



Central Coast Council

Minutes of the Ordinary Meeting of Council

**Held in the Council Chamber
49 Mann Street, Gosford
on 12 November 2018
Commencing at 6.30PM**

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director, Roads Transport Drainage and Waste), Julie Vaughan (Director, Connected Communities), Scott Cox (Director, Environment and Planning), Bileen Nel (Director, Water and Sewer) and James Taylor (Acting Unit Manager Governance).

Apologies

Councillor Doug Vincent

The Mayor, Jane Smith, declared the meeting open at 6.52pm 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.

Leave of Absence

Councillor Chris Burke declared that he will be taking a leave of absence due to medical reasons. He will be absent from the Ordinary Council Meeting of 26 November 2018 and possibly the meeting of 10 December 2018 pending his recovery.

At the ordinary meeting reports were considered in the following order 1.1, 1.2, 2.1, 1.4, 2.2, 2.3, 3.1, 3.2, 3.3, 3.6, 3.8, 3.9, 3.10, 4.1, 4.2, 4.4, 6.1, 6.2, 6.3, 6.4, 7.1, 6.5, 6.6, U7 and 3.4, however for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosure of Interest

2.3 Modification to DA/582/2013 - 31 Boyce Avenue, Wyong - Strathavon Guest House & Accommodation

Councillor McLachlan declared significant interest in this item as the owner of the property is a past client. Councillor McLachlan left the chamber at 7.37pm and returned at 7.45 pm and did not take part in discussion or the voting.

3.1 Deferred Item - Response to Notice of Motion - Quality Food, Wine and Vineyard Tourism Accommodation Opportunities

Mayor Smith declared a less than significant non-pecuniary interest in this item because of her involvement with the Marine Discovery Centre. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

3.4 Appointments to the Pedestrian Access and Mobility Advisory Committee

Councillor Sundstrom declared a less than significant non-pecuniary interest in this item as a proposed Committee Member is a branch member at his local Labor Party Branch. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

3.6 Draft Ourimbah Land Use Strategy and Masterplan

Mr Boris Bolgoff declared pecuniary interest in this item because he owns land in the masterplan area. Mr Bolgoff left the chamber at 8.10pm and returned at 8.14pm and did not take part in discussion or the voting.

4.1 Deferred Item - Sportsground Fees and Charges

Councillor Gale Collins declared a less than significant non-pecuniary interest in this item as her family uses sporting fields across the Central Coast. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

6.6 Notice of Motion - Legal Advice regarding Warnervale Airport Restrictions

Mayor Smith declared a less than significant non-pecuniary interest in this item because she is a former voluntary CEO of CEN. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

8.1 Urgency Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge

Councillor Best declared a pecuniary interest in this item because he is General Manager of Central Coast Training Group and they manage Wallarah 2 Coal Project's Apprentice Program. Councillor Best left the chamber at 11.10pm and did not return. He did not take part in discussion or the voting of this item.

Moved: Councillor Gale Collins

Seconded: Councillor Matthews

Resolved

959/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:

Unanimous

Procedural Motion

Moved: Mayor Smith

Resolved

960/18 That Council suspend standing orders to allow Councillor Matthews to make a presentation.

For:

Unanimous

At 6.56pm Councillor Matthews presented a plaque from Mrs Rosie Wood to the Council in recognition of the place making grant at Ourimbah RSL.

1.2 Confirmation of Minutes of Previous Meetings

Moved: Councillor MacGregor

Seconded: Councillor Gale Collins

Resolved

961/18 That Council confirm the minutes of the Ordinary Meeting of the Council held on 29 October 2018 with the following inclusions:

- **Mayor Smith had corrections to the declarations of interest on pages 9 and 17 of the minute document.**
- **Clr Gale Collins advised that she had submitted the following Questions on Notice which had not been included:**

**QON – Blue green algae at Blackwall
Councillor Rebecca Gale Collins**

Is council addressing the blue green algae bloom at Blackwall stormwater outfall as it's negatively impacting pelicans and aqua life?

QON – Ocean Beach SLSC all-inclusive access
Councillor Rebecca Gale Collins

Please advise when the beach all-inclusive access will be available at Ocean Beach SLSC?

For:
Unanimous

Procedural Motion – Exception

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

962/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:

1.4 Mayoral Minute – Passing of Alan Ford
2.2 Draft Somersby to Erina Corridor Strategy (Southern Growth Corridor)
2.3 Modification to DA/582/2013 - 31 Boyce Avenue, Wyong - Strathavon Guest House & Accommodation
3.1 Deferred Item - Response to Notice of Motion – Quality Food, Wine and Vineyard Tourism Accommodation Opportunities
3.2 Deferred Item - Response to Notice of Motion - Disability Precinct
3.3 Deferred Item - Response to Notice of Motion - Council Bans Cats
3.4 Appointments to the Pedestrian Access and Mobility Advisory Committee
3.6 Draft Ourimbah Land Use Strategy and Masterplan
3.8 Biodiversity Offsets
3.9 Acquisition of Land at Carlton Road Holgate for Road Widening
3.10 Central Coast Tourism Advisory Committee
4.1 Deferred Item - Sportsground Fees and Charges
4.2 Response to Notice of Motion - Central Coast Council 'Opts-In' on Rock Fishing Life Jackets
4.4 Activities of the Development Assessment and Environment and Certification Units - July to September 2018 Quarter 1
6.1 Deferred Item - Notice of Motion - Abandoned Vehicle App
6.2 Notice of Motion - Local Community Representation on the Joint Regional Planning Panel
6.3 Notice of Motion - Central Coast and Hunter Sister City Partnership
6.4 Notice of Motion - Let's Revisit Winney Bay
6.5 Notice of Motion - Motion Commemorating the Centenary of Armistice

