



Central Coast Council  
Business Paper  
Ordinary Meeting  
**11 June 2019**





# COMMUNITY STRATEGIC PLAN 2018-2028

**ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA**

**ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE**

**ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES**

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

## RESPONSIBLE

**WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.** We value transparent and meaningful

communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

**G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives



All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.

The infographic is a grid with 5 main themes. Each theme has 4 focus areas, and each focus area has 4 objectives. The themes are: BELONGING, SMART, GREEN, RESPONSIBLE, and LIVEABLE. The 'RESPONSIBLE' theme is highlighted in a darker green.



# Meeting Notice

**The Ordinary Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
2 Hely Street, Wyong on  
Tuesday 11 June 2019 at 6.30 pm,  
for the transaction of the business listed below:**

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9.1	Deferred Item - Response to Notice of Motion - Davistown Wetlands Acquisition
9.2	Gosford Cultural Precinct - ET Negotiations

Gary Murphy  
**Chief Executive Officer**

**Item No:** 1.1  
**Title:** Disclosure of Interest  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13541928

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- (1) *A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) *The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
  - (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
  - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
  - (a) *the matter is a proposal relating to:*
    - (i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
    - (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
  - (a1) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*

## **1.1 Disclosure of Interest (contd)**

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*(whose interests are relevant under section 443) in that person's principal place of residence, and*

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
  
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
  - (a) be in the form prescribed by the regulations, and*
  - (b) contain the information required by the regulations.*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

### **Recommendation**

***That Council now disclose any conflicts of interest in matters under consideration by Council at this meeting.***

### **Attachments**

Nil

**Item No:** 1.2  
**Title:** Confirmation of Minutes of Previous Meetings  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13541946



### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 27 May 2019.

A motion or discussion with respect to the Minutes is not order except with regard to their accuracy as a true record of the proceedings.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of the Council held on 27 May 2019.***

### **Attachments**

**1** Minutes from 27 May 2019 Council Meeting      D13551884



## Central Coast Council

### Minutes of the Ordinary Council Meeting of Council

Held in the Council Chamber

2 Hely Street, Wyong

on 27 May 2019

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#### **Present**

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale Collins, Louise Greenaway, Jeff Sundstrom 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), Evan Hutchings (Director Governance) and Craig Norman (Chief Finance Officer).

The Mayor, Jane Smith, declared the meeting open at 6.48pm.

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 Mayor, Jane Smith also acknowledged the connection that we all have to this land and place, and the shared responsibility that we have to care for and protect this land for future generations.

The Mayor, Jane Smith noted that it is National Reconciliation Week this week and thanked Councillor Greenaway for attending the Maliga Art Award and Exhibition, on behalf of the Mayor. The exhibition is being held during National Reconciliation Week at the Entrance Art Gallery, showcasing artworks from high school and primary school students.

The reports are recorded in their correct agenda sequence.

#### **Apologies**

Councillor Richard Mehrtens

#### **Leaves of Absence**

**Moved:** *Councillor Matthews*  
**Seconded:** *Councillor Sundstrom*

**Resolved**

**397/19 That the apology from Councillor Mehrtens be accepted.**

**398/19 That Council accept the following leave of absence requests;**

- **Councillor Hogan for the period of 14 to 23 June 2019.**
- **Councillor Burke for the Ordinary Meeting of 11 June 2019.**

**For:**

**Unanimous**

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**1.1 Disclosure of Interest**

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**Item 4.3 Australian Local Government Women's Association (NSW Branch) Executive Member Appointment**

Councillor Matthews declared a significant non pecuniary interest on the matter as it relates to her. The matter was dealt with by the exception method.

**Item 4.4 Draft Open Pile Burning Policy - Community Consultation Submissions Report**

Councillor Burke declared a significant non pecuniary interest in the matter as he owns acreage. Councillor Burke left the chamber at 7.36pm, returning at 7.59pm, and did not participate in discussion or voting.

**Item 7.1 Notice of Motion - San Remo BMX Park - Congratulations**

Councillor Hogan declared a less than significant non pecuniary interest as she has been instrumental in getting the park built. Councillor Hogan chose to remain in the chamber and participate in discussion and voting. The matter was deferred to the next meeting.

Councillor Vincent declared a less than significant non pecuniary interest as he has volunteered at the BMX park and has children that utilise the site on non-race days. Councillor Vincent chose to remain in the chamber and participate in voting and discussion as he is not a member of the club or the committee. The matter was deferred to the next meeting.

**Moved: Councillor MacGregor**

**Seconded: Councillor Gale Collins**

**Resolved**

**399/19 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

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**1.2 Confirmation of Minutes of Previous Meetings**

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**Moved:** Councillor Gale Collins

**Seconded:** Councillor MacGregor

**Resolved**

**400/19 That Council confirm the minutes of the Ordinary Meeting of the Council held on 13 May 2019.**

**For:**

**Unanimous**

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

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**Moved:** Councillor Greenaway

**Seconded:** Councillor Sundstrom

**Resolved**

**401/19 That the Council resolve that the following matters be dealt with in closed session, pursuant to s. 10A(2)(c) of the Local Government Act 1993 for the following reasons:**

**Item 8.1 Davistown Wetlands Acquisition**

**Reason for considering in closed session:**

**2(c) - Contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.**

**That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act 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 and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**For:**

**Councillors Matthews, Sundstrom, Greenaway, McLachlan, Holstein, Burke, Marquart, Vincent, Hogan and Best**

**Against:**

**Mayor Smith and Councillors Gale Collins, Pilon and MacGregor**

**Procedural Motion – Exception**

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

**Resolved**

**402/19** That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports being:

<b>Item 2.1 - Mayoral Minute - Reports on Biodiversity from UN and NSW Government</b>
<b>Item 3.2 - DA/1183/2018 - Medical Centre at 24-26 Rosemeadow Dr, GWANDALAN</b>
<b>Item 4.1 - Draft Code of Meeting Practice - Submissions</b>
<b>Item 4.4 - Draft Open Pile Burning Policy - Community Consultation Submissions Report</b>
<b>Item 4.5 - INSW Funding for RNSW1211 - Winney Bay Cliff Top Walk Project Update</b>
<b>Item 4.6 - 2018-19 Q3 Business Report</b>
<b>Item 4.8 - Making and Fixing of 2019-20 Rates and Charges</b>
<b>Item 4.9 - Ordinary Rates Harmonisation</b>
<b>Item 4.10 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019</b>
<b>Item 4.11 - Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019</b>
<b>Item 4.12 - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019</b>
<b>Item 5.2 - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017</b>
<b>Item 7.1 - Notice of Motion - San Remo BMX Park - Congratulations</b>
<b>Item 7.2 - Notice of Motion - Innovation and Futures Reference Group</b>
<b>Item 7.3 - Notice of Motion - Water Management Committee</b>
<b>Item 8.1 – Confidential - Response to Notice of Motion - Davistown Wetlands Acquisition</b>

**403/19** That Council adopt the following items en-masse and in accordance with the report recommendations:

<b>Item 3.1 - DA/851/2018 - Alterations &amp; Additions to Existing Attached Dual Occupancy at 60A Ocean Parade &amp; 65 Dening Street, The Entrance</b>
<b>Item 4.2 - Councillor Remuneration</b>
<b>Item 4.3 - Australian Local Government Women's Association (NSW Branch) Executive Member Appointment</b>
<b>Item 4.7 - Investment Report April 2019</b>
<b>Item 4.13 - Appointments to Tourism Advisory Committee</b>
<b>Item 4.14 - IPART Determination</b>

<b>Item 5.1 - Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 2 April 2019</b>
<b>Item 5.3 - Activities of the Development Assessment and Environment and Certification Units - January to March 2019 Quarter 3</b>
<b>Item 5.4 - Response to Notice of Motion - Quality Food and Wine &amp; Vineyard Tourism Accommodation Opportunities</b>

**For:**  
**Unanimous**

## **2.1 Mayoral Minute - Reports on Biodiversity from UN and NSW Government**

**Moved: Mayor Smith**

**Resolved**

**That Council:**

**404/19 Note the recent United Nations Report from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Service (IPBES) and key findings including:**

- i. one million of the world's species are now under threat of extinction**
- ii. the decline in nature is happening at rates that are unprecedented in human history**
- iii. human use of the land and the sea resources are mostly to blame for the loss of species, followed by direct exploitation of animals, climate change, pollution and invasive species**
- iv. action is required at a local, national and global level.**

**405/19 Note the recent State of the Environment Report 2018, released by the NSW EPA on 9 May, 2019 and findings related to biodiversity including:**

- i. The latest reported rate of clearing of woody native vegetation was 14,700 ha/year (in 2014–2015).**
- ii. The number of species considered at risk of extinction continues to rise. There are currently 1,025 species and 112 ecological communities listed as threatened.**
- iii. The survival of threatened species is impacted by 46 listed key threatening processes. The main threats are the clearing and disturbance of native vegetation and invasive pests and weeds.**
- iv. The continuing overall decline in native fauna diversity is due to the cumulative impact of vegetation clearing and fragmentation, habitat degradation and invasive species.**

**406/19 Note that Council is currently developing a number of policies and strategies that will assist in managing biodiversity and natural areas on the Central Coast including:**

- i. Biodiversity Strategy**
- ii. Climate Change Policy**
- iii. Sustainability Strategy**
- iv. Greener Places Strategy**
- v. Tree Management Policy**

**407/19 Reaffirm its commitment to the Coastal Open Space System (COSS) and the objective of protecting and improving biodiversity and environmental values of COSS lands and other land within the Central Coast LGA identified for the protection of biodiversity including:**

- i. other Council owned and managed natural reserves,**
- ii. other publically owned lands**
- iii. other privately owned lands identified for the protection of biodiversity.**

