

An apology was received from Councillor Burke.

It was noted that Councillor Marquart returned early from his approved leave of absence having given appropriate due notice to the Acting Chief Executive Officer.

1.1 Disclosure of Interest

4.1 Policy for Memorials, Naming of Council Facilities and Donation of Park Furniture and Trees

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as she is looking to name the skate park in Terrigal in memory of her son shortly.. 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.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as there may be a perceived perception in the community in relation to trees that raises the question of pecuniary interest. Councillor Greenaway 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.

4.2 2017-18 Community Support Grant Program

Councillor Holstein declared a less than significant non-pecuniary interest in the matter as his employer is an applicant. Councillor Holstein left the chamber at 8.18pm during consideration of this matter, did not vote and returned at 8.20pm.

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as she is on the Grants Committee. 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.

Councillor Mehrtens declared a less than significant non-pecuniary interest in the matter as he is an ex-officio member of the Board of the Showground Trust and they are an applicant. Councillor Mehrtens chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect his ability to carry out his public duty.

Moved: Mayor Smith
Seconded: Councillor Pilon

Resolved

257/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meeting

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

258/18 That Council confirm the minutes of the previous Ordinary Meeting of the Council held on 26 March 2018 with the following amendment:

- U3/18 - Development of the former Old Sydney Town Site – Include Councillor Greenaway as having voted against the motion and Councillor McLachlan as an abstention.

For:
Unanimous

Procedural Motion – Address by Invited Speakers

Moved: Councillor McLachlan
Seconded: Councillor Greenaway

Resolved

259/18 That Council invite the following speakers to address Council:

SPEAKERS	REPORT
Mr Patrick Aiken In favour of the motion	6.2 - Notice of Motion - Council's Increasing Confidential Reporting

For:
Unanimous

Procedural Motion – Suspension of Standing Orders

Moved: Mayor Smith
Seconded: Councillor Pilon

Resolved

260/18 That Council suspend standing orders and consider item 6.2 after the speaker address and then the remaining items in agenda sequence.

For:
Unanimous

Procedural Motion - Exception

Moved: **Councillor Gale Collins**

Seconded: **Councillor Vincent**

Resolved

261/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

Exception	
2.1	Deferred Item - Mayoral Minute – Code of Conduct
3.1	Proposed Dedication of Land for Road Widening at 4 Brownlee Street, Ourimbah
4.1	Policy for Memorials, Naming of Council Facilities and Donation of Park Furniture and Trees
4.2	2017-18 Community Support Grant Program
4.4	Appointments to Advisory Groups
6.1	Notice of Motion - Disability Precincts

262/18 That Council adopt the following items en-masse and in accordance with the report recommendations.

En-masse	
4.3	Amendments to the Councillor Expenses and Facilities Policy
7.1	Proposed Acquisition of Private Land at Dooralong Road, Lemon Tree for Road Purposes

For:

Unanimous

2.1 Deferred Item - Mayoral Minute - Code of Conduct

Moved: **Mayor Smith**

Seconded: **Councillor Greenaway**

Resolved

263/18 That Council defer this matter pending a report from the Acting CEO to the Ordinary Meeting 28 May 2018.

For:

Unanimous

3.1 Proposed Dedication of Land for Road Widening at 4 Brownlee Street, Ourimbah

Moved: Mayor Smith
Seconded: Councillor Vincent

- 1 That Council not authorise the dedication as public road of part Lot 4 DP 612071 at 4 Brownlee Street, Ourimbah.
- 2 That Council redesign the replacement of the existing bridge and timing of works to minimise impact on the university.

Mayor Smith withdrew the motion.

Further Motion Moved: Councillor Best
Further Motion Seconded: Councillor Holstein

That this matter be deferred pending a further report and site inspection from the staff around the benefits and dis-benefits of using the current alignment versus the realignment, cost, timings, impacts, should be all tabled.

Councillor Best withdrew the Further Motion.

Further Motion Moved: Councillor MacGregor
Further Motion Seconded: Councillor Best

That Council authorise the dedication as public road of part Lot 4 DP 612071 at 4 Brownlee Street, Ourimbah.

Amendment Moved: Mayor Smith
Amendment Seconded: Councillor Greenaway

That Council defer this matter pending a site inspection.

For:
Mayor Smith and Councillors Mehrtens,
Sundstrom and Greenaway.

Against:
Councillors Marquart, Holstein, Gale Collins,
Matthews, MacGregor, Pilon, McLachlan,
Vincent, Hogan and Best

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

Resolved

264/18 That Council authorise the dedication as public road of part Lot 4 DP 612071 at 4 Brownlee Street, Ourimbah.

