



## Central Coast Council

Minutes of the  
**Ordinary Meeting of Council**  
Held in the Council Chamber  
2 Hely Street, Wyong  
on 13 May 2019

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### Present

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

### 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 Evan Hutchings (Director Governance).

The Mayor, Jane Smith, declared the meeting open at 6.50pm.

### Adjournment

Councillor Vincent left the chamber at 6.51pm and returned at 6.52pm and did not vote on the adjournment.

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

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

### Resolved

**355/19      That Council adjourn the 13 May 2019 Ordinary Council Meeting, the time being 6.51pm, to reconvene at the conclusion of the Public Forum.**

**For:**

**Unanimous**

The meeting reconvened at 7.19pm and the following Councillors were in attendance: Mayor Jane Smith and Councillors Bruce McLachlan, Chris Holstein, Louise Greenaway, Chris Burke, Jilly Pilon, Troy Marquart, Rebecca Gale Collins, Jillian Hogan, Kyle MacGregor, Doug Vincent, Jeff Sundstrom, Richard Mehrtens and Lisa Matthews.

The Mayor, Jane Smith 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.

The reports are recorded in their correct agenda sequence.

**Leave of Absence**

Councillor Best was granted a Leave of Absence at the meeting of 29 April 2019 for the period of 29 April 2019 to 13 May 2019.

**1.1 Disclosure of Interest**

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**Item 3.1 Deferred Item - DA/54551/2018 170-175 Blackwall Road and 8 Farnell Road, Woy Woy**

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

**Item 3.4 Proposed 2019-2020 Regional Business Development Support Program Model for Town Centres**

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

**Item 3.6 Grants and Sponsorship Program Round 2 2018-2019**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as she is familiar with a lot of the groups through her professional workplace and also as a Councillor. Councillor Hogan chose to remain in the chamber and participate in voting as her association is remote and she is confident that she is able to approach the applications fairly and without favour.

Councillor Matthews declared a less than significant non pecuniary interest in the matter as the Chief Executive Officer of Charmhaven Tennis Centre was her campaign manager in the 2017 Local Government Elections. Councillor Matthews chose to remain in the chamber and participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has an association through the community to some of the recipients of the grants. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting.

**Item 3.7 Response to Motion of Urgency - Terrigal Water Quality**

Mayor Smith declared a less than significant non pecuniary interest in the matter as she has a connection with the Waterwatch Program. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

**Item 6.1 Rescission Motion - Terrigal Boardwalk and Rock Pool**

Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in

the chamber and participate in discussion and voting.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she is a regular user of the Terrigal Haven. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

**Item 7.2 Legal Advice Prospect of challenging JRPP decision – Toukley Unit Development**

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate on the JRPP. He has also had involvement in this particular matter. Councillor Sundstrom left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Councillor MacGregor declared a pecuniary interest in the matter as he is on the JRPP and receives income for attending the meetings. Councillor MacGregor left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Councillor Burke declared a pecuniary interest in the matter as he is on the JRPP and receives income for attending the meetings. Councillor Burke left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Scott Cox Director Environment and Planning declared a significant non pecuniary interest in the matter as this is a potential challenge to a decision made by his planning staff. Scott Cox left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion.

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

**Resolved**

**356/19      That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**1.2            Confirmation of Minutes of Previous Meetings**

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

**Resolved**

**357/19      That Council confirm the minutes of the Ordinary Meeting of the Council held on 29 April 2019.**

**For:**  
**Unanimous**

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

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**Moved:** Councillor Holstein

**Seconded:** Councillor Hogan

**Resolved**

**358/19 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(d)(g) of the Local Government Act 1993 for the following reasons:**

**Item 7.1 Meeting Record of the Crown Lands Negotiation Program Committee held on 4 February 2019, 14 February 2019 and 4 March 2019**