	<i>and Cessation of Hostilities of the First World War</i>
6.6	<i>Notice of Motion - Legal Advice regarding Warnervale Airport Restrictions</i>
7.1	<i>Rescission Motion - Modification to DA/967/2013 - 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay</i>

963/18 ***That Council adopt the following items en-masse and in accordance with the report recommendations:***

3.5	<i>Internal Reporting Policy (Public Interest Disclosures)</i>
3.7	<i>Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 September 2018</i>
4.3	<i>Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 20 September 2018</i>
4.5	<i>Fire Safety Inspection Report for Residential Flat Building at 51 - 53 Hills Street North Gosford</i>

For:

Unanimous

1.4 Mayoral Minute - Passing of Alan Ford

At 7.12pm a minutes silence was undertaken.

Moved: ***Mayor Smith***

Resolved

964/18 ***Council acknowledge the passing of Alan Ford OAM with a minute's silence.***

965/18 ***Council send a formal letter of condolence to Alan's family.***

966/18 ***Council representatives attend Alan's funeral.***

For:

Unanimous

2.1 Request for Amendment to Gosford Local Environmental Plan 2014 - 19 Chetwynd Road, Erina

Moved: ***Councillor Greenaway***

Seconded: ***Councillor MacGregor***

Resolved

967/18 That Council note this item was withdrawn by the Applicant.

For:

Unanimous

2.2 Draft Somersby to Erina Corridor Strategy (Southern Growth Corridor)

Moved: Mayor Smith

Seconded: Councillor MacGregor

That Council:

- 1 *Form an internal Working Group, including interested Councillors, to further refine the draft Strategy including:*
 - *A draft Transport plan that outlines specific options to address projected increase in transport related issues and volume*
 - *A draft Infrastructure plan that identifies scenarios for future needs to accompany the draft Strategy*
- 2 *That the Working Group develop and implement an engagement strategy to work with local communities in order to further refine the draft Strategy*
- 3 *A further Councillor briefing / workshop is held with Councillors*
- 4 *A further report then comes to Council before exhibition of the Draft Strategy*
- 5 *That this process also be adopted in developing a strategy for the Tuggerah – Warnervale Economic Development Corridor*
- 6 *That Council notes the existing Somersby industrial Plan of Management as an existing document for consideration.*
- 7 *That Council requests the CEO submit a progress report to Council in April 2019.*

For:

Mayor Smith and Councillors MacGregor and Greenaway

Against:

Councillors Marquart, Mehrtens, Holstein, Sundstrom, Gale Collins, Matthews, Pilon, McLachlan, Burke, Hogan and Best

The motion was put to the vote and declared LOST.

Foreshadowed Motion

Moved: Councillor Mehrtens

Seconded: Councillor Holstein

968/18 That Council, for the purposes of community consultation endorse the exhibition of the draft Somersby to Erina Growth Corridor Strategy for a minimum period of 60 days.

969/18 That Council undertake a series of workshops on the draft Somersby to Erina Corridor Strategy as part of the exhibition period.

970/18 That following the exhibition of the draft Somersby to Erina Corridor Strategy, Council consider a further report on results of community consultation.

971/18 That Council notes the existing Somersby Industrial Estate Plan of Management as an existing document for consideration.

972/18 That Council include discussion around transport management plans at the relevant stake holder workshops.

For:

Councillors Marquart, Holstein, Mehrtens,
Sundstrom, Gale Collins, Matthews,
MacGregor, Pilon, McLachlan, Greenaway,
Burke, Hogan and Best.

Against:

Mayor Smith

2.3 Modification to DA/582/2013 - 31 Boyce Avenue, Wyong - Strathavon Guest House & Accommodation

Councillor McLachlan declared significant interest in this item as the owner of the property is a past client. Councillor McLachlan left the chamber at 7.37pm and returned at 7.45 pm and did not take part in discussion or the voting.

Moved: Councillor Holstein

Seconded: Councillor Best

Resolved

973/18 That Council approve the modification to Development Consent 582/2013 having regard to the matters for consideration detailed in Sections 4.56 and 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues as follows:

- i) The extension of the operation of the development consent for a further 12 months which is 24 months from the date of issue of the Occupation Certificate.**

- ii) ***The modification of condition 1A to reflect the recommended modification to the extension of the operation of the development consent.***

974/18 ***That Council advise those who made written submissions of Council's decision.***

For:
Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Pilon, Burke, Hogan and Best.