**408/19 Request the Chief Executive Officer to provide a report to the Ordinary Council meeting to be held on 24 June, 2019 on progress towards the expansion of COSS in line with the NSW Government's Central Coast Regional Plan 2036 (Action 12.4) and Council's Community Strategic Plan (objective F2).**

**409/19 Request the Chief Executive Officer to:**

- i. Note the requirement under the Local Government Act (Sect 428A) for the preparation of a State of Environment Report (SoE Report) for the Central Coast in 2020.**
- ii. Benchmark the SoE Report (2020) against the most recent State of Environment Reports prepared by the former Gosford and Wyong Councils including consideration of models such as "Pressure – Status – Response" assessment.**
- iii. Provide a report to the last meeting in July, 2019 on the process of preparing the SoE Report (2020)**

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

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

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**3.1 DA/851/2018 - Alterations & Additions to Existing Attached Dual Occupancy at 60A Ocean Parade & 65 Dening Street, The Entrance**

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

**Resolved**

**410/19 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.**

**411/19 That Council assume the concurrence of the Secretary of the Department of Planning and Environment in accordance with the written notification of assumed concurrence issued under clause 64 of the Environmental Planning and Assessment Regulation 2000.**

**412/19 That Council advise those who made written submissions of its decision.**

**For:**  
**Unanimous**

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**3.2 DA/1183/2018 - Medical Centre at 24-26 Rosemeadow Dr, GWANDALAN**

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**Moved:** Councillor Gale Collins  
**Seconded:** Councillor Burke

**Resolved**

**413/19 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.**

**414/19 That Council advise those who made written submissions of its decision.**

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

**4.1 Draft Code of Meeting Practice - Submissions**

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Councillor Vincent left the chamber at 7.34pm, returning at 7.38pm, and did not participate in discussion or voting.

**Moved:** Mayor Smith  
**Seconded:** Councillor Best

**Resolved**

**415/19 That Council defer consideration of the Draft Code of Meeting Practice – Submissions to the Ordinary Meeting to be held on 11 June 2019 and note that supplementary information will be provided for Council’s consideration.**

**For:**  
**Unanimous**

**4.2 Councillor Remuneration**

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

**Resolved**

**416/19 That Council note the determination made by the Local Government Remuneration Tribunal on 15 April 2019 in respect of Councillor and Mayoral fees.**

**417/19 That Council fix the annual fee to be paid to each Councillor at \$30,410 pursuant to s.248(2) of the Local Government Act 1993.**

**418/19 That Council fix the annual fee to be paid to the Mayor at \$88,600 pursuant to s.249(3) of the Local Government Act 1993.**

**419/19 That Council determine, pursuant to s.249(5) of the Local Government Act 1993, that an annual fee of \$8,860 be paid to the Deputy Mayor, with that fee to be deducted from the annual fee paid to the Mayor in accordance with resolution 3 above.**

**For:**  
**Unanimous**

#### 4.3 Australian Local Government Women's Association (NSW Branch) Executive Member Appointment

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Councillor Matthews declared a significant non pecuniary interest on the matter as it relates to her. The matter was dealt with by the exception method.

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

**Resolved**

**420/19 That Council congratulate Councillor Lisa Matthews on her election as an Executive Member of the Australian Local Government Women's Association NSW Branch.**

**421/19 That Council confirm its support for Councillor Matthews in undertaking the duties associated with this position to attend conferences and executive board meetings noting.**

**For:**  
**Unanimous**

#### 4.4 Draft Open Pile Burning Policy - Community Consultation Submissions Report

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Councillor Burke declared a significant non pecuniary interest in the matter as he owns acreage. Councillor Burke left the chamber at 7.36pm, returning at 7.59pm, and did not participate in discussion or voting.

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

- 1 That Council adopt items 1a, 1d, 1e, 1f, 1g and 2 to 5 of the Recommendation
- 2 That Council amend item 1b to remove E2, 7a, 7c2 and deferred matters from the Policy.
- 3 That Council amend the Draft Policy item D3 by removing - 'Vegetation may be added as the pile burns down.'
- 4 That Council amend to include a new item 6 – That Council review the Central Coast Open Pile Burning Policy within two years.
- 5 That Council amend to include a new item 7 – That Council request, from the Rural Fire Service and report data, the number of open pile burning notifications on a six monthly basis.

**For:**  
 Mayor Smith and Councillor Greenaway

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

The Motion was put to the vote and declared LOST.

The matter was then at LARGE.

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

**422/19 That Council adopt the draft Central Coast Open Pile Burning Policy, as amended. Specific amendments include:**

- a Policy Item A1 has been amended to reflect the exact wording of the Protection of the Environment Operations (Clean Air) Regulation 2010. This required removal of 'dry and dead'.**
- b Policy Item D1 now includes Environmental Zones and Deferred Matter lands (Environmental Zones include the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living land use zones under the Wyong Local Environmental Plan 2013 and the Gosford Environmental Plan 2014 and the land use zones 7(a) Conservation and 7(c2) Scenic Protection under the Gosford Interim Development Order 122 as part of a self approval process.**
- c Policy Item D3 only allows for a 2m pile diameter to be consistent with the NSW Rural Fire Service and NSW Fire Brigade 'Standards for Pile Burning'.**
- d Policy Item D5 only allows 150mm vegetation diameter to be consistent with the NSW Rural Fire Service and NSW Fire Brigade 'Standards for Pile Burning'.**
- e Policy Item E3 clarifies that the Policy does not require approval to burn vegetation in the course of carrying out agricultural operations.**
- f Policy Item E4 clarifies that the Policy does not require approval to burn for recreational purposes.**
- g Matters relating to investigating reported breaches have been moved to Policy Section F4.**

**423/19 That Council request the Chief Executive Officer to write to the Environmental Protection Authority before the draft Central Coast Council Open Pile Burning Policy can be implemented seeking the following:**

- a The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
- b Request the removal of the former Gosford City Council from Part 1 of**

**Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

- c Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

- 424/19 That Council advise all those who made a public submission of the decision.**
- 425/19 That Council undertake a community education program for open pile burning in collaboration with NSW Rural Fire Service.**
- 426/19 That Council report data regarding open pile burning at the start of each Bushfire Danger Period in October (including alleged non-compliance and breaches).**
- 427/19 That Council review the Central Coast Open Pile Burning Policy within three years.**

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

**Against:**  
**Mayor Smith and Councillor Greenaway**

**Procedural Motion**

**Moved: Councillor Sundstrom**  
**Seconded: Councillor Vincent**

**Resolved**

- 428/19 That Council consider the recommendations contained in the report on Item 4.5 - INSW Funding for RNSW1211 - Winney Bay Cliff Top Walk Project Update in seriatum.**

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

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

**4.5 INSW Funding for RNSW1211 - Winney Bay Cliff Top Walk Project Update**

**First Part:**

**Moved: Mayor Smith**  
**Seconded: Councillor Best**

*That Council request the Chief Executive Officer write to Infrastructure NSW to formally decline the offer of project funding for the 'Winney Bay Cliff Top Walk – Stage 2'.*

*Amendment Moved: Councillor Best*

*Amendment Seconded: Councillor McLachlan*

- 1 That Council thank the State Government and the Member for Terrigal, Mr Adam Crouch MP for their strong support for providing \$4.6M to the residents of the Central Coast to develop the Winney Bay walkway.*
- 2 That as Council is of the mind to reject this particular grant funding, Council now respectfully request the State Government to allocate this grant funding to the ageing track that is the Norah Head Lighthouse Walk and the extension of the Shelly Beach/Toowoona Bay Walkway.*

*For:  
Councillors McLachlan and Best*

*Against:  
Mayor Smith and Councillor Matthews,  
Sundstrom, Greenaway, Gale Collins, Pilon,  
Holstein, Burke, Marquart, Vincent,  
MacGregor and Hogan*

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

*Moved: Mayor Smith*

*Seconded: Councillor Best*

*That Council request the Chief Executive Officer write to Infrastructure NSW to formally decline the offer of project funding for the 'Winney Bay Cliff Top Walk – Stage 2'.*

*For:  
Mayor Smith*

*Against:  
Councillor Matthews, Sundstrom, Greenaway,  
Gale Collins, Pilon, McLachlan, Holstein,  
Burke, Marquart, Vincent, MacGregor, Hogan  
and Best*

The Motion was put to the vote and declared LOST.

**The matter was then at LARGE.**

#### **Procedural Motion**

**Moved: Mayor Smith**

**Seconded: Councillor Holstein**

#### **Resolved**

**429/19 That Council defer consideration of this item until after the meeting adjournment.**

**For:**  
**Mayor Smith and Councillors Matthews,  
Sundstrom, Greenaway, Holstein, Marquart,  
Vincent and Hogan**

**Against:**  
**Councillors Gale Collins, Pilon,  
McLachlan, Burke, MacGregor and Best**

The Council resumed consideration of this item at 9.23pm.

Moved: Councillor Sundstrom  
Seconded: Councillor Greenaway

- 1 *That the revised project scope for the Winney Bay Cliff Top Walk be amended to allow for the new path to deviate off the existing informal track at those locations where geotechnical issues are presented and in order to best manage public safety.*
- 2 *That the revised concept designs for the Winney Bay Cliff Top Walk may include limited use of concrete, and may also include materials such as fibreglass and composites as utilised in the Chertsey Boardwalk project if they support development of a design that is sympathetic and has minimal environmental impact.*

Amendment Moved: Councillor McLachlan  
Amendment Seconded: Councillor Pilon

- 1 *That the revised project scope for the Winney Bay Cliff Top Walk be amended to allow for the new path to deviate off the existing informal track at those locations where geotechnical issues are presented and in order to best manage public safety.*
- 2 *That the revised concept designs for the Winney Bay Cliff Top Walk may include limited use of concrete, and may also include materials such as fibreglass and the design incorporates the key design elements of the original grant funding so that it complies with the funding at hand and also incorporates the changes such as composites as utilised in the Chertsey Boardwalk project if they support development of a design that is sympathetic and has minimal environmental impact.*

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

**Against:**  
**Mayor Smith and Councillor Matthews,  
Sundstrom, Greenaway, Vincent, MacGregor  
and Hogan**

The Amendment was put to the vote and LOST on the casting vote of the Mayor.