**Reason for considering in closed session:**

**2(d) commercial information of a confidential nature that would, if disclosed:**

- (i) prejudice the commercial position of the person who supplied it, or**
- (ii) confer a commercial advantage on a competitor of the Council, or**
- (iii) reveal a trade secret.**

**In accordance with section 10A(2)(d) of the [Local Government Act 1993](#), the information contained within Item 6.1 Meeting Record of the Crown Lands Negotiation Program Committee held on 4 February 2019, 14 February 2019 and 4 March 2019 is confidential as they contain commercial information of a confidential nature that if disclosed would prejudice the commercial position of the person who supplied it and/or confer a commercial advantage on a competitor of the Council.**

**On balance, release of this report and attachments would not be in the public interest. Central Coast Council is a party to the Comprehensive Central Coast Crown Land Negotiation Program (the Negotiation Program) that is being run by the Department of Industry – Crown Lands. Information shared with Council by the other parties during the course of the Negotiation Program is done so on the basis of good faith and that the Council, and other parties involved in the negotiation, will not disclose their information. Further, the information included as part of the Negotiation Program includes details other parties have shared with Council in good faith and with the expectation that the information would remain confidential. Release of the report would prejudice the position of Council in the Negotiation Program and the other parties to it, and impact Council's ability to obtain and share such information in the future.**

**Item 7.2 Confidential legal advice prospect of challenging JRPP decision – Toukley Unit Development**

**Reason for considering in closed session:**

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

**In accordance with section 10A(2)(g) of the Local Government Act and because consideration of the matter in open Council would, on balance, be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the Central Coast community.**

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

**Against:**  
**Councillors Gale Collins and Pilon**

**Procedural Motion – Exception**

**Moved: Councillor Gale Collins**  
**Seconded: Councillor Hogan**

**Resolved**

**359/19 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports being:**

<b>1.4 Mayoral Minute - Emergency Services Levy Increase</b>
<b>2.1 Supplementary Report DA/54832/2018 - Construction of Seniors Housing - No 13-14 Caldwell Close, Green Point</b>
<b>3.1 Deferred Item - DA/54551/2018 170-175 Blackwall Road and 8 Farnell Road, Woy Woy</b>
<b>3.7 Response to Motion of Urgency - Terrigal Water Quality</b>
<b>6.1 Rescission Motion - Terrigal Boardwalk and Rock Pool</b>
<b>7.2 Legal Advice Prospect of challenging JRPP decision – Toukley Unit Development</b>

**360/19 That Council adopt the following items en-masse and in accordance with the report recommendations:**

<b>3.2 Deferred Item - DA/55321/2018 Proposed New Dwelling House at 64 Fishermans Parade, Daleys Point</b>
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<b>3.3</b>	<b><i>Deferred Item - Unsolicited Proposals Policy</i></b>
<b>3.4</b>	<b><i>Proposed 2019-2020 Regional Business Development Support Program Model for Town Centres</i></b>
<b>3.5</b>	<b><i>Response to Notice of Motion - Investigation to host the National Town Crier Championship in 2020</i></b>
<b>3.6</b>	<b><i>Grants and Sponsorship Program Round 2 2018-2019</i></b>
<b>4.1</b>	<b><i>2018/19 Capital Works Project Status</i></b>
<b>4.2</b>	<b><i>Response to Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection</i></b>
<b>4.3</b>	<b><i>Meeting Record of the Gosford Foundation Trust Management Committee held on 26 March 2019</i></b>
<b>4.4</b>	<b><i>Meeting Record of the Heritage Advisory Committee held on 13 March 2019</i></b>
<b>7.1</b>	<b><i>Meeting Records of the Crown Lands Negotiation Program Committee held on 4 February 2019, 14 February 2019 and 4 March 2019</i></b>

**For:**  
**Unanimous**

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**1.4**            **Mayoral Minute - Emergency Services Levy Increase**

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**Moved:**    **Mayor Smith**