Against:
Councillors Matthews, MacGregor and Greenaway

**3.1 Deferred Item - Response to Notice of Motion -
Quality Food, Wine and Vineyard Tourism Accommodation Opportunities**

Mayor Smith declared a less than significant non-pecuniary interest in this item because of her involvement with the Marine Discovery Centre. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: ***Councillor McLachlan***
Seconded: ***Councillor MacGregor***

Resolved

975/18 ***That Council note the deferred Response to Notice of Motion – Quality Food, Wine and Vineyard Tourism Accommodation Opportunities report which is Attachment 1 to this report.***

976/18 ***That Council receive the report on Deferred Item – Response to Notice of Motion – Quality Food, Wine and Vineyard Tourism Accommodation Opportunities.***

977/18 ***That Council consider ways to look at increased opportunity, to allow for food, wine, and tourism accommodation, as part of the rural lands study project.***

For:
Unanimous

3.2 Deferred Item - Response to Notice of Motion - Disability Precinct

Moved: **Councillor Gale Collins**

Seconded: **Councillor Best**

Resolved

978/18 That Council note the deferred Response to Notice of Motion – Disability Precinct report which is Attachment 1 to this report.

979/18 That Council receive the report on Deferred Item – Disability Precinct.

For:

Unanimous

3.3 Deferred Item - Response to Notice of Motion - Council Bans Cats

Moved: **Councillor Best**

Seconded: **Councillor Gale Collins**

Resolved

980/18 That Council now establish a Companion Animal Advisory Committee (CAAC) similar to those currently operating at Willoughby, Woollahra and Bankstown.

981/18 That the CAAC become active at the completion of Councils' animal cares facility consultation process and subsequent report to council.

982/18 That Council request the Chief Executive Office provide a further report come back to Council with the terms of reference for the proposed committee.

983/18 That the Council notes that Councillor Best has indicated that he will be chairing any such Committee.

For:

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

Against:

Councillors Marquart, Mehrrens, Sundstrom, Matthews, MacGregor, Greenaway and Hogan

The motion was CARRIED on the casting vote of the Mayor.

Procedural Motion

Moved: **Mayor Smith**

Resolved

984/18 That Council resolve that item 3.4 be moved to the confidential session at the end of tonight's meeting to allow the discussion of confidential attachments to this item.

For:
Unanimous

3.4 Appointments to the Pedestrian Access and Mobility Advisory Committee

Councillor Sundstrom declared a less than significant non-pecuniary interest in this item as a proposed Committee Member is a branch member at his local Labor Party Branch. Councillor Sundstrom chose to remain in the chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

Councillors Matthews and Gale Collins left the Chamber at 12.24pm and did not return. They were absent for the confidential discussion and voting of this item.

Councillor Best left the chamber at 11.10pm and did not return. He did not take part in confidential discussion or voting of this item.

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

Resolved

985/18 The Council note the draft Terms of Reference for the Pedestrian Access and Mobility Advisory Committee as provided in Attachment 2 to this report.

986/18 That Council determine that the Councillor representatives on the Pedestrian Access and Mobility Advisory Committee are:

- **Mayor Smith**
- **Councillor Hogan**
- **Councillor Vincent**
- **Councillor Gale Collins**

987/18 That Council determine the community membership of the Pedestrian Access and Mobility Advisory Committee is as follows:

- **Eric O'Keefe**
- **Helen Beasley**
- **John Anderson**

- **Rachel Thelwell**
- **Wendy Bayliss**

988/18 ***That Council resolve, pursuant to s.11(3) of the Local Government 1993, that Attachment 1 to this report remain confidential as the attachment include "personnel information" about individuals who are not Councillors.***

989/18 ***That the Council request that the Chief Executive Officer directs Staff to seek input from Mr Gary Blaschke as appropriate.***

For:
Unanimous

3.5 Internal Reporting Policy (Public Interest Disclosures)

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

Resolved

990/18 ***That Council adopt the Central Coast Council Internal Reporting Policy (Public Interest Disclosure Policy) as set out in Attachment 1 to this report.***

For:
Unanimous

3.6 Draft Ourimbah Land Use Strategy and Masterplan

Mr Boris Bolgoff declared pecuniary interest in this item because he owns land in the masterplan area. Mr Bolgoff left the chamber at 8.10pm and returned at 8.14pm and was not present for the discussion or voting of this item.

Moved: **Councillor Greenaway**
Seconded: **Councillor MacGregor**

Resolved

991/18 ***That Council re-exhibit the Draft Final Ourimbah Land Use Strategy and Masterplan for 60 days to allow for additional public consultation.***

992/18 ***That Council request the Chief Executive Officer to advise all those who made written submissions previously.***

993/18 ***That the Council consider a further report on the results of the public exhibition.***

For:
Unanimous

3.7 Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 September 2018

Moved: Councillor Holstein
Seconded: Councillor Gale Collins

Resolved

994/18 That Council note the draft Meeting Record of the Catchments and Coast Committee Tuggerah Lakes held on 19 September 2018 that is Attachment 1 to this report.

995/18 That Council place the draft Wyong River Floodplain Risk Management Study and Plan on public exhibition for a period of 28 days.

996/18 That Council place the draft Ourimbah Creek Floodplain Risk Management Study on public exhibition for a period of 28 days, prior to preparing the Ourimbah Creek Floodplain Risk Management Plan.

For:
Unanimous

3.8 Biodiversity Offsets

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

997/18 That Council authorise the Chief Executive Officer to enter formal negotiations with Roads and Maritime Services and Transport for NSW and any other interested parties to agree on a credit price for specific biodiversity credits generated on land owned by Central Coast Council detailed in Appendix A.