A division was called by Councillors McLachlan and Gale Collins.

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

**Against:**  
**Mayor Smith and Councillor Matthews,  
Sundstrom, Greenaway, Vincent, MacGregor  
and Hogan**

The motion was then put.

As a result of the division the motion was declared LOST on the casting vote of the Mayor.

The matter was then considered in its entirety rather than in seriatum.

**Moved:** Councillor Sundstrom  
**Seconded:** Councillor Greenaway

**Resolved**

**430/19** That the revised project scope for the Winney Bay Cliff Top Walk be amended to allow for the new path to deviate off the existing informal track at those locations where geotechnical issues are presented and in order to best manage public safety.

**431/19** That the revised concept designs for the Winney Bay Cliff Top Walk may include limited use of concrete, and may also include materials such as fibreglass and composites as utilised in the Chertsey Boardwalk project if they support development of a design that is sympathetic and has minimal environmental impact.

<p><b>For:</b>  <b>Mayor Smith and Councillors Matthews, Sundstrom, Greenaway, Vincent, MacGregor and Hogan</b></p>	<p><b>Against:</b>  <b>Councillors Gale Collins, Pilon, McLachlan, Burke, Marquart and Best</b>  <b>Abstained: Councillor Holstein</b></p>
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The motion was put to the vote and CARRIED on the casting vote of the Mayor.

A division was called by Councillors Gale Collins and Marquart.

<p><b>For:</b>  <b>Mayor Smith and Councillors Matthews, Sundstrom, Greenaway, Vincent, MacGregor and Hogan</b></p>	<p><b>Against:</b>  <b>Councillors Gale Collins, Pilon, McLachlan, Burke, Marquart and Best</b>  <b>Abstained: Councillor Holstein</b></p>
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**Casting vote of the Mayor**

**4.6 2018-19 Q3 Business Report**

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Councillor Matthews left the chamber at 9.03pm, returning at 9.23pm, and did not participate in discussion or voting.

**Moved:** Councillor Best  
**Seconded:** Councillor Holstein

**Resolved**

**432/19** That Council receive Central Coast Council's Q3 Business Report on progress against Central Coast Council's 2018-19 Operational Plan.

**433/19** That Council note that Council's Responsible Accounting Officer has declared the financial position of Central Coast Council to be satisfactory.

**434/19 That Council approve the proposed budget amendments included in Central Coast Council's Q3 Business Report for 2018-19.**

**For:**

**Unanimous**

The meeting was adjourned at 9.04pm and reconvened at 9.23pm

#### **4.7 Investment Report April 2019**

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**Moved: Councillor Vincent**

**Seconded: Councillor Gale Collins**

**Resolved**

**435/19 That Council receive the Investment Report April 2019.**

**For:**

**Unanimous**

#### **4.8 Making and Fixing of 2019-20 Rates and Charges**

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**Moved: Mayor Smith**

**Seconded: Councillor MacGregor**

**Resolved**

**436/19 That Council note rate and charge rebates to pensioners are prescribed by s. 575 of the Local Government Act 1993.**

**437/19 That Council is of the opinion that all rateable land that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the provision of certain facilities, services and activities contributing to business and tourism development that are funded in part or whole by a Business/Tourism Development Special Rate (as set out in attachment 1).**

**438/19 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Gosford Parking Special Rate and/or funded in whole or in part by the Gosford Central Business District Special Rate, which (respectively) fund the operation and maintenance of the Baker Street Parking Station and the provision of facilities, services and activities that contribute to business and tourism development in the area:**

**a Rateable land within Registered Plan 97/6.**

- b** *Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):*
- i** *Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and*
  - ii** *From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and*
  - iii** *Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.*

**439/19** *That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by The Entrance Area Special Rate, which promotes the economic development, marketing and development of The Entrance area and provides for the organisation and management of promotional events within and around The Entrance area for the purpose of improving the market penetration of The Entrance area and its traders (as set out in attachment 3):*

- a** *All rateable land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as The Entrance; and*
- b** *All rateable land in the suburbs of Magenta, The Entrance, North, The Entrance, Blue Bay, Long Jetty, Toowoona Bay, Shelly Beach and Bateau Bay used predominately for any of the following purposes, as those terms are defined in the Wyong Local Environmental Plan 2013 or the former Wyong Council's "Retail Centres Strategy":*
  - i** *amusement centres,*
  - ii** *camping grounds,*
  - iii** *caravan parks,*
  - iv** *eco-tourist facilities,*
  - v** *pubs,*
  - vi** *registered clubs, or*
  - vii** *service stations,*
  - viii** *tourist and visitor accommodation*

**440/19** *That Council is of the opinion that all rateable land in the suburbs known as Toukley, Canton Beach, Noraville and Norah Head that is used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 will derive benefit from the activities that are funded in part or whole by the Toukley Area Special Rate, which markets and promotes the economic development of the Toukley area (as set out in attachment 4).*

**441/19 That Council is of the opinion that the following rateable land will derive benefit from the activities that are funded in part or whole by the Wyong Area Special Rate, which is used to market and promote the economic development of the Wyong area within which this special rate applies (as set out in attachment 5):**

- a All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Watanobbi.**
- b All land used for business purposes and categorised as such in accordance with s. 518 of the Local Government Act 1993 in the suburb known as Wyong, bounded by the following:**
  - i North of the Wyong River from Tacoma in the east to the M1 Freeway in the west;**
  - ii East of the M1 Freeway from the Wyong River to the suburb boundary between Wyong and Warnervale but to exclude Lot 32 DP 814964;**
  - iii South of the northern Wyong boundary to its intersection with the Pacific Highway and then south of the Pacific Highway to the intersection of Pollock Avenue, but to include the land known as Lot 400 DP 1114793 (being to the north of the Pacific Highway);**
  - iv The eastern boundary of the suburb of Wyong from Johns Road to Wyong River.**

**442/19 That Council resolve to make, in respect of land within the former Gosford Local Government Area, the following ordinary rates for the 2019-20 rating and financial year where such rates consist of an ad valorem amount and subject to a minimum amount, pursuant to ss. 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993:**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.171961</b>	<b>\$540.00</b>
<b>Residential</b>	-	<b>0.294490</b>	<b>\$540.00</b>
<b>Residential</b>	<b>Flood</b>	<b>0.328657</b>	<b>\$276.00</b>
<b>Business</b>	-	<b>0.557896</b>	<b>\$540.00</b>

**443/19 That Council resolve to make, in respect of land within the former Wyong Local Government Area, the following ordinary rates for the 2019-20 rating and financial year consisting of an ad valorem amount and subject to a minimum amount, pursuant to sections 492-494, 497-498, 533-535 and 543 (inclusive) of the Local Government Act 1993 (refer attachment 7):**

<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Farmland</b>	-	<b>0.294576</b>	<b>\$300.00</b>

<b>Residential</b>	-	<b>0.463232</b>	<b>\$300.00</b>
<b>Mining</b>	-	<b>16.612570</b>	<b>\$300.00</b>
<b>Ordinary Rate Category Section 493</b>	<b>Ordinary Rate Sub Category Section 529</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Minimum Rate Amount</b>
<b>Business</b>	-	<b>1.009672</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Major Retail</b>	<b>1.514513</b>	<b>\$300.00</b>
<b>Business</b>	<b>Business Local Retail</b>	<b>1.262087</b>	<b>\$300.00</b>

- 444/19 That Council resolve to make, the following special rates for the 2019-20 rating and financial year consisting of an ad valorem amount, pursuant to ss. 492, 495, 497-500, 535-538 and 543 (inclusive) of the Local Government Act 1993 where those special rates are to apply only to and be levied on only the rateable land identified in the table below:

<b>Special Rate</b>	<b>Base Amount</b>	<b>Ad Valorem Amount (cents in the \$)</b>	<b>Special rate applies to the following rateable land</b>
<b>Business/Tourism Development</b>	-	<b>0.059057</b>	<b>All rateable land identified in resolution 1</b>
<b>Gosford Parking</b>	-	<b>0.138191</b>	<b>All rateable land identified in resolution 2</b>
<b>Gosford Central Business District Improvement</b>	-	<b>0.360517</b>	<b>All rateable land identified in resolution 2</b>
<b>The Entrance Area</b>	<b>\$93.00</b>	<b>0.369340</b>	<b>All rateable land identified in resolution 3</b>
<b>Toukley Area</b>	<b>\$93.00</b>	<b>0.276571</b>	<b>All rateable land identified in resolution 4</b>
<b>Wyong Area</b>	<b>\$93.00</b>	<b>0.104967</b>	<b>All rateable land identified in resolution 5</b>

- 445/19 That Council apply land valuations, with a base date 1 July 2016, for rating purposes in the 2019-20 rating and financial year.

