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## CENTRAL COAST COUNCIL

### MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER 49 MANN STREET, GOSFORD ON 14 SEPTEMBER 2016 COMMENCING AT 5.00PM

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#### PRESENT

Ian Reynolds

#### IN ATTENDANCE

Chief Executive Officer, Executive Manager Governance, Group Leader Environment and Planning, Communications Coordinator and two administration staff.

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

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

All reports were dealt with in the correct agenda sequence.

#### 1.1 Disclosure of Interest

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

**311/16** *That Council receive the report on Disclosure of Interest and note that no disclosure was made.*

#### 1.2 Proposed Briefings and Inspections

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

**312/16** *That Council receive the report on Proposed Briefings and Inspections.*

**1.3 Address by Invited Speakers**

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RESOLVED on the motion of Mr REYNOLDS:

**313/16** That Council receive the amended report on Invited Speakers.

**314/16** That Council agree meeting practice be varied to allow reports from Group Leaders and/or the Chief Executive Officer to be dealt with following an Invited Speaker's address.

**1.4 Confirmation of Minutes of Previous Meeting**

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RESOLVED on the motion of Mr REYNOLDS:

**315/16** That Council confirm the minutes of the previous Ordinary Meeting of Central Coast Council, including the confidential session, held on Wednesday 24 August 2016.

**Business Arising**

There was no business arising.

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

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RESOLVED on the motion of Mr REYNOLDS:

**316/16** That Council consider the following matters in Confidential Session, pursuant to sections 10A 2(a)(b) and (g) of the Local Government Act 1993:

**Report No 5.1** Sundry Debtors Write off

**Report No 5.2** Woy Woy Alternative Waste Technology – Project Approval Extension

**317/16** That Council note its reasons for considering Report No 5.1 – Sundry Debtors Write Off in a closed session are the report contains information:

**2(a)** about individuals who are not Councillors, and

**2(b)** the personal hardship of residents and ratepayers.

**318/16** That Council note its reason for considering Report No 5.2 – Woy Woy Alternative Waste Technology – Project Approval Extension in closed session is the report contains advice that would be privileged from production in legal proceedings on the ground of legal professional privilege:

**2(g)** information that would, if disclosed, prejudice the maintenance of law,

**319/16** That Council note that the Administrator will report on these matters in open session of Council.

**Procedural Motion**

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

**320/16** That Council adopt, with the exception of Items 1.6, 2.1, 3.1, 3.3, 4.1, 4.3 and 4.4, the recommendations contained in the remaining reports. For the sake of clarity, that means that Items 2.2, 3.2 and 4.2 were dealt with in accordance with the recommendations of the Council staff.

**1.6** **Mayoral (Administrator's) Minute - Central Coast Council's Town Crier Wins National Town Crier Championship**

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

**321/16** That Council formally recognise Town Crier, Stephen Clarke's success at the National Town Crier Championships held in Queensland in September 2016 in winning the Best Dressed Crier; Best Cry and Champion of Champions awards and send a letter of congratulations to him on his achievements.

**2.1** **Planning Proposal - Mixed Use at Howarth Street Wyong**

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Mr Chris Smith of ADW Johnson, addressed Council at 5.03 pm and retired at 5.10 pm.

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

**322/16** That Council consult with landowners of the properties listed in 2 below, to seek their support to be included in the revised planning proposal as recommended by staff.

**323/16** That Council prepare, subject to the outcome of Recommendation 1 above, a planning proposal to amend Wyong Local Environmental Plan 2013, pursuant to Section 55 of the Environmental Planning and Assessment (EP&A) Act 1979, to rezone the following lots to B4 Mixed Use, to alter the Height of Buildings map to Area "R" (21m) and the Floor Space Ratio map to Area "T" (2.0:1):

- a) Lot 1, DP 300384, No 33 Howarth Street, Wyong;
- b) Lot 2, DP 10813, No 35 Howarth Street, Wyong;
- c) Lot 8, DP 10813, No 2 Warner Avenue, Wyong; and
- d) Lot 1, DP 605244, No 37 Howarth Street, Wyong.

**324/16** That Council forward the planning proposal to the NSW Department of Planning and Environment (DP&E) accompanied by a request for a gateway determination, as well as a request for delegation for the Chief Executive Officer (or delegate) to finalise and make the draft Local Environmental Plan, pursuant to Section 56 (1) of the EP&A Act, 1979.

- 325/16 That Council require, subject to the gateway determination, that the landowners in conjunction with Council prepare and exhibit appropriate Development Control Plan provisions to amend Wyong Development Control Plan 2013, and that Council amend the applicable Section 94 Development Contributions Plan (if required) to support the development of the land subject to this Planning Proposal.
- 326/16 That Council undertake community and public authority consultation, in accordance with the gateway determination requirements, including the exhibition of the draft amending Development Control Plan and draft amending s.94 Development Contributions Plan (if required).
- 327/16 That Council consider a further report on results of the agency and community consultation.
- 328/16 That Council concurrently complete the review of the Baker Park Master plan which will guide the future preparation of planning controls for the East Wyong area.