998/18 That Council investigate if any of the lots identified were part of previous agreements to transfer land to Council

999/18 That Council accept, where there have been no previous undertakings, the transfer from Minister of Planning and Environment and enter into a Land Transfer Agreement for Lot 10 DP600684, Lot 5 DP1026458, Lot 6 DP252982 known as 81 Avoca Drive Green Point, Lot 1 DP200263 known as 20 Leura Ave Green Point, Lot 2 DP739449 known as 179-211 Wells Street Springfield,

Lot 6 DP177556 known as 18 Warrawee Road Springfield and Lot 7 DP191487 known as 7 Barook Rd Springfield at no cost to Council.

- 1000/18 That Council undertake further investigation where there have been previous undertakings.***
- 1001/18 That Council include the lots identified as Porters Creek Wetland as part of the investigation for Biodiversity Offsets.***
- 1002/18 That Council apply to Crown Lands Division to close any Crown public roads within Council reserves associated with the proposed Biodiversity Stewardship Agreements and accept the vesting of the roads into Council ownership.***
- 1003/18 That Council authorise the Chief Executive Officer to make application to the NSW Biodiversity Conservation Trust to enter into Biodiversity Stewardship Agreements over the lots detailed in Appendix A.***
- 1004/18 That Council request the Chief Executive Officer provide a further report on the outcome of investigations and negotiations for endorsement by Council before finalisation.***
- 1005/18 That Council request the Chief Executive Officer provide a further report to the 10 December 2018 Council Meeting.***

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

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

The motion was CARRIED on the casting vote of the Mayor.

3.9 Acquisition of Land at Carlton Road Holgate for Road Widening

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

- 1006/18 That Council defer consideration of this item pending a site inspection.***

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

Against:
Councillor Gale Collins

3.10 Central Coast Tourism Advisory Committee

Moved: *Councillor Holstein*

Seconded: *Councillor Sundstrom*

Resolved

1007/18 *That Council note the report on the Central Coast Tourism Advisory Committee*

1008/18 *That Council note the draft Terms of Reference for the Central Coast Tourism Advisory Committee as provided in Attachment 1 to this report and amend these terms of reference to include:*

- *A representative from Central Coast Tourism Inc;*
- *A representative from a Council funded provider of marketing and industry services.*

1009/18 *That Council request the Chief Executive Officer invite expressions of interest from members of the community to participate in the Central Coast Tourism Advisory Committee, and that the Chief Executive Officer provide a further report to Council for the purpose of determining the membership of this group.*

1010/18 *That Council note the following Councillors indicated their interest in being on the Central Coast Tourism Advisory Committee:*

- *Mayor Smith*
- *Councillor Holstein*
- *Councillor Pilon*
- *Councillor Sundstrom.*

For:

Unanimous

4.1 Deferred Item - Sportsground Fees and Charges

Councillor Gale Collins declared a less than significant non-pecuniary interest in this item as her family uses sporting fields across the Central Coast. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: *Councillor MacGregor*

Seconded: *Mayor Smith*

Resolved

1011/18 *That Council defer this item for consideration at the 26 November 2018 Ordinary Meeting.*

For:
Unanimous

4.2 Response to Notice of Motion - Central Coast Council 'Opts-In' on Rock Fishing Life Jackets

Moved: Councillor Best
Seconded: Councillor Pilon

Resolved

1012/18 That Council receive the report on Response to Notice of Motion - Central Coast Council 'Opts-In' on Rock Fishing Life Jackets.

1013/18 That Council resolve to 'opt in' under the Rock Fishing Safety Act 2016.

1014/18 That Council acknowledge that the wearing of life jackets is only one aspect in the prevention of loss of life to rock fishers and invite the community to communicate with the Council as to any other measure that they consider appropriate.

Procedural Motion – Motion be Put

Moved: Mayor Smith

Resolved

That Council put the motion to the vote.

For:
Unanimous

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

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

Against:
Councillors Marquart, Mehrtens, Sundstrom, Matthews, MacGregor, Hogan and Greenaway

The motion was CARRIED on the casting vote of the Mayor.

4.3 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 20 September 2018

Moved: *Councillor Holstein*

Seconded: *Councillor Gale Collins*

Resolved

1015/18 That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 20 September 2018 that is Attachment 1 to this report.

For:

Unanimous

4.4 Activities of the Development Assessment and Environment and Certification Units - July to September 2018 Quarter 1

Councillor Mehrtens left the meeting at 8.53pm and returned at 9.13pm. He did not take part in discussion or voting of this item.

Moved: *Councillor Gale Collins*

Seconded: *Councillor MacGregor*

Resolved

1016/18 That Council receive the report on Activities of the Development Assessment and Environment and Certification Units – July to September 2018.

For:

Unanimous

The meeting adjourned at 8.58pm and resumed at 9.13pm.