**Resolved**

**361/19**       **That Council notes:**

- a**    ***Last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers***
- b**    ***That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local governments strongly support this expanded workers compensation scheme***
- c**    ***That as a result of these changes, the State Government has decided to implement the new scheme by charging local government an increased Emergency Services Levy, without consultation.***
- d**    ***That the expected increase in costs to local government will be \$19 million in the first year alone, and that there is little or no time to enshrine this additional charge in 2019-2020 budgets.***
- e**    ***That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.***

**362/19**       **That Council supports Local Government NSW's calls for:**

- a the NSW Government to cover the initial additional \$19 million increase to local governments for the first year and*
- b the NSW Government work with NSW councils to redesign the funding mechanism for the scheme to ensure fairness into the future.*

**363/19 That Council request that the Chief Executive Officer liaise with Local Government NSW to provide information on:**

- a The impact on council budgets and*
- b Council advocacy actions undertaken*

**364/19 That Council request that the Mayor;**

- a write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local State Members to:*
  - i. call upon the NSW Government to fund the first 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated*
  - ii. explain how this sudden increase will impact council services and the local community*
  - iii. highlight that councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018*
  - iv. explain that the poor planning and implementation of the increase is inconsistent with the NSW Government's commitment to work in partnership with the sector*
  - v. ask the Government to work with local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.*
- b Send a copy of the above letter to Local Government NSW.*

**For:  
Unanimous**

**2.1 Supplementary Report DA/54832/2018 - Construction of Seniors Housing - No 13-14 Caldwell Close, Green Point**

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**Moved: Councillor Burke**  
**Seconded: Councillor Marquart**

**Resolved**

**365/19 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.**

**366/19 That Council advise those who made written submissions of its decision.**

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

**3.1 Deferred Item - DA/54551/2018 170-175 Blackwall Road and 8 Farnell Road, Woy Woy**

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Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

**Moved: Councillor Holstein**  
**Seconded: Councillor Mehrstens**

**Resolved**

**367/19 That Council note the deferred DA/54551/2018 170-175 Blackwall Road and 8 Farnell Road, Woy Woy report which is Attachment 1.**

**368/19 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.**

**369/19 That Council advise those who made written submissions of its decision.**

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



**3.2 Deferred Item - DA/55321/2018 Proposed New Dwelling House at 64 Fishermans Parade, Daleys Point**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor Hogan

**Resolved**

**370/19 That Council note the deferred DA/55321/2018 Proposed New Dwelling House at 64 Fishermans Parade, Daleys Point.**

**371/19 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**

**3.3 Deferred Item - Unsolicited Proposals Policy**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor Hogan

**Resolved**

**372/19 That Council note the deferred Unsolicited Proposals Policy report which is Attachment 1.**

**373/19 That Council adopt the Central Coast Council Unsolicited Proposals Policy as set out in Attachment 1 to this report noting that the following changes will be made:**

- a Include an additional purpose of the Policy to 'ensure transparency, accountability and fairness in Council's dealings with all stakeholders for the benefit of the Central Coast community'.**
- b Include an additional purpose of the Policy 'is to protect Council's reputation and minimise risk of corruption'.**
- c Amend the Policy and Procedures to require a triple bottom line approach (economic, environmental and social) to the consideration, assessment and implementation of proposals. This includes, but is not limited to, amending:**

- Guiding principles – 8. Optimise Outcomes**

- **10. Assessment Criteria – Value for Money**
- **10. Assessment Criteria – Return on Investment.**

**d** ***Include as a 'Guiding Principle' that the Policy does not apply to Council community facilities unless outside the scope of current operation, lease arrangements and procedures.***

**For:**

**Unanimous**

### **3.4 Proposed 2019-2020 Regional Business Development Support Program Model for Town Centres**

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Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting. The matter was dealt with by the exception method.