- 446/19 That Council resolve to make, the following annual domestic waste management service charges for the 2019-20 rating and financial year, pursuant to ss. 496 and 535 of the Local Government Act 1993 (refer attachment 8):

<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management - Availability Charge</b>	<b>\$70.00</b>
<b>Domestic Waste Management Service – Eastern Area</b>	<b>\$502.00</b>
<b>Domestic Waste Management Service – Western Area</b>	<b>\$445.00</b>
<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management Service – 140 litre to 240 litre</b>	<b>\$133.00</b>

<b>Waste Upgrade</b>	
<b>Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade</b>	<b>\$267.00</b>
<b>Domestic Waste Management Service – 240 litre to 360 litre Waste</b>	<b>\$134.00</b>
<b>Domestic Waste Management Service – Additional 140 litre Waste Bin Service</b>	<b>\$264.00</b>
<b>Domestic Waste Management Service – Additional 240 litre Waste Bin Service</b>	<b>\$399.00</b>
<b>Domestic Waste Management Service – Additional 360 litre Waste Bin Service</b>	<b>\$533.00</b>
<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management Service – Additional 240 litre Recycling Bin Service</b>	<b>\$100.00</b>
<b>Domestic Waste Management Service – Additional 360 litre Recycling Bin Service</b>	<b>\$133.00</b>
<b>Name</b>	<b>Charge Amount</b>
<b>Domestic Waste Management Service – Additional 240 litre Vegetation Bin Service</b>	<b>\$108.00</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 140 litre Waste Bin - price per service</b>	<b>\$18.29</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Waste Bin - price per service</b>	<b>\$19.46</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Waste Bin - price per service</b>	<b>\$20.46</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Recycling Bin - price per service</b>	<b>\$18.29</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 360 litre Recycling Bin - price per service</b>	<b>\$20.64</b>
<b>Domestic Waste Management Service – Additional Short Term Extra Service – 240 litre Vegetation Bin - price per service</b>	<b>\$18.29</b>

447/19 That Council provide domestic waste management services only to parcels of land which have current Council consent or approval for a residential building.

448/19 That Council resolve to make, the changes set out in the adopted Delivery Program and Operational Plan for the 2019-20 financial year including but not limited to the following waste management charges for the 2019-20 rating and financial year, pursuant to ss. 501 and 535 of the Local Government Act 1993:

<b>Name</b>	<b>Charge Amount</b>
<b>Waste Management Service – 140 litre Waste Bin Service</b>	<b>\$374.00</b>
<b>Waste Management Service – 240 litre Waste Bin Service</b>	<b>\$499.00</b>
<b>Waste Management Service - 360 litre Waste Bin Service</b>	<b>\$615.00</b>
<b>Name</b>	<b>Charge Amount</b>
<b>Waste Management Service - 660 litre Waste Bin Service</b>	<b>\$2,130.00</b>
<b>Waste Management Service - 1.1 cubic metre Waste Bin</b>	<b>\$2,974.00</b>

<b>Service</b>	
<b>Waste Management Service - 1.5 cubic metre Waste Bin Service</b>	<b>\$4,005.00</b>
<b>Waste Management Service – 240 litre Recycling Bin Service</b>	<b>\$100.00</b>
<b>Waste Management Service – 360 litre Recycling Bin Service</b>	<b>\$133.00</b>
<b>Waste Management Service –240 litre Vegetation Bin Service</b>	<b>\$108.00</b>

- 449/19 That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2019-20 rating year.**
- 450/19 That, for the period between 1 July 2019 and 30 June 2020 in respect to overdue rates and charges, Council charge the lesser of the following:**
- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 7.5% per annum; or**
  - b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;**
  - c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.**

**For:  
Unanimous**

#### **4.9 Ordinary Rates Harmonisation**

Moved: Councillor Best  
Seconded: Councillor Vincent

*That Council make formal representations to the Minister for Local Government to;*

- a Implement legislative amendments to expedite the expiry of restriction on the Ordinary Rates structure of merged Councils.*
- b Implement legislative amendments to reduce the impact that changes from Ordinary Rates Harmonisation will have on ratepayers of merged councils,*
- c Issue guidelines to merged councils on Ordinary Rates Harmonisation.*

Amendment Moved: Mayor Smith  
Amendment Seconded: Councillor Greenaway

- 1 *That Council defer this matter to the Ordinary Meeting being held on 11 June 2019.*
- 2 *That Council request the Chief Executive Officer to provide a response to the draft motion proposed by Councillor Best.*

*For:*  
*Mayor Smith and Councillors Greenaway, Gale Collins, Pilon, McLachlan and Holstein*

*Against:*  
*Councillors Matthews, Sundstrom, Burke, Marquart, Vincent, MacGregor Hogan and Best*

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

Councillor Best, with the concurrence of the seconder Councillor Vincent, withdrew his motion to allow the amendment to be recommitted for consideration.

***Procedural Motion***

***Moved: Mayor Smith***  
***Seconded: Councillor Best***

***Resolved***

- 451/19 That Council recommit the amendment for Item 4.9 – Ordinary Rates Harmonisation as moved by Mayor Smith and seconded by Councillor Greenaway.***

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

***Against:***  
***Councillors MacGregor***

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

***Resolved***

- 452/19 That Council defer this matter to the Ordinary Meeting being held on 11 June 2019.***

- 453/19 That Council request the Chief Executive Officer to provide a response to the suggestion of expediting the harmonisation.***

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

***Against:***  
***Councillor MacGregor***

**Procedural Motion**

**Moved:**            *Councillor Vincent*  
**Seconded:**      *Mayor Smith*

**Resolved**

**454/19**      *That Council acknowledge and thank the Director, Water and Sewer, Ms Bileen Nel for her contribution.*

**For:**  
**Unanimous**

**Procedural Motion**

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

**Resolved**

**455/19**      *That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

**For:**  
**Unanimous**

**4.10**            **Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019**

---

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

**456/19**      *It is noted that Council resolved to defer this item as follows:*

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

---

**4.11 Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019**

---

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

**457/19 It is noted that Council resolved to defer this item as follows:**

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

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**4.12 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019**

---

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

**458/19 It is noted that Council resolved to defer this item as follows:**

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

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**4.13 Appointments to Tourism Advisory Committee**

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

**Resolved**

**459/19 That Council endorses the applicants recommended in the confidential attachment that is Attachment 1 to this report titled "EOI Applications Evaluations".**

**460/19 That Council resolve, pursuant to s1.11(3) of the Local Government Act 1993, that Attachment 1 to this report remains confidential as the attachment contains personnel matters concerning particular individuals and because**

***consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.***

***For:***

***Unanimous***

#### **4.14 IPART Determination**

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***Moved: Councillor Vincent***

***Seconded: Councillor Gale Collins***

***Resolved***

***461/19 That Council approve the water, sewerage and stormwater drainage Fees and Charges set out in Attachment 1.***

***462/19 That Council determine, for the purposes of s.315(1)(a) the Water Management Act 2000, that the amount of revenue it proposes to raise by way of service charges including the usage of the service is \$156,993,000. This is calculated based on the IPART's Final Determination dated 24 May 2019.***

***463/19 That Council determine, for the purpose of s.315(1)(b) of the Water Management Act 2000, that land is to be classified for the purpose of levying services charges according to the following factors:***

- a the purpose for which the land is actually being used,***
- b the intensity with which the land is being used for that purpose,***
- c the purposes for which the land is capable of being used,***
- d the nature and extent of the water or sewerage services connected to the land.***

***464/19 That Council determine, for the purposes of s.315(1)(c) of the Water Management Act 2000 that services charges be levied on the following bases, as applicable to each charge:***

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

***465/19 That Council determine, for the purposes of s.315(1)(d) of the Water Management Act 2000, that the service charges be levied in accordance with***

*attachment 1 to the report.*

**466/19** *That Council request that the Chief Executive Officer seek the Minister's approval under s315(3) of the Water Management Act 2000 for the service charges in accordance with the above determination.*

**For:**

**Unanimous**

**5.1 Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 2 April 2019**

---

**Moved:** **Councillor Vincent**

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

**Resolved**

**467/19** *That Council note the Meeting Record of the Pedestrian Access and Mobility Advisory Committee held on 2 April 2019.*

**For:**

**Unanimous**

**5.2 Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017**

---

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

**Seconded:** **Councillor Holstein**

**468/19** *It is noted that Council resolved to defer this item as follows:*

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**

**Unanimous**

**5.3 Activities of the Development Assessment and Environment and Certification Units - January to March 2019 Quarter 3**

---

**Moved:** **Councillor Vincent**

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

**Resolved**

**469/19** *That Council receive the report on Activities of the Development Assessment and Environment and Certification Units - January to March 2019 Quarter 3.*

**For:**

**Unanimous**

**5.4 Response to Notice of Motion - Quality Food and Wine & Vineyard Tourism Accommodation Opportunities**

---

**Moved:** **Councillor Vincent**

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

**Resolved**

**470/19** *That Council note the report on Quality Food, Wine and Vineyard Tourism Accommodation Opportunities.*

**For:**

**Unanimous**

**7.1 Notice of Motion - San Remo BMX Park - Congratulations**

---

Councillor Hogan declared a less than significant non pecuniary interest as she has been instrumental in getting the park built. Councillor Hogan chose to remain in the chamber and participate in discussion and voting. The matter was deferred to the next meeting.

Councillor Vincent declared a less than significant non pecuniary interest as he has volunteered at the BMX park and has children that utilise the site on non-race days. Councillor Vincent chose to remain in the chamber and participate in voting and discussion as he is not a member of the club or the committee. The matter was deferred to the next meeting.

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

**Seconded:** **Councillor Holstein**

**Resolved**

**471/19** *It is noted that Council resolved to defer this item as follows:*

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**

**Unanimous**

**7.2 Notice of Motion - Innovation and Futures Reference Group**

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

**472/19 It is noted that Council resolved to defer this item as follows:**

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

**7.3 Notice of Motion - Water Management Committee**

---

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

**473/19 It is noted that Council resolved to defer this item as follows:**

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

**8.1 Response to Notice of Motion - Davistown Wetlands Acquisition**

---

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

**474/19 It is noted that Council resolved to defer this item as follows:**

Resolved

That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.