4.5 Fire Safety Inspection Report for Residential Flat Building at 51 - 53 Hills Street North Gosford

Moved: *Councillor Holstein*

Seconded: *Councillor Gale Collins*

Resolved

1017/18 That Council note the result of the site inspection carried out on the 4 October 2018;

1018/18 That Council resolve to exercise its power to issue an Order 1 under Part 2 of

Schedule 5 of the Environmental Planning and Assessment Act 1979 with respect to the matters as raised within the fire safety inspection report received from Fire and Rescue NSW;

1019/18 That Council give notice of its determination to the Commissioner of Fire and Rescue NSW.

For:
Unanimous

6.1 Deferred Item - Notice of Motion - Abandoned Vehicle App

Moved: Councillor Gale Collins
Seconded: Councillor Pilon

- 1 That Council note the deferred Notice of Motion – Abandoned Vehicle App report which is Attachment 1 to this report.
- 2 That Council investigate creating an app for residents to report issues such as abandoned vehicles, as part of our IT integration process, with support from Central Coast Local Area Command.

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

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

The item was put to the vote and declared LOST.

6.2 Notice of Motion - Local Community Representation on the Joint Regional Planning Panel

Moved: Mayor Smith
Seconded: Councillor Matthews

Resolved

1020/18 That Council note this item is withdrawn from the agenda.

For:
Unanimous

6.3 Notice of Motion - Central Coast and Working Group Partnership

Moved: Councillor Best
Seconded: Councillor Marquart

- 1 That Council notes Minister Roberts recent announcement to pool the regional resources of the Hunter and Central Coast to form the Hunter Central Coast Development Corporation (HCCDC). In an endeavour to activate the much needed economic drivers that will underpin the redevelopment of the Gosford CBD while unlocking the huge employment potential within.
- 2 That Council recognises the outstanding preparatory works carried out by Ms Lee Shearer and her team in paving the way in the lead up to this important announcement. Further Council welcomes the appointment of Chief Executive Office Mr Michael Cassel and his team, we look forward to working with them on this challenging project.
- 3 That Council request the Chief Executive Officer make enquiries of Newcastle City Council as to their willingness to join the Central Coast in what will be the regions first economic working Group partnership.
- 4 Further Council notes the critical importance of community engagement particularly at this formative planning juncture. It is with this understanding that Council also recognises the outstanding efforts to date of the Gosford Erina Chamber of Commerce in progressing this initiative and Council also looks forward to working collaboratively with key stake holders including our Chambers.

Procedural Motion – Motion be Put

Moved: Mayor Smith

Resolved

That Council put the motion to the vote.

For: Mayor Smith and Councillors Marquart, Holstein, Mehrtens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Greenaway, Burke and Hogan	Against: Councillor Best
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The Procedural Motion was put to the vote and declared CARRIED. The Motion was then put.

For: Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan, Burke and Best	Against: Mayor Smith and Councillors Mehrtens, Sundstrom, Matthews, MacGregor, Hogan and Greenaway
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The motion was LOST on the casting vote of the Mayor.

6.4 Notice of Motion - Let's Revisit Winney Bay

Councillor Best left the Chamber at 10.01pm, returning at 10.08pm and was absent for discussion and voting.

Moved: Councillor Sundstrom

Seconded: Councillor Hogan

Resolved

- 1021/18** *That Council acknowledges the considerable division within the community that has been caused by certain aspects of Stages 1 & 2 of the Winney Bay Walk project. This is clearly indicated by the 650+ signatures gathered to date on the petition received by council on 22 October 2018. Concerns regarding overdevelopment, impact on native flora and fauna, and a perceived failure to properly meet community expectations in good faith consultation continue to be aired in local media.*
- 1022/18** *That given the results of the of recent public consultation are on the way, that no contracts for works be signed with any entity until after all relevant reports are received and matters arising from the consultation are addressed.*
- 1023/18** *That in the interim Council continue to, in good faith, communicate with the impacted community, (namely Copacabana) working towards a project that meets the criteria of the funding body as well as that of the people who live in and have custodianship of the headland in question.*
- 1024/18** *That there be a site visit for Councillors to consider matters arising from the consultation.*
- 1025/18** *That Council contact the funding body to seek clarification regarding how any proposed changes (design, features, type of construction, route of the pathway etc) to the current proposal might affect the current funding offer.*

A division was called by Councillors Gale Collins and Sundstrom.

For:

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

Against:

Councillors Marquart, Gale Collins, Pilon and Burke

Procedural Motion

Moved: Mayor Smith

Second: Councillor MacGregor

Resolved

1026/18 That Council suspend standing orders to allow item 7.1 to be brought forward for consideration.

For:

Mayor Smith and Councillors Marquart, Holstein, Mehrrens, Sundstrom, Gale Collins, Matthews, MacGregor, Pilon, McLachlan, Burke, Hogan and Best

Against:

Councillor Greenaway

6.5 Notice of Motion - Motion Commemorating the Centenary of Armistice and Cessation of Hostilities of the First World War

At 10.29pm the Council observed a minutes silence.