## 2.2 Fire Safety Upgrade

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

- 329/16 That Council note the content of the Fire Safety Report from Fire and Rescue NSW – 15 Anne Findlay Place, Bateau Bay in accordance with Section 121ZD(2)(a) of the Environmental Planning and Assessment Act, 1979.
- 330/16 That Council exercise its powers in relation to matter 2 of the Fire Safety Report dated 1 July 2016.

## 3.1 Fees & Charges - Waiver of merchant service fee from Council charges

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

- 331/16 That Council receive and note this report.
- 332/16 That Council resolve to give notice for the purpose of s.610E(2) of the Local Government Act 1993, that it will waive credit card merchant fees.
- 333/16 That Council resolve that it will waive all credit card fees, pursuant to s.610E(1) of the Local Government Act 1993 if there are no significant submissions received in response to the public notice given pursuant to resolution 2 above.

**3.2 Closure of Water Saving Rebates**

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

**334/16 That Council close the remaining rebates provided for the installation of greywater treatment systems and rainwater tank internal connections effective immediately after Council adoption.**

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

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

**335/16 That Council receive and note the report on Development Applications approved with a variation to development standards.**

**4.2 Local Representation Committee - Working Group Meeting Records 17 August 2016**

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

**336/16 That Council receive the report on Local Representation Committee - Working Group Meeting Records 17 August 2016.**

**4.3 Wallarah 2 Coal Project Amendment (SSD 4974)**

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Mr Mike Campbell, local resident, addressed Council at 5.14 pm and retired at 5.20 pm.

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

**337/16 That Council adopt the draft submission prepared in relation to the Wallarah 2 Coal Project (SSD 4974).**

**338/16 That Council request the Chief Executive Officer lodge the submission with the Director Resource Assessments – Department Planning and Environment.**

**4.4 Central Coast Place Marketing Campaign**

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

**339/16 The Council resolves, pursuant to cl. 241 (3) of the Local Government (General) Regulation 2015, that this business be transacted at this meeting and note that the Chairperson ruled this business to be a matter of urgency.**

**340/16 That Council receive the report on the "This is the life" Central Coast Place Marketing Campaign.**

**CONFIDENTIAL SESSION**

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

**341/16 That the meeting move into Confidential Session.**

At 5.45pm the meeting was closed, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with s.10A of The Local Government Act 1993 (s.10A(2)(a)(b) and (g) of the Local Government Act 1993).

**OPEN SESSION**

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

**342/16 That the meeting move back into Open Session.**

The meeting resumed in open session at 5.46pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

**5.1 Sundry Debtors Write Off**

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

**343/16 That Council fix, for the purpose of cl. 131(1) of the Local Government (General) Regulation 2005, \$10,000 as the amount above which amounts owed to Council for rates and/or charges may be written off only by resolution of Council.**

**344/16 That Council fix, for the purpose of cl. 213(2) of the Local Government (General) Regulation 2005, \$10,000 as the amount above which debts to the Council (other than in respect to rates and charges) may be written off only by resolution of Council.**

**345/16 That Council resolve to write-off \$280,035 (excluding GST) of debts (including unpaid charges) owed to Council, the details of which are outlined in the confidential attachment 1 to this report.**

**346/16 That Council note that \$166,405 (excluding GST) of debts owed to the Council were either written-off by the former Chief Executive Officer (CEO) of the former Gosford City Council or will be written off by the current interim CEO of this Council upon the making of resolution 1 above, the details of which are set out in confidential attachment 2 to this report.**

**347/16** That Council *resolve*, pursuant to s. 11(3) of the Local Government Act 1993, that this report and attachments 1 and 2 to this report remain confidential, for the following reasons:

- a. Those documents include personal matters concerning particular individuals who are not councillors (s. 10A(2)(a) of that Act); or
- b. Those documents include information concerning the hardship of residents and ratepayers (s. 10A(2)(b) of that Act).

## **5.2 Woy Woy Alternative Waste Technology - Project Approval Extension**

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

**348/16** That Council *resolve* to request, pursuant to cl. 11A of Schedule 6A of the Environmental Planning and Assessment Act 1979, that the NSW Minister for Planning extend the date on which the Part 3A approval for the Alternative Waste Technology and Composting Facilities Project lapses from 1 October 2016 to 1 October 2021.

**349/16** That Council *resolve*, pursuant to s. 11(3) of the Local Government Act 1993, that this report remain confidential, as this report includes advice that would be privileged from production in Court proceedings (s. 10A(2)(g) of that Act).

## **QUESTIONS ON NOTICE**

Nil

**THE MEETING** closed at 5.49 pm.