**Moved: Councillor Gale Collins**

**Seconded: Councillor Hogan**

**Resolved**

**374/19 That Council note the proposed Regional Business Development Support Program model for Town Centres for the 2019/20 financial year.**

**375/19 That Council resolve to provide \$30,000 funding in the 2019/20 financial year to each of the following groups - The Gosford Business Improvement District, The Wyong Regional Chamber of Commerce, Greater Toukley Vision, The Peninsular Chamber of Commerce, Gosford, Erina & Coastal Chamber of Commerce, and The Entrance & Districts Chamber of Commerce to develop and deliver objectives that meet the localised business support program as outlined within this report.**

**For:**

**Unanimous**

### **3.5 Response to Notice of Motion - Investigation to host the National Town Crier Championship in 2020**

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**Moved: Councillor Gale Collins**

**Seconded: Councillor Hogan**

**Resolved**

**376/19 That Council receive the report on the National Town Crier Championship 2020.**

**377/19** *That Council write to The Ancient and Honourable Guild of Australia and advise them of their decision to host the Town Crier Championship in 2020.*

**378/19** *That Council allocate funding in the 2020/21 budget to host the event.*

**379/19** *That Council resolve, pursuant to s10A(2)(c) of the Local Government Act 1993, that Attachment 1 to this report remain confidential as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**For:**

**Unanimous**

### **3.6 Grants and Sponsorship Program Round 2 2018-2019**

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Councillor Hogan declared a less than significant non pecuniary interest in the matter as she is familiar with a lot of the groups through her professional workplace and also as a Councillor. Councillor Hogan chose to remain in the chamber and participate in voting as her association is remote and she is confident that she is able to approach the applications fairly and without favour. The matter was dealt with by the exception method.

Councillor Matthews declared a less than significant non pecuniary interest in the matter as the Chief Executive Officer of Charmhaven Tennis Centre was her campaign manager in the 2017 Local Government Elections. Councillor Matthews chose to remain in the chamber and participate in discussion and voting.

Councillor Greenaway declared a less than significant non pecuniary interest in the matter as she has an association through the community to some of the recipients of the grants. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting. The matter was dealt with by the exception method.

**Moved:** **Councillor Gale Collins**

**Seconded:** **Councillor Hogan**

**Resolved**

**380/19** *That Council allocate \$111,200.00 from the sponsorship budget, to be paid over the 2018-19, 2019-20 and 2020-21 financial years to the applicants outlined in the table (Attachment 1).*

**381/19** *That Council allocate \$227,243.74 from the 2018-19 grants budget to the Community Events and Place Activation Program as outlined in the tables (Attachment 2).*

**382/19** *That Council allocate \$190,359.53 from the 2018-19 grants budget to the Community Infrastructure Grant Program as outlined in the tables*

*(Attachment 3).*

**383/19** *That Council allocate \$34,850.00 from the 2018-19 grants budget to the Social and Creative Enterprise Program as outlined in the tables (Attachment 4).*

**384/19** *That Council decline the Grants and Sponsorship program applications for the reasons indicated in the Tables (Attachment 1, 2, 3, and 4), and the applicants be advised and where relevant, directed to alternate funding.*

**For:**

**Unanimous**

### **3.7 Response to Motion of Urgency - Terrigal Water Quality**

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Mayor Smith declared a less than significant non pecuniary interest in the matter as she has a connection with the Waterwatch Program. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

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

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

**Resolved**

**385/19** *That Council receive the report on Response to Motion of Urgency - Terrigal Water Quality.*

**386/19** *That Council request that the Chief Executive Officer prepare and submit a further report to Council on the investigation into the possible source of the pollution, including compliance matters relating to the seven drains at the Southern end of Terrigal Beach.*

**387/19** *That Council request that the report referred to in resolution 386/19 include stormwater drainage maps and timeframes.*

**For:**

**Unanimous**

### **4.1 2018/19 Capital Works Project Status**

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**Moved:** **Councillor Gale Collins**

**Seconded:** **Councillor Hogan**

**Resolved**

**388/19** *That Council receive the report on 2018/19 Capital Works Project Status.*

**For:**  
**Unanimous**

**4.2 Response to Notice of Motion - Responsible Feral Animal Trapping and Domestic Pet Protection**

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**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Hogan