Moved: Councillor MacGregor

Seconded: Councillor Sundstrom

- 1 Central Coast Council note that 11/11/2018 marks the centenary of the 11/11/1918 armistice and the cessation of 'The Great War '.
- 2 Central Coast Council recognise the immense cost to human life from this conflict with over forty million casualties across the globe on all sides. The impact on global society with intergenerational unrest, later conflicts, the Armenian genocide, the post traumatic stress and psychological trauma of returning servicemen and the spread of the Spanish Flu. The destruction of the built and natural environments with entire battlefields and regions uninhabitable over one hundred years later still affected by unexploded ordinance and poison from munitions, toxic gas and chemicals.
- 3 Central Coast Council acknowledge that seldom has a single historical event left such an indelible mark on later societies and created such trauma and destruction to all parties involved in this horrific global war. A war of near unparalleled significance over the course of human history.
- 4 Central Coast Council recognise the essential contribution of Australian servicemen and women to the war effort and Australian post war society. Australians served in numerous theatres including but not limited to the South Pacific (Cocos Islands, New Guinea, Samoa, Indian Ocean), the Middle East (Egypt, Palestine, the Dardanelles, Syria and Jordan), the Western Front (the Somme, Bullecourt, Messines, Ypres, Arras, Villers Bretonneux, Hamel, Amiens and Saint Quentin) and other lesser known theatres (Mesopotamia, Arkhangelsk, the Caucasus and Salonika).

- 5 *Central Coast Council recognise the essential and remarkable individual contributions of Australians to the war effort including but not limited to General Sir John Monash, General Sir William Birdwood, Billy Sing DCM, Albert Jacka VC, John (Jack) Simpson Kirkpatrick and the last surviving ANZAC Alec William Campbell.*
- 6 *Central Coast Council observe a minutes silence for all residents of the Central Coast who served, whose comrades were killed or injured during the conflict and whose families and friends were impacted by the human tragedy that was 'The Great War' at the conclusion of debate on this motion.*
- 7 *That Central Coast Council condemn the human tragedy of war and express regret that the 'war to end all wars' led to a second even more destructive global war just two decades later. Council notes that the ideologies and activities that instigated and directly caused that war are being exhibited currently in both global and domestic politics currently and that we condemn the jingoism, bellicosity and ignorance that leads to armed conflict and maintain a commitment to a peaceful, safe, secure and prosperous existence both for the people of the Central Coast and our Australian nation.*

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Best

- 1 *Central Coast Council note that 11/11/2018 marks the centenary of the 11/11/1918 armistice and the cessation of 'The Great War'.*
- 2 *Central Coast Council recognise the immense cost to human life from this conflict with over forty million casualties across the globe on all sides.*
- 3 *Central Coast Council acknowledge that seldom has a single historical event left such an indelible mark on later societies and created such trauma and destruction to all parties involved in this horrific global war. A war of near unparalleled significance over the course of human history.*
- 4 *Central Coast Council recognise the essential contribution of Australian servicemen and women to the war effort and Australian post war society. Australians served in numerous theatres including but not limited to the South Pacific (Cocos Islands, New Guinea, Samoa, Indian Ocean), the Middle East (Egypt, Palestine, the Dardanelles, Syria and Jordan), the Western Front (the Somme, Bullecourt, Messines, Ypres, Arras, Villers Bretonneux, Hamel, Amiens and Saint Quentin) and other lesser known theatres (Mesopotamia, Arkhangelsk, the Caucasus and Salonika).*
- 5 *Central Coast Council recognise the essential and remarkable individual contributions of Australians to the war effort including but not limited to General Sir John Monash, General Sir William Birdwood, Billy Sing DCM, Albert Jacka VC, John (Jack) Simpson Kirkpatrick and the last surviving ANZAC Alec William Campbell.*
- 6 *Central Coast Council observe a minutes silence for all residents of the Central Coast who served, whose comrades were killed or injured during the conflict and whose families and friends were impacted by the human tragedy that was 'The Great War' at the conclusion of debate on this motion.*

For:
Councillor Marquart

Against:
Mayor Smith and Councillors Holstein,
Mehrtens, Sundstrom, Matthews, MacGregor,
McLachlan, Greenaway, Burke, and Hogan

Abstain:
Councillors Pilon, Gale Collins and Best

The amendment was put to the vote and declared LOST. The motion was then put.

Resolved

- 1027/18 Central Coast Council note that 11/11/2018 marks the centenary of the 11/11/1918 armistice and the cessation of 'The Great War '.**
- 1028/18 Central Coast Council recognise the immense cost to human life from this conflict with over forty million casualties across the globe on all sides. The impact on global society with intergenerational unrest, later conflicts, the Armenian genocide, the post traumatic stress and psychological trauma of returning servicemen and the spread of the Spanish Flu. The destruction of the built and natural environments with entire battlefields and regions uninhabitable over one hundred years later still affected by unexploded ordinance and poison from munitions, toxic gas and chemicals.**
- 1029/18 Central Coast Council acknowledge that seldom has a single historical event left such an indelible mark on later societies and created such trauma and destruction to all parties involved in this horrific global war. A war of near unparalleled significance over the course of human history.**
- 1030/18 Central Coast Council recognise the essential contribution of Australian servicemen and women to the war effort and Australian post war society. Australians served in numerous theatres including but not limited to the South Pacific (Cocos Islands, New Guinea, Samoa, Indian Ocean), the Middle East (Egypt, Palestine, the Dardanelles, Syria and Jordan), the Western Front (the Somme, Bullecourt, Messines, Ypres, Arras, Villers Bretonneux, Hamel, Amiens and Saint Quentin) and other lesser known theatres (Mesopotamia, Arkhangelsk, the Caucasus and Salonika).**
- 1031/18 Central Coast Council recognise the essential and remarkable individual contributions of Australians to the war effort including but not limited to General Sir John Monash, General Sir William Birdwood, Billy Sing DCM, Albert Jacka VC, John (Jack) Simpson Kirkpatrick and the last surviving ANZAC Alec William Campbell.**
- 1032/18 Central Coast Council observe a minutes silence for all residents of the Central Coast who served, whose comrades were killed or injured during the conflict and whose families and friends were impacted by the human tragedy that was 'The Great War' at the conclusion of debate on this motion.**