**For:**  
**Unanimous**

**Questions on Notice****Q101/19 QON - Vehicle Slogans  
Councillor Louise Greenaway**

What is Council's policy in respect to permitting vehicles with misogynistic, homophobic, racist, violent or otherwise offensive slogans on them into Council owned family holiday parks?

**Q102/19 QON - Terrigal Stormwater Harvesting Scheme  
Councillor Louise Greenaway**

The Terrigal storm water harvesting scheme funded by state and federal governments was originally touted as being expected to save 50.6 million litres of water a year. Now that Mangrove damn is down to 54% residents are wondering why the water from that scheme is not being utilised. Could this please be clarified?

**Q103/19 QON - Revetment Wall, Wamberal  
Councillor Jilly Pilon**

Can I get a brief update of where the designs for the revetment wall at Wamberal is up to please?

**Q104/19 QON - Central Coast Airport  
Councillor Bruce McLachlan**

In the interest of transparency, we have been putting things on the website for people to look at the airport there. There is a briefing there in confidential that I think we should put up there Warnervale Employment Zone Wyong Council Briefing and I think that's got a lot of information the public should be aware of including the outcomes for employment versus developing it or selling. Seeing as we have a resolution to sell the property the public should be aware of.

**Q105/19 QON - Donnison Street Railway Overpass  
Councillor Chris Holstein**

Donnison Street railway overpass has been subjected to extensive graffiti and adhesive political signs. Can staff please address the issue?

**Q106/19 QON - Ordinary Rates Harmonisation  
Councillor Doug Vincent**

Item 4.9 on tonight's business paper, 27 May 2019, Ordinary Rates Harmonisation, on page 5 it is detailed that the ordinary rates revenues total \$165million of 29.4% of Councils 2019/20 revenue. Can staff please advise what percentage of the \$165million is spent in the old Wyong Shire boundary and the old Gosford Council boundaries?

**Q107/19 QON - Poisoning of Trees  
Councillor Kyle MacGregor**

In the response to question on notice 183/18 'poisoning of trees' asked by Councillor Vincent on the 24th of September 2018 the staff response states "all allegations of illegal tree activities have been investigated but no robust evidence which will enable further compliance has been obtained" what was this evidence and how was it assessed to lead to this conclusion?

**Q108/19 QON - Tuggerawong Pathway  
Councillor Kyle MacGregor**

When will the final route/plans for the stage two of the Tuggerawong pathway be finalised and when is construction anticipated to begin on stage two of this essential piece of community infrastructure?

**Q109/19 QON - Park Trees Pathway  
Councillor Jillian Hogan**

Could staff please follow up my request around the Park Trees pathway.?

**The Meeting** closed at 10.52pm.



**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13541955

### **Summary**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential Session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be categorised a confidential.

### **Recommendation**

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

#### ***Item 9.1 Davistown Wetlands Acquisition***

##### ***Reason for considering in closed session:***

***2(c) - Contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***

***That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act 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 and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.***

**Item 9.2 Gosford Cultural Precinct*****Reason for considering in closed session:***

***2(c) - Contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***

***That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act 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 and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.***

**Context**

Section 10A of the *Local Government Act 1993* (the Act) states that a Council may close to the public so much of its meeting as comprises:

- 2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 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,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

### **1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)**

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*2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

It is noted that with regard to those matters relating to all but 2(a), 2(b) and 2(d)(iii) it is necessary to also give consideration to whether closing the meeting to the public is, on balance, in the public interest.

Further, the Act provides that Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (section 10A(3)).

As provided in the Office of Local Government Meetings Practice Note August 2009, it is a matter for the Council to decide whether a matter is to be discussed during the closed part of a meeting. The Council would be guided by whether the item is in a confidential business paper, however the Council can disagree with this assessment and discuss the matter in an open part of the meeting.

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13527924  
Author: Grant Killen, Principal Building Surveyor  
Manager: Brian Jones, Unit Manager, Environment and Compliance  
Executive: Scott Cox, Director Environment and Planning

### Summary

An application has been received to carry out extensive alterations and additions to the existing dwelling, construct a detached cabana, demolish an existing swimming pool and construction of a tennis court at No. 31 Reads Road, Wamberal. The application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

The development application is required to be reported to Council due to the maximum height for the building exceeding the development standard as specified within clause 29(1) of Gosford Interim Development Order 122 (*IDO 122*) by more than 10%. The proposal (in part) exceeds the permissible maximum height by 2.07m or by 26%.

<b>Applicant</b>	N La Rosa
<b>Owner</b>	N La Rosa
<b>Application No</b>	55713/2018
<b>Description of Land</b>	Lot: 4 DP: 976834, 31 Reads Road Wamberal
<b>Proposed Development</b>	Alteration and Additions, Tennis Court, Swimming Pool and Cabana
<b>Site Area</b>	45382m <sup>2</sup>
<b>Zoning</b>	7(a) Conservation IDO 122
<b>Existing Use</b>	Dwelling House and Ancillary Structures
<b>Employment Generation</b>	Nil
<b>Estimated Value</b>	\$1,885,080.00

### Recommendation

***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.***

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

**PRECIS**

<b>Proposed Development</b>	Alteration and Additions, Tennis Court, Swimming Pool and Cabana
<b>Permissibility and Zoning</b>	The subject site is zoned 7(a) Conservation under <i>Gosford Interim Development Order 122</i> . The proposed development is defined as a dwelling house and ancillary development which is permissible in the zone with consent of Council.
<b>Relevant Legislation</b>	<p>The following planning policies and control documents are relevant to the development and were considered within the assessment.</p> <ul style="list-style-type: none"> <li>• <i>Environmental Planning &amp; Assessment Act 1979 - Section 4.15</i></li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i></li> <li>• <i>Gosford Interim Development Order 122 (IDO 122)</i></li> <li>• <i>Gosford Development Control Plan 2013 (GDGP 2013)</i></li> <li>• <i>Draft Central Coast Local Environment Plan (CCLEP)</i></li> </ul>
<b>Current Use</b>	Dwelling House and ancillary structures
<b>Integrated Development</b>	No
<b>Submissions</b>	Nil

**Variation to Policies**

*Gosford Interim Development Order 122*

<b>Clause</b>	29(1) – Height of building
<b>Standard</b>	Maximum height of 8 metres
<b>Departure basis</b>	The proposal seeks a maximum roof ridge height of 10.07m above natural ground level (at its highest point RL 68.01 AHD) which exceeds the maximum permissible height by 2.07 metres. This represents a variation of 26%.

## **The Site**

The site is known as No. 31 Reads Road Wamberal, and is located on the western side of the road. The site is approximately rectangular in shape and has an overall area of approximately 4.5 hectares.

The property falls from north to south at grades of up to 30%. The existing dwelling house alterations and additions will be located in the south eastern corner of the site where previous extensive earthworks and associated landscaping rock retaining walls have been completed.

Erected on the land is a two-storey timber framed clad, metal roofed residential dwelling, a swimming pool, a detached ancillary habitable building (previously the primary dwelling), ancillary outbuildings and shed structure (see photographs 1-7). The existing in-ground swimming pool is proposed to be demolished and replaced with a tennis court as part of this application. A new swimming pool will be incorporated as a part of the proposed upper floor terrace which adjoins the living room level.