**Resolved**

**389/19 That Council note the information provided in the report in relation to the responsible feral animal trapping and domestic pet protection.**

**For:**  
**Unanimous**

**4.3 Meeting Record of the Gosford Foundation Trust Management Committee held on 26 March 2019**

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**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Hogan

**Resolved**

**390/19 That Council note the draft Meeting Record of the Gosford Foundation Trust Management Committee held on 26 March 2019.**

**For:**  
**Unanimous**

**4.4 Meeting Record of the Heritage Advisory Committee held on 13 March 2019**

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**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Hogan

**Resolved**

**391/19 That Council note the draft Meeting Record of the Heritage Advisory Committee held on 13 March 2019 that is Attachment 1 to this report.**

**For:**  
**Unanimous**

**6.1 Rescission Motion - Terrigal Boardwalk and Rock Pool**

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Councillor Gale Collins declared a less than significant non pecuniary interest in the matter as she is in contact with the Chambers of Commerce. Councillor Gale Collins chose to remain in the chamber and participate in discussion and voting.

Mayor Smith declared a less than significant non pecuniary interest in the matter as she is a regular user of the Terrigal Haven. Mayor Smith chose to remain in the chamber and participate in discussion and voting.

*Moved: Councillor Marquart*  
*Seconded: Councillor Gale Collins*

*That the following resolution carried at the Ordinary Meeting of Council held on 29 April 2019 be rescinded:*

- 315/19 *That Council receive and note this report.*
- 316/19 *That Council progress the rock pool works as a standalone project including consideration in the design of mitigating any impacts of storm water from nearby drains*
- 317/19 *That Council defer consideration of the Terrigal Boardwalk to allow for:*
- *A site visit with the designer / engineer*
  - *A briefing from a suitably qualified design engineer to address any issues raised as a result of the site visit, if required*
  - *Further consideration from staff regarding the utilisation of The Haven carpark*
- 318/19 *That Council request that the Chief Executive Officer provide a further report to Council as soon as possible.*

*A division was called by Councillor Marquart.*

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

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

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

**Confidential Session**

***Moved: Councillor Mehrtens***  
***Seconded: Councillor Matthews***

***Resolved***

**392/19 That the meeting move into Confidential Session.**

**For:**

**Unanimous**

At this stage of the meeting being 8.36pm 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:-

*Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature that would, if disclosed:*

- (i) prejudice the commercial position of the person who supplied it, or*
- (ii) confer a commercial advantage on a competitor of the Council, or*
- (iii) reveal a trade secret.*

*Section 10A(2)(g) of the Local Government Act 1993 as the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

## **Open Session**

The meeting resumed in open session at 8.59pm and the Chief Executive Officer reported on proceedings of the confidential session of the ordinary meeting as follows:

### **7.1 Meeting Records of the Crown Lands Negotiation Program Committee held on 4 February 2019, 14 February 2019 and 4 March 2019**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor Hogan

**Resolved**

**393/19 That Council receive the report on Meeting Records of the Crown Lands Negotiation Program Committee held on 4 February 2019, 14 February 2019 and 4 March 2019.**

**For:**

**Unanimous**

### **7.2 Legal Advice Prospect of challenging JRPP decision – Toukley Unit Development**

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Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternate on the JRPP. He has also had involvement in this particular matter. Councillor Sundstrom left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Councillor MacGregor declared a pecuniary interest in the matter as he is on the JRPP and receives income for attending the meetings. Councillor MacGregor left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Councillor Burke declared a pecuniary interest in the matter as he is on the JRPP and receives income for attending the meetings. Councillor Burke left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion or voting.

Scott Cox Director Environment and Planning declared a significant non pecuniary interest in the matter as this is a potential challenge to a decision made by his planning staff. Scott Cox left the chamber at 8.37pm, returning at 9.00pm, and did not participate in discussion.