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

Against:
Mayor Smith and Councillor Greenaway

4.1 Policy for Memorials, Naming of Council Facilities and Donation of Park Furniture and Trees

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as she is looking to name the skate park in Terrigal in memory of her son shortly.. 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.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as there may be a perceived perception in the community in relation to trees that raises the question of pecuniary interest. Councillor Greenaway 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: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

265/18 That Council adopt the Central Coast Council Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees set out in Attachment 1 to this report, taking into account the ability to donate to the Gosford Foundation Trust for the former Gosford Local Government Area.

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

4.2 2017-18 Community Support Grant Program

Councillor Holstein declared a less than significant non-pecuniary interest in the matter as his employer is an applicant. Councillor Holstein left the chamber at 8.18pm during consideration of this matter, did not vote and returned at 8.20pm.

Councillor Pilon declared a less than significant non-pecuniary interest in the matter as she is on the Grants Committee. 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.

Councillor Mehrtens declared a less than significant non-pecuniary interest in the matter as he is an ex-officio member of the Board of the Showground Trust and they are an applicant. Councillor Mehrtens chose to remain in the Chamber and participate in discussion and voting as the conflict will not affect his ability to carry out his public duty.

Councillor Best left the chamber at 8:19pm, returned at 8:22pm and was absent for the vote on the motion.

Moved: Councillor Vincent
Seconded: Councillor Hogan

Resolved

266/18 That Council allocate \$48,319.49 for the Community Support Grant Program from the 2017-18 grants budget as outlined in the 2017-18 Community Support Grant Program - Recommended for funding (Attachment 1).

267/18 That Council decline applications as outlined in the 2017-18 Community Support Grant Program - Not recommended for funding (Attachment 2).

For:
Unanimous

4.3 Amendments to the Councillor Expenses and Facilities Policy

Moved: Councillor Gale Collins
Seconded: Councillor Vincent

Resolved

268/18 That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report.

For:
Unanimous

4.4 Appointments to Advisory Groups

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

269/18 That Council determine that Councillor membership of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons is as follows:

- (a) Mayor Smith;**
- (b) Councillor Marquart; and**
- (c) Councillor Mehrtens.**

270/18 That Council determine that community membership of the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons is as follows:

- (a) Ian Carruthers;**
- (b) Andrew Jones;**
- (c) Michael Kilp;**

- (d) Jenny McCulla;*
- (e) Adrian Williams; and*
- (f) Samantha Willis.*

271/18 That Council determine that the Councillor membership of the Catchments and Coast Committee – Tuggerah Lakes is as follows:

- (a) Mayor Smith;*
- (b) Councillor Greenaway;*
- (c) Councillor Pilon; and*
- (d) Councillor Vincent.*

272/18 That Council determine that the community membership of the Catchments and Coast Committee – Tuggerah Lakes is as follows:

- (a) Michael Campbell;*
- (b) Douglas Darlington;*
- (c) Robert Davies;*
- (d) Graham Hankin;*
- (e) Marlene Pennings; and*
- (f) Samantha Willis.*

273/18 That Council resolve to amend the Terms of Reference of the Coastal Open Space (COSS) Committee to provide for five community representative rather than one per Ward.

274/18 That Council determine that the Councillor membership of the Coastal Open Space (COSS) Committee is as follows:

- (a) Mayor Smith,*
- (b) Councillor Holstein;*
- (c) Councillor Greenaway; and*
- (d) Councillor Sundstrom.*

275/18 That Council determine that the community membership of the Coastal Open Space (COSS) Committee is as follows:

- (a) John Andrews;*
- (b) David Holland;*
- (c) Deb Holloman;*
- (d) Paul Links; and*
- (e) Barbara Wills.*

276/18 That Council determine that the Councillor membership of the Heritage Advisory Committee is as follows:

- (a) Mayor Smith,*
- (b) Councillor Greenaway;*
- (c) Councillor MacGregor;*
- (d) Councillor Sundstrom; and*
- (e) Councillor Vincent.*

277/18 That Council determine that the community membership of the Heritage Advisory Committee is as follows:

- (a) Warren Andrews;**
- (b) David Benwell;**
- (c) Walter Billington;**
- (d) Margot Castles;**
- (e) Gary Dean;**
- (f) Sandra Hunt-Sharman;**
- (g) Verena Mauldon;**
- (h) Joseph Murray;**
- (i) Prue Wyllie; and**
- (j) Kreenah Yelds.**

278/18 That Council determine that the Councillor membership of the Employment and Economic Development Committee – Central Coast is as follows:

- (a) Mayor Smith;**
- (b) Councillor Gale Collins;**
- (c) Councillor Holstein;**
- (d) Councillor MacGregor;**
- (e) Councillor McLachlan;**
- (f) Councillor Pilon; and**
- (g) Councillor Sundstrom**

279/18 That Council determine that the community membership of the Employment and Economic Development Committee – Central Coast is as follows:

- (a) William Adames;**
- (b) John Asquith;**
- (c) Mike Goodman;**
- (d) Michael Pilon; and**
- (e) Brad Wilson.**

280/18 That Council determine that the Councillor membership of the Gosford CBD and Waterfront Advisory Committee is as follows:

- (a) Mayor Smith;**
- (b) Councillor Gale Collins;**
- (c) Councillor Greenaway;**
- (d) Councillor Holstein;**
- (e) Councillor MacGregor; and**
- (f) Councillor Mehrtens.**

281/18 That Council determine that the community membership of the Gosford CBD and Waterfront Advisory Committee is as follows:

- (a) Michael Conroy;**
- (b) Joy Cooper;**
- (c) Rod Dever;**
- (d) Dianne Haydon;**
- (e) Chris Krogh; and**
- (f) Edwina Nikora.**

- 282/18** *That Council request the Acting Chief Executive Office organise the first meetings of these six newly established Advisory Groups (in consultation with the relevant Councillors) as soon as practicable following the provision of Code of Conduct training to members.*
- 283/18** *That Council request the Acting Chief Executive Office write to all members of the community who submitted an expression of interest to advise them of Council's resolution concerning the Advisory Group for which they applied.*
- 284/18** *That Council resolve, pursuant to s.11 (3) of the Local Government Act 1993, that the attachments to this report remain confidential as the attachments include "personnel information" about individuals who are not Councillors.*
- 285/18** *That each relevant committee consider late applications and make a recommendation to the Council.*

For:
Mayor Smith and Councillors Holstein, Mehrrens, Sundstrom, Matthews, MacGregor, Greenaway, Vincent and Hogan.

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

6.1 Notice of Motion - Disability Precincts

Moved: *Councillor Gale Collins*
Seconded: *Councillor Vincent*

Resolved

- 286/18** *That Council engage with community stakeholders and develop all-inclusive disability precincts to boost tourism, economic stimulus and residential lifestyle choice.*

For:
Unanimous

6.2 Notice of Motion - Council's Increasing Confidential Reporting

Mr Pat Aitken addressed the Council at 6:39pm.

Moved: *Councillor Best*
Seconded: *Councillor Greenaway*

- 1** *That Council recognises the importance of providing open and transparent reporting to our residents and ratepayers.*
- 2** *That Council notes with some concern the increasing trend for agenda items now frequently being dealt with behind closed doors in confidential sessions.*

- 3 *That Council now review its policy that is triggering this escalation of confidentiality with a view to returning to a more transparent state.*
- 4 *Further Council recognises the requirement pursuant to the Local Government Act 1993, in particular Section 10(a). However where discretion can be achieved it must arrive at reporting transparency.*
- 5 *Where Councillors have been provided with information from staff but have been instructed that it is confidential and they are not to share it with fellow Councillors, that the basis of that decision be reported back to the requesting Councillor (e.g. What section of what Act?).*

Amendment Moved: Mayor Smith
Amendment Seconded: Councillor Vincent

- 1 *That Council recognises the importance of providing open and transparent reporting to our residents and ratepayers.*
- 2 *That Council notes the requirement pursuant to the Local Government Act 1993, in particular Section 10(a). That a number of categories of information are required to be considered in confidential by Council. However where discretion can be achieved it must arrive at reporting transparency.*
- 3 *Where Councillors have been provided with information from staff but have been instructed that it is confidential and they are not to share it with fellow Councillors, that the basis of that decision be reported back to the requesting Councillor (e.g. What section of what Act?).*

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

The Amendment was put to the vote and declared CARRIED. The Amendment now becomes the motion.

Further Amendment Moved: Councillor Greenaway
Further Amendment Seconded: Councillor Best

- 1 *That Council request the Acting CEO to use plain English when recommending that a report be considered in closed session or that a document remain confidential when citing the relevant provisions of the Local Government Act.*
- 2 *Where Councillors have been provided with information from staff but have been instructed that it is confidential and they are not to share it with fellow Councillors, that the basis of that decision be reported back to the requesting Councillor (e.g., what Section of what Act?).*

- 3 *That Council now supports the development of a proactive release program that is responsible for matters to be put into confidentiality with the view to be transparent.*

For:
Councillors Marquart, Gale Collins, Pilon,
McLachlan, Greenaway and Best

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

Councillor MacGregor (Abstained)

The Amendment was put to the vote and declared LOST. The Motion was then put.