***Photograph 1: Existing dwelling looking north.***



***Photograph 2: Screen planting to majority of eastern road frontage boundary which precludes view of dwelling***



***Photograph 3: Photo taken from rear of dwelling facing south at proposed location of detached cabana structure***



***Photograph 4: Western side of dwelling facing north.***



***Photographs 5: Existing pool which is to be demolished and replaced by tennis court (existing benched area)***

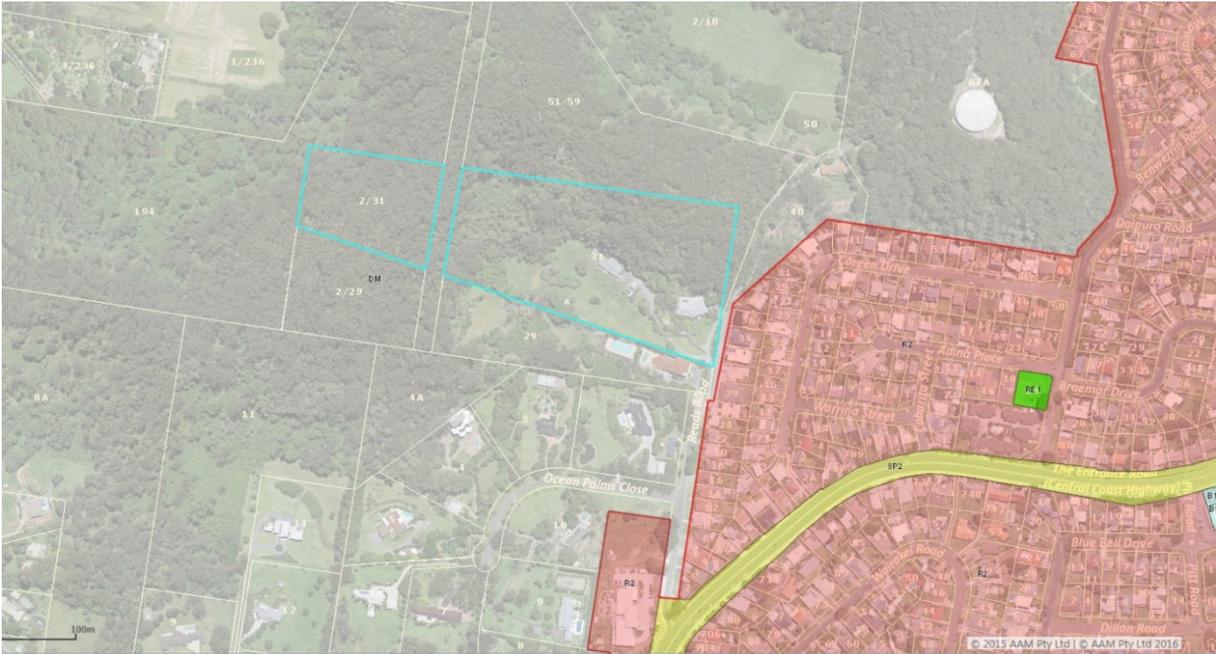


**Photograph 6: eastern side of existing dwelling – additional floor area and terraces proposed in this area**



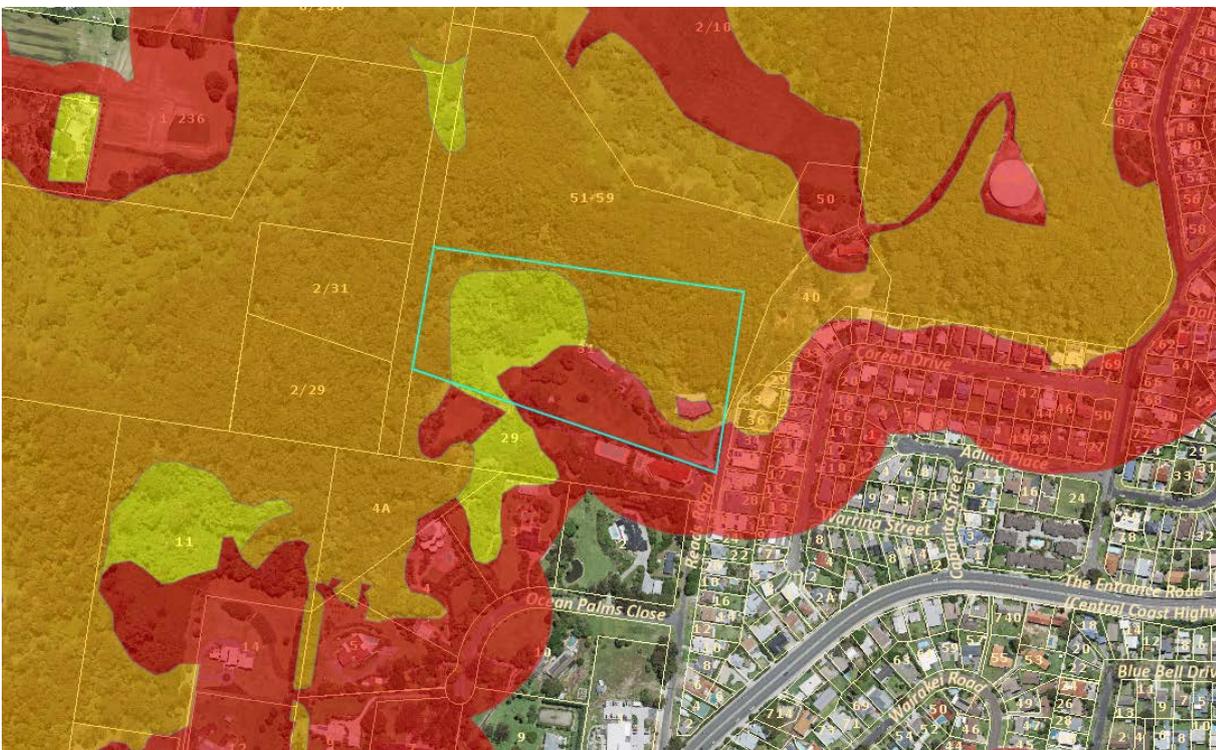
**Photograph 7: Proposed cleared area to north of existing dwelling where the detached cabana is proposed to be located**

The site is zoned 7(a) Conservation under *Gosford Interim Development Order 122*. (Deferred matter). See Figure 1.



**Figure 1 – Zoning map. Grey shading is the 'Deferred matter' (i.e. 7(c)2 and 7(a) zones) under Gosford LEP 2014 with the subject site outlined in light blue.**

The site is mapped as bushfire prone land on Councils maps. (see Figure 2 below). The application is supported by a Bush fire assessment report. The appropriate construction requirements of Bushfire Attack Level 19 and 29 and compliance with the recommendations of this report have been included in the draft conditions of development consent.

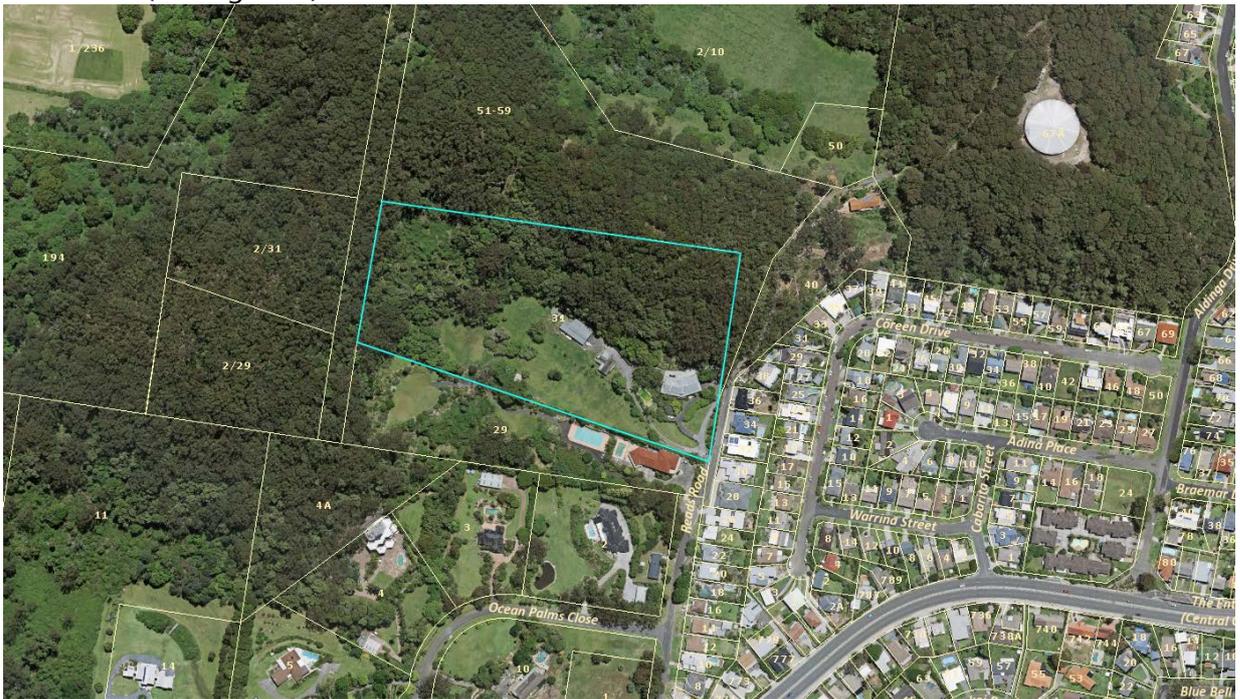


**Figure 2 – Bushfire prone land map.**

### **Surrounding Development**

The surrounding development consists of residential dwellings within the adjoining R2 zone to the east and south east. Rural residential dwellings are located within the adjoining 7(c2) zoned lots immediately to the south. Remnant native vegetation is located immediately to the north on the subject lot and within the adjoining Reads Road Bush Reserve (R0258). The vegetation consists of trees 10-20 metres in height with a 30-70% canopy foliage cover and understorey of shrubs and grasses.

This back drop will serve to absorb the proposed dwelling additions so that visual impact is minimised (see Figure 3).



**Figure 3 – Aerial view of Reads Road with the site highlighted in light blue.**

### **The Proposed Development**

The proposal seeks approval to carry out alterations and additions to the existing two storey four bedroom dwelling comprising;

- Additions to existing lower ground floor
- Removal and replacement of ground floor
- Provision of a new third level addition (First floor plan) providing a master bedroom suite
- Demolition of existing swimming pool located to west of dwelling and replacement with a tennis court
- Provision of a new infinity edge swimming pool immediately adjacent to main ground floor living area (southern side )

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

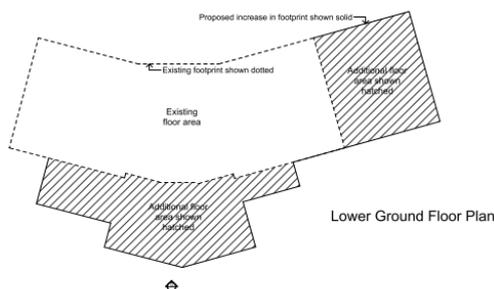
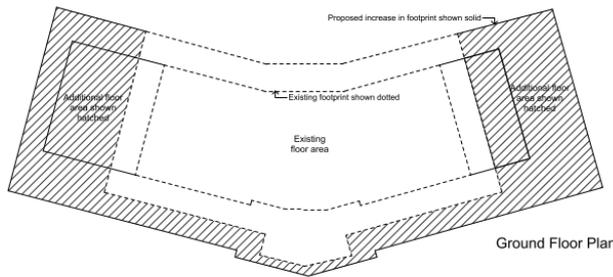
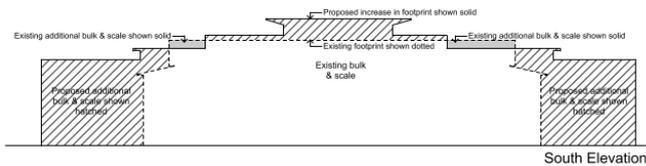
- Provision of a Port Cochere at the rear of dwelling located over existing thru access driveway which will also provide for bridge pedestrian access to detached cabana located to north
- Provision of 2 x 10,000 litre rain water tanks within lower ground floor addition to west

The dwelling will be of contemporary design over three levels. The building design is considered to be well articulated with different roof forms, offset roof terraces and awning structures providing visual contrast (see Figure 4). A variety of textures and colours are proposed for the external materials which will blend with the natural environment) and a low profile skillion roof over the upper most storey.