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

**Resolved**

**394/19 That Council take no further action in relation to the decision of the Joint Regional Planning Panel's (JRPP) to approve under the Affordable Rental Housing SEPP 2009, DA/44/2018 (JRPP ID 2018HCC04,) a 34 Unit Housing Development in Dunleigh Street, Toukley.**

**395/19 That Council resolve, pursuant to s. 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential, on the basis that the attachment contains legal advice from legal practitioners that are subject to client legal privilege in accordance with section 10A(2)(g) of the Local Government Act and because consideration of the matter in open Council would, on balance, be contrary to the public interest as it would affect Council's ability to manage legal matters effectively and in the best interests of the Central Coast community.**

**396/19 That Council write to the Minister of Planning reiterating its concerns in respect to Affordable Rental Housing SEPP 2009.**

**For:**  
**Unanimous**

**Questions on Notice**

**Q94/19 QON - LEC JRPP**  
**Councillor Louise Greenaway**

Would staff please clarify who the parties would be in a Land and Environment Court



challenge to a JRPP decision that was made in accordance with staff recommendation and the feasibility of such an action?

**Q95/19 QON - Winney Bay  
Councillor Louise Greenaway**

Why has the Winney Bay walkway been closed, in particular is it related to an engineering/geotechnical issue in the very same area that the walkway was proposed?

**Director Environment and Planning provided a response**

There is a report coming back to Council on a number of matters with Winney Bay Walkway at the next Council Meeting. In terms of the closure of the track there are a number of factors. It is not just related to the geotechnical assessment, it is also related to some of the 'off' tracks that lead up to the edge of the cliff. In consultation with Council's risk assessment team it was identified that there is a key risk needing to be addressed. Staff are currently looking at options and whether or not signage is sufficient.

**Q96/19 QON - Safety Concerns of Tree in Erina  
Councillor Rebecca Gale Collins**

Can Council investigate the Eucalyptus tree with 35% lean out the front of 62 Thames Drive in Erina?

**Q97/19 QON - Umina Skate Park  
Councillor Kyle MacGregor**

How is Council conducting consultation on the Umina Skate Park BMX area and surrounding Community and sporting precinct upgrade now that initial consultation and plans have been circulated on the Your Coast Your Voice website, and comment closed in April. Is additional consultation and work being conducted or is this first phase to be the final consultation and final plans for mooted works for the Community and Sporting precinct in the BMX Area and Skate Park?

**Q98/19 QON - Water Rates  
Councillor Kyle MacGregor**

I have been anecdotally informed by a resident that an organisation in which they are involved were unable to pay in cash for their water rates at Wyong Council Office. They were instead redirected to Gosford Council Office if they intended to pay cash as Wyong Council Offices are only able to accept payment by credit card or electronic transfer via the internet.

Is this information supplied to me by the resident accurate and if it is, what is the reason for

Wyong Council Office not accepting cash payments for water rates and instead redirecting residents paying their rates by other means?

**Q99/19 QON - Consultation on Amalgamation**  
**Councillor Jillian Hogan**

On the 12 May, it has been 3 years since the forced amalgamation of Gosford and Wyong Councils. I'd like to acknowledge and commend staff on their hard work and due diligence through this time. My question is, have we gone back to residents and asked them how they think the amalgamated Council is progressing?

**Chief Executive Officer provided a response**

In short, no, but there is still an outstanding Council resolution relating to the amalgamation issues that staff are working through. Part of that was a question about the amalgamation process and residents views on that.

So it hasn't been done in terms of timing for the anniversary but we are still working through that process.

**Q100/19 QON - Significant Tree Register**  
**Councillor Troy Marquart**

Does Council have a register of significant trees and buildings?

**Director Environment and Planning provided a response**

In both former Gosford and Wyong Councils LEP there is a list of heritage items identified. The former Gosford Council had a significant tree register. A link to it can be provided.

**The Meeting** closed at 9.08 pm.