Resolved

287/18 *That Council recognises the importance of providing open and transparent reporting to our residents and ratepayers.*

288/18 *That Council notes the requirement pursuant to the Local Government Act 1993, in particular Section 10(a). That a number of categories of information are required to be considered in confidential by Council. However where discretion can be achieved it must arrive at reporting transparency.*

289/18 *Where Councillors have been provided with information from staff but have been instructed that it is confidential and they are not to share it with fellow Councillors, that the basis of that decision be reported back to the requesting Councillor (e.g. What section of what Act?).*

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

Against:
Councillor Pilon

7.1 **Confidential Item - Proposed Acquisition of Private Land at Dooralong Road, Lemon Tree for Road Purposes**

Moved: **Councillor Gale Collins**
Seconded: **Councillor Vincent**

Resolved

290/18 *That Council resolve to acquire part of the land known as Lot 154 DP 877468 at 1750 Dooralong Road, Lemon Tree (the Land) as public road.*

For:
Unanimous

Questions on Notice

Q29/18 COSS Zoned Land Maintenance
Councillor Troy Marquart

Request clarification in regards to the current maintenance scope of works Council has tabled in regards to COSS zoned land. What are our maintenance responsibilities on parcels of land zoned COSS? What is the Council's financial spend on the COSS land maintenance annually?

Q30/18 Accusations
Councillor Chris Holstein

Accusations made in public forum this evening. Request that Councillors be advised of staff response to claims as a matter of urgency.

Q31/18 Bulk Collections
Councillor Chris Holstein

Can staff advise if Council's contractor (waste services) is still experiencing delays with bulk collections and when will it be back on track?

Q32/18 Advertising Council Matters
Councillor Doug Vincent

Many residents in the north of the central coast do not receive deliveries of the Express Advocate which is Council's nominated publication to communicate Council's community programs, activities and proposed development applications to the community. Could staff please advise if Council communications and advertising can also be undertaken in other publications which cover additional areas in the Central Coast area, such as the Wyong Regional Chronicle, Pelican Itch or the top end community newsletters?

Q33/18 Kerbside Waste
Councillor Doug Vincent

Further To the unanimous motion passed by Council on the 12 March re Kerbside waste. Could staff please advise if it is possible to fast track and hold a briefing in early May for Councillors to discuss among other issues Council's Waste Policy, Waste Contract and Resident's waste booking collection procedures. Could staff also advise if a briefing could be held afterhours at a time when Councillors who work throughout the day can attend

**Q34/18 Carters Road
Councillor Jillian Hogan**

Residents of Lake Munmorah have been circulating a Masterplan 'Transforming the NSW Central Coast' which was written in 2014. It proposes a TAFE to be built in Carter's Road. Is this Masterplan still active and have any negotiations with stakeholders taken place?

**Q35/18 Public Art Policy
Councillor Jillian Hogan**

There are both Gosford and Wyong Public Art policies. Given the two policies, what is the current position of Council with public art? And what is the current procedure for the procurement of public art.

**Q36/18 Kariong Exit - Weeds
Councillor Rebecca Gale Collins**

Can the Council please remove weeds around M1 Kariong turnoff and down along Central Coast Hwy down toward Gosford as a matter or priority. And, along the M1 road fringe from Kariong up to Wyong.

**Q37/18 Proposed Name Change - Melville Street Kincumber
Councillor Rebecca Gale Collins**

That Council please provide rationale behind the proposed name change to the section of Melville Street in Kincumber.

**Q38/18 Caravans and Manufactured Home Estates
Councillor Richard Mehrtens**

How many households live in caravan or manufactured home estates on the NSW Central Coast now compared to 2011 and 2006?

- a) Number of residents in Council owned parks*
- b) Number of residents in non-Council owned parks*
- c) Number of residents in all parks combined*

**Q39/18 Council Caravan and Park Sites
Councillor Richard Mehrtens**

What actions has Council taken to ensure and protect the affordable housing provided by its own caravan and park sites as well as the privately owned sites in the region?

Q40/18 Development Applications
Councillor Kyle MacGregor

Could staff please provide a succinct report for councillors that outlines the processes, responsibilities and legalities for different developments such as granny flats, including how these are assessed through DA's, Complying Development Certificates and Certifies?

Q41/18 Council Owned Caravan and Residential Parks - Disputes
Councillor Kyle MacGregor

What procedures are in place at Council owned caravan and residential parks to deal with disputes between park residents and Council, does Council recognize Residents Committees established at park level and how does Council ensure park managers are complying with the Residential (Land Lease) Communities Act 2013?

Q42/18 Office365 Installation
Councillor Louise Greenaway

When may we expect the suite of Microsoft Office programs to be installed, and to be functional, on our iPads?

Q43/18 Fees for Non Profit Organisations
Councillor Jeff Sundstrom

Fees and charges for non-profit organisations using Council facilities. Why are they being charged almost four times more than previously?

Q44/18 The Entrance Bridge
Councillor Bruce McLachlan

Further information regarding the paintwork on The Entrance Bridge and proposed lighting on the pylons proposed in a previous Masterplan.

The Meeting closed at 9:00pm.