**Figure 4 – Front elevation**

Figure 5 below indicates the areas of additional floor areas to be developed and Figure 6 below provides a sectional plan indicating the areas of roof above the height limitation.



NO.	REVISION	DATE	BY	CHECKED

Alterations & Additions  
at  
31 Reads Road  
WAMBERAL  
project  
La Rosa Residence

architect  
David Sutton  
registration number 2021

3 Blue Avenue, WYOMING NSW 2269 AUSTRALIA  
025 522 1234  
d.sutton@protonmail.com

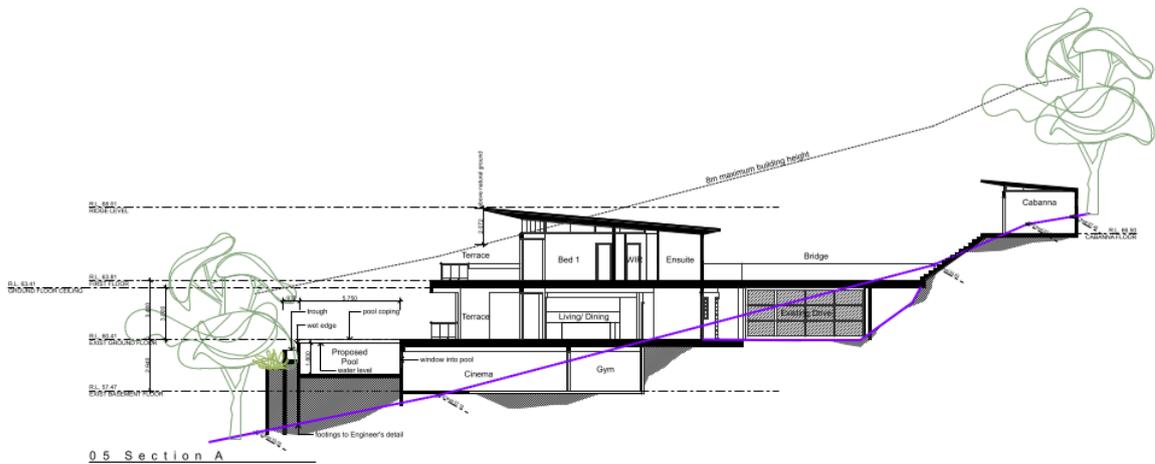
**Bulk & Scale Diagrams**

002  
DA10

E

## 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)

**Figure 5 – Shaded area indicates the additional floor area**



**Figure 6 – Sectional plan indicating extent of encroachment of skillion roof above 8m height limit**

### History

Council has no record of approval for the original dwelling on the site. The current two storey dwelling received consent on 10 September 1987 (DA 8628), and subsequent Building Approval (BA 44071) on 14 September 1987.

Development consent DA8628 included conditions which required the cooking and laundry facilities to be removed from an existing building so that it would not be capable of being utilised as a secondary dwelling.

Development Consent (14548/02) was granted on 7 February 2002 for the barn/shed on the site. Development Consent (15516/02) was granted on 26 June 2002 for the retaining wall structure constructed to the north of the existing driveway providing access to the rear of the property.

### Consultation

#### Public Consultation

The development was notified between 10 and 25 January 2019 in accordance with Chapter 7.3 of GDCP 2013.

No public submissions were received in relation to the application.

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

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Internal Consultation

**Tree Management**

Council's Tree Management Officer has reviewed the application and has provided the following comments:

*'The proposal nominates removal of 22 existing trees, identified and listed in the Arborist report.*

*The vast majority of trees to be removed are planted ornamentals such as Palm, Jacaranda, Tulip tree and Robinia located within or close to proposed building footprints.*

*Many other trees within the property are to be retained.*

*The proposal is supported without conditions.*

Internal Consultation

**Ecology**

The proposal has been assessed by Council's Ecologist who has reviewed the submitted report and plans. The proposed development is considered satisfactory.

A Biodiversity values and assessment report DN 26719677 has been received and reviewed.

Council's Ecologist has no objection to the proposal subject to conditions being included within any consent granted.

Draft conditions have been incorporated in the consent.

**Environmental Health**

The existing onsite sewer system is currently relied upon by the owners of this property. The proposal has been referred to Council's Environment Health Officer for the purposes of assessing any potential impacts caused to the existing onsite sewer system.

The review has concluded the existing system is suitable and adequate for the proposed development.

**Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with these principles.

The proposed development is considered to incorporate satisfactory storm water, drainage and erosion control and the retention of native vegetation where possible.

## **2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

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The development is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

### **Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the application.

The assessment has included consideration of such matters as;

- potential rise in sea level;
- potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion, and
- How the proposed development may cope, combat, withstand these potential impacts.

The proposed development is considered satisfactory in relation to climate change.

### **Assessment**

Having regard for the matters for consideration detailed in Section 4.15 of the EP&A Act and other statutory requirements, Council's policies and Section 10.7 Certificate details, the assessment has identified the following key issues.

The site plan and elevations for the proposed development are provided as an attachment to this report.

### **Provisions of Relevant Instruments / Plans / Policies**

#### ***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

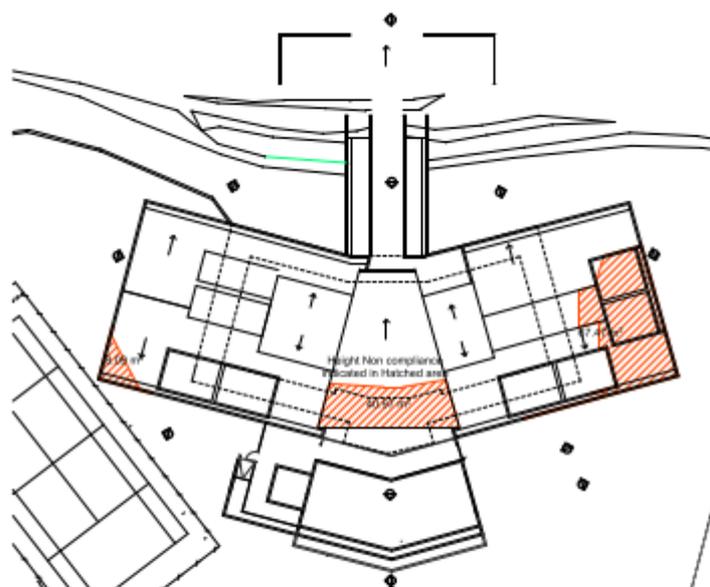
**State Environmental Planning Policy (Coastal Management) 2018**

The relevant matters have been considered in the assessment of this application. The proposed development has been considered against the provisions of SEPP Coastal Management and considered satisfactory.

**State Environmental Planning Policy (SEPP) No 1 - Development Standards**

Interim Development Order Clause 29 – Rural Conservation Zone - Height

In relation to residential dwelling houses within the 7(a) Conservation, Clause 29 (1) of the *IDO 122* stipulates the maximum building height is 8.0m. The proposed topmost part of the skillion roof ridge line is 10.07m. It is a variation of 2.07m or 26% to the control. (see Figure 7)



2D HEIGHT PLAN DIAGRAM 3 - NON COMPLIANCE AREA SHOWN HATCHED

Note: 13% variation to maximum height relative to building footprint

**Figure 7 – Cross hatch indicates area of height variation**

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

---

The applicant has submitted a SEPP 1 objection to vary the development standard which is summarised in the Statement of Environmental Effects as follows:

- *The proposal satisfies both the objectives of the 7(a) conservation zone and the purpose of the 8 metre maximum height development standard of Clause 29(1) of Gosford Interim Development Order No.122 and*
- *It is demonstrated in the accompanying Statement of Environmental Effects and supplementary information provided for Council to be compatible with the desired future character of the locality*
- *Any requirement for strict compliance with the 8 metre maximum building height development standard of Clause 29(1) of IDO 122 would hinder attainment of the objects of the Environmental Planning and Assessment Act 1979 in relation to the promotion of the orderly and economic use of the land*
- *Any requirement for strict compliance with the 8 metre maximum building height development standard of Clause 29(1) of IDO 122 would fail to have due regard to the unique dimensions and biophysical characteristics of the subject land; the high quality architectural design of the proposed dwelling alterations and additions; and the comparative analysis provided in this objection and in the accompanying Statement of Environmental Effects that demonstrate that the bulk and scale of the proposed modified dwelling is similar to that of the existing dwelling house, the subject of the proposed alterations and additions.*
- *Pursuant to Clause 8 (Concurrence) of SEPP1, granting concurrence to proposed development's exceedance of the 8 metre maximum building height development standard of Clause 29(1) of IDO 122:*
  - *Raises no adverse matters of significance for State and regional environmental planning*
  - *Would not undermine planning objectives for the locality and would not result in an abrupt change in the scale in development in the landscape*
  - *Would not cause any amenity impacts on neighbouring land uses*
  - *Would not adversely impact the landscape quality of naturally vegetated ridges or the nearby Wamberal lagoon and*
  - *Would not result in a development of high visual/scenic impact as the visual impact of the proposed modified dwelling will be mitigated by architectural design; the selection of construction materials ; the use of the "prescribed materials"; and by site landscaping. (Refer to Photographs 1 and 2 which indicate forested back drop to dwelling)*

## 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)

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The SEPP 1 objection is summarised as follows: -

- The variation does not impact amenity and scenic quality.
- The variation is relatively minor when assessed relative to overall building footprint.
- The variation does not unduly affect the surrounding area in terms of bulk and scale.
- The variation does not compromise the character of the area.
- The proposal does not create a landmark building or development.