1033/18 *That Central Coast Council condemn the human tragedy of war and express regret that the 'war to end all wars' led to a second even more destructive global war just two decades later. Council notes that the ideologies and activities that instigated and directly caused that war are being exhibited currently in both global and domestic politics currently and that we condemn the jingoism, bellicosity and ignorance that leads to armed conflict and maintain a commitment to a peaceful, safe, secure and prosperous existence both for the people of the Central Coast and our Australian nation.*

For:
Unanimous

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor Best

Resolved

1034/18 *That Council extend the Ordinary Meeting of Council to consider two further items in accordance with the adopted Code of Meeting Practice.*

For:
Unanimous

6.6 Notice of Motion - Legal Advice regarding Warnervale Airport Restrictions

Mayor Smith declared a less than significant non-pecuniary interest in this item because she is a former voluntary CEO of CEN. Mayor Smith chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: Councillor Greenaway
Seconded: Councillor MacGregor

- 1** *That Council requests the Chief Executive Officer to obtain legal external advice to clarify:*
 - a) statements that Council's position is that "certain provisions of the Warnervale Airport Restrictions Act 1996 do not apply" with such advice to specifically refer to resolution 756/17 and advise whether "Council's position" is consistent with this resolution.*
 - b) statements that the proposed development of Stages 1 – 5 of the CCAH proposal do not trigger/ invoke/ offend/ breach/activate the Warnervale Airport Restrictions Act 1996.*

c) *whether the Act is being complied with.*

2 *That Council requests the Chief Executive Officer to arrange for a briefing for councillors on the legal advice received and how it applies to Council.*

3 *That Council be provided with a further report in confidential session regarding the external legal advice received by the Council.*

4 *That Council reiterates its request for all relevant documents to be made available to the public in relation to the Warnervale Airport.*

Amendment Moved: Councillor Marquart

Amendment Seconded: Councillor Gale Collins

1 *That Council requests the CEO to obtain legal external advice to clarify:*

a) *statements that Council's position is that "certain provisions of the Warnervale Airport Restrictions Act 1996 do not apply" with such advice to specifically refer to resolution 756/17 and advise whether "Council's position" is consistent with this resolution*

b) *statements that the proposed development of Stages 1 – 5 of the CCAH proposal do not trigger/ invoke/ offend/ breach/activate the Warnervale Airport Restrictions Act 1996.*

c) *whether the Act is being complied with*

2 *That Council requests that the obtained legal advice, any existing reports, existing surveys and/or existing alternate documentation regarding the Warnervale Airport be made available to the public immediately.*

3 *That Council requests the CEO to arrange for a briefing for councillors on the legal advice received and how it applies to Council.*

A division was called by Councillor Gale Collins

For:

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

Against:

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

The Amendment was put to the vote and declared LOST on the casting vote of the Mayor. The motion was then considered.

Resolved

1035/18 That Council requests the Chief Executive Officer to obtain legal external advice to clarify:

- a) **statements that Council's position is that "certain provisions of the Warnervale Airport Restrictions Act 1996 do not apply" with such advice to specifically refer to resolution 756/17 and advise whether "Council's position" is consistent with this resolution.**
- b) **statements that the proposed development of Stages 1 – 5 of the CCAH proposal do not trigger/ invoke/ offend/ breach/activate the Warnervale Airport Restrictions Act 1996.**
- c) **whether the Act is being complied with.**

1036/18 That Council requests the Chief Executive Officer to arrange for a briefing for councillors on the legal advice received and how it applies to Council.

1037/18 That Council be provided with a further report in confidential session regarding the external legal advice received by the Council.

1038/18 That Council reiterates its request for all relevant documents to be made available to the public in relation to the Warnervale Airport.

A division was called by Councillor Greenaway.

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

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

The motion was CARRIED on the casting vote of the Mayor.

7.1 Rescission Motion - Modification to DA/967/2013 - 405 Lot Subdivision at 85 Kanangra Drive Crangan Bay

Moved: Councillor Pilon

Seconded: Councillor Marquart

That Council rescind the following resolution carried at the Ordinary Meeting of Council held on 29 October 2018:

1104/18 That Council approve the modification to Development Consent 967/2013 having regard to the matters for consideration detailed in Sections 4.55 and 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues including the upgrade of the Pacific Highway/Kanangra Drive intersection is to be undertaken prior to the release of the subdivision certificate for stage 2 of the residential subdivision.

1105/18 That Council advise those who made written submissions of its decision.

1106/18 That Council advise those Government Authorities who made written submissions of Council's decision.