### SEPP 1 Objection

Assessment of the SEPP 1 objection requires consideration of the following.

(i) *Is the planning control a development standard?*

#### Comment

The building height requirement expressed in Clause 29 of the *IDO 122* falls within the definition of a development standard pursuant to Sections 1.4 & 4.15 of the *EP&A Act*.

The proposed building height exceeds the development standard by 2.07m. It is a variation of 26% to the standard. The variation is reasonable due the minimal effect on any adjoining property.

(ii) *What is the underlying objectives or purpose of the standard?*

#### Comment

The objectives of the development standard are not stated in the *IDO 122*.

The extent of non-compliance will not result in unreasonable impacts on any adjoining resident. As an example there are no solar access issues or visual impacts on any adjoining property. While it will increase the apparent bulk and scale of the existing building it will blend into the existing tree line and is below the existing ridge line to the north.

The proposal will not be noticeable from the street or impact on the streetscape.

Further consideration has been given to;

- The building does not exceed the maximum floor space ratio of the GDCP 2013.
- The proposal complies with the setbacks requirements of the GDCP 2013.
- The development is generally consistent with the desired character statement for the locality.
- The area of non-compliance occurs in the centre of the building.
- The new development does not add significant bulk to the appearance of the building or unreasonably impact on the streetscape or amenity of neighbouring properties.
- With the exception of the front entry gate to the premises the building is obscured from the street due to the existence of landscaping adjacent to the eastern street alignment (see Photograph 2)

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

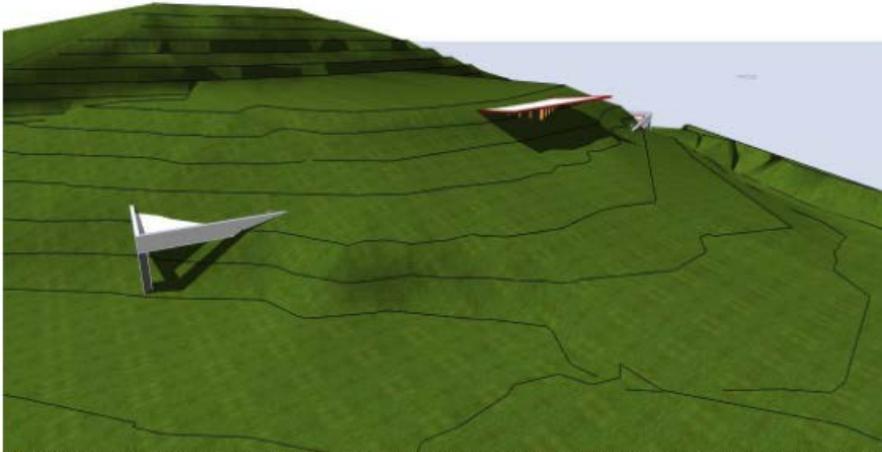
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*(iii) Is compliance with the standard consistent with the aims of SEPP 1, and in particular does compliance with the standard tend to hinder the attainment of the objectives specified in Section 1.3 of the Act?*

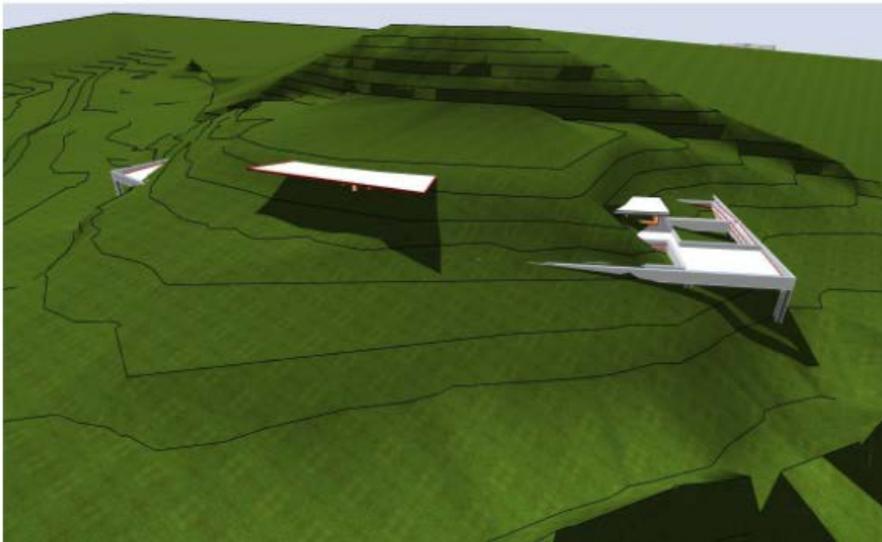
Comment

The aim of SEPP 1 is to provide flexibility in planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 1.3 of the EP& A Act.

As the proposed building height variation encroachment is considered relatively minor and will not unreasonably increase the apparent bulk and scale of the development or unreasonably impact on the adjoining properties, it is considered that strict compliance with the standard is unnecessary (See figure 8).



3D HEIGHT PLANE DIAGRAM 1 - SHOWING PORTION OF BUILDING OVER MAXIMUM HEIGHT LIMIT



3D HEIGHT PLANE DIAGRAM 2 - SHOWING PORTION OF BUILDING OVER MAXIMUM HEIGHT LIMIT

**Figure 8 – Height plan indicating extent of height variation**

In relation to the proposed variation to the building height requirement of Clause 29 of IDO 122, the development is consistent with the objectives of the EP & A Act.

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

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(iv) *Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*

Comment

For the reasons outlined above, strict compliance with the development standard is considered unreasonable and/or unnecessary.

(v) *Is the objection well founded?*

Comment

Having regard to the comments above, the objection to the standard under the provisions of SEPP 1 is considered well founded.

The development achieves the underlying purpose of Clause 29 of the IDO 122 despite non-compliance with the standard. The proposed variation to the standard is consistent with the objectives of SEPP 1.

**Interim Development Order No 122**

**Permissibility**

The subject site is zoned 7(a) Conservation under IDO 122. The proposed development is defined as a Dwelling House which is permissible in the zone with consent of Council.

**"Dwelling-House"** means a building containing 1, but not more than 1, dwelling.

The objectives of zone No. 7(a) under *IDO 122* are:

- a) *the conservation and rehabilitation of areas of high environmental value;*
- b) *the preservation and rehabilitation of areas of high visual and scenic quality in the natural landscape;*
- c) *the provision and retention of suitable habitats for flora and fauna;*
- d) *the prohibition of development on or within proximity to significant ecosystems, including rainforests and estuarine wetlands;*
- e) *the provision and retention of areas of visual contrast within the City, particularly the "backdrop" created by the retention of the ridgelines in their natural state;*
- f) *the provisions of opportunities for informal recreational pursuits, such as bushwalking and picnic, in appropriate locations;*
- g) *the minimisation or prohibition of development so that the environmental and visual qualities of the natural areas are not eroded by the cumulative impact of incremental, individually minor development;*
- h) *the minimisation or prohibition of development in areas that are unsuitable for development by virtue of soil erosion, land slip, slope instability, coastal erosion or bushfire hazard.*

The proposed development is considered to meet the objectives of the zone.

## 2.1

**DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Control</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
Cl 29 - Height limit	8.0m	10.07m (upper most part skillion roof)	No	26%	Yes- see previous and comments below

The relevant IDO 122 Clauses have been considered and are discussed below.

Clause 22 Restriction on the erection of dwelling-houses In Zone No 7(a)

- (1) *One dwelling-house only may be erected, with the consent of the Council, on an allotment of land within Zone No 7(a) having an area of not less than 40 hectares.*
- (2) *Notwithstanding subclause (1), the Council may consent to the erection of one dwelling-house only on an allotment of land within Zone No 7(a) having an area of less than 40 hectares if-*
  - (a) *the allotment was in existence before 18 February 1977 and was not in the same ownership as any adjoining allotments at that date; or*
  - (b) *the allotment was created after 18 February 1977 otherwise than under Clause 18(4)(a) or 20.*
- (3) *Where land within Zone No 7(a) comprises adjoining allotments held in the same ownership on 18 February 1977, the Council may, notwithstanding subclause (1), consent to the erection of one dwelling-house only on that land ~ all the land so held within Zone No 7(a) has been consolidated into one allotment.*
- (4) *Notwithstanding subclause (3), the Council may, subject to compliance with subclause (5), consent to the erection of more than one dwelling-house on land comprised of adjoining allotments referred to in subclause (3), and without the requirement that the allotment be consolidated into one allotment, if the total number of dwelling-houses erected on the land does not exceed the number of adjoining allotments held in the same ownership on that date.*
- (5) *Pursuant to section 29 of the Environmental Planning and Assessment Act, 1979, the erection of a dwelling-house under subclause (4) is declared to be designated development for the purpose of that Act unless the erection of the dwelling-house only comprises the making of alterations or additions to any existing building which, in the opinion of the Council, are of a minor nature and do not, to any significant extent, change the scale, size or degree of that existing building.*

## 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)

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Comment

Council has no development consent records for the original dwelling on the site. Development Consent DA8628 was granted on 10/09/87 for the current dwelling on the site subject to the following condition of consent:

*The existing dwelling is to be abandoned or demolished before occupation of the new building*

A subsequent Building Approval BA44071/87 was granted on 14/09/87 which required compliance with conditions of Development Consent 8628.

An inspection of the original cottage on the site on 15 March 2019 confirmed that the use as a 'separate dwelling' has in fact been abandoned by way of removal of cooking (stove) and laundry facilities. (i.e. habitable use is ancillary to main dwelling on the site)

The Statement of Environmental Effects submitted with development application 55713/2018 states:

*"Erected on the subject land is a two storey (4 bedroom) residence; swimming pool; and ancillary outbuildings and