For:
Councillors Marquart, Gale Collins, Pilon and
Burke

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

Abstain:
Councillor McLachlan

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

Procedural Motion

Councillor Best left the chamber at 11.10pm and did not return. He did not take part in confidential discussion or voting of this item.

Moved: **Councillor Burke**
Seconded: **Mayor Smith**

Resolved

1039/18 That Council consider a motion of urgency regarding a Confidential Rescission Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge.

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

Against:
Councillors Mehrtens, Sundstrom,
Matthews, MacGregor, Greenaway and
Hogan

Procedural Motion – Closed Session

Councillor Best left the chamber at 11.10pm and did not return. He did not take part in confidential discussion or voting of this item.

Moved: Mayor Smith

Resolved

1040/18 That the meeting move into Confidential Session.

For: _____ **Against:** _____

Mayor Smith and Councillors Marquart, Holstein, Gale Collins, Pilon, McLachlan and Burke

Councillors Mehrrens, Sundstrom, Matthews, MacGregor and Hogan
Abstain:
Councillor Greenaway

At this stage of the meeting being 11.13pm the meeting moved into Confidential Session with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10A(2) of The Local Government Act, 1993 as the items listed come within the following provisions:-

10A Which parts of a meeting can be closed to the public?

(2) The matters and information are the following:

a) personnel matters concerning particular individuals (other than councillors);

.....

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

The meeting resumed in open session at 12.27pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

U7/18 Urgency Motion - Council to Support Wallarah 2 Coal Mine Legal Challenge
Councillor Chris Burke

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

Councillor Best declared a pecuniary interest in this item because he is General Manager of Central Coast Training Group and they manage Wallarah 2 Coal Project's Apprentice Program. Councillor Best left the chamber at 11.10pm and did not return. He did not take part in discussion or the voting of this item.

Moved: Councillor Burke

Seconded: Councillor Marquart

That Council rescind the following resolutions carried at the Ordinary Meetings of Council held on 28 May 2018 and 27 August 2018 respectfully:

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.*

881/18 *That resolution of 492/18 of the Ordinary Meeting of the Council on 28 May 2018 be amended by deleting all words after "Incorporated".*

A division was called by Councillors Marquart and Burke

For:

*Councillors Marquart, Holstein, Gale Collins,
Pilon, McLachlan and Burke*

Against:

*Mayor Smith and Mehrrens, Sundstrom,
Matthews, MacGregor, Greenaway and
Hogan*

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

Questions on Notice

Q216/18 QON - Subdivision of the Meadows Rd/ Robina Parade, Springfield Councillor Jeff Sundstrom

At the time of the subdivision of the Meadows Rd / Robinia Pde Springfield development, was there a requirement for section 94 contributions? If so, how was the money spent? Do any funds remain?

Q217/18 QON - Community Forum Speakers Councillor Jeff Sundstrom

Is there an issue preventing potential speakers from registering to speak at the community forum? I was made aware tonight that a community member that made an attempt to register that she thought was successful and another that attempted unsuccessfully 6 times to register. Neither community member was successfully registered.

Q218/18 QON - Community Garden Policy/Programme Councillor Kyle MacGregor

Does Central Coast Council currently have a community garden policy or programme? In the event that we do not, are staff currently in the process of formulating one or does council have intention to develop one?

Q219/18 QON - Changing a road, street or laneways name
Councillor Kyle MacGregor

Is Council able to clarify what role, if any, Council can have in altering or changing a road, street or laneways name in the Central Coast Council area?

Q220/18 QON - Airport Masterplan on Internet
Councillor Jilly Pilon

Can staff please confirm if the AMP on the Council Website? If not, can staff please advise why it was taken down?

Q221/18 QON - Economic Development Officer, Innovation and Futures Directorate
Councillor Bruce McLachlan

Will there be an appointment of a dedicated Economic Development Officer/s in the new Dept of Innovation?

Q222/18 QON - Director Insurance for Councillors
Councillor Bruce McLachlan

Would it be possible for Council to please make enquires into providing Directors Insurance for Councillors, to cover possible individual claims against Councillors?

Q223/18 QON - Nissan Hut Ownership
Councillor Louise Greenaway

Could we be provided please with information surrounding the ownership and plans for the Nissan Hut at 1A Jacques St, Ourimbah as there appears to be works being undertaken there presently.

Q224/18 QON - Public Release Documents
Councillor Louise Greenaway

The previous council website had the Airport proactive release documents prominently displayed on its own page. The current site has the documents in a far less accessible and they are very difficult to find. Would it be possible to improve this aspect of the website?

Q225/18 QON - Revenue Raised from Fines
Councillor Jillian Hogan

Could staff please provide a breakdown of revenue raised from fines in the last financial year, by type?

Q226/18 QON - Organisational Chart
Councillor Jillian Hogan

Could the CEO please provide an org chart showing recently revised structure changes – including Directorate, relevant units and responsibilities?

Q227/18 QON - Funds for Dredging on St Huberts Island
Councillor Rebecca Gale Collins

What happened to the funds raised by residents for dredging on St Hubert's Island in former GCC.

Q228/18 QON - Hut on Lion's Park
Councillor Rebecca Gale Collins

Is the new hut going to stay erected on Lion's Park as it wasn't on the plans and residents are discontent with positioning.

The Meeting closed at 12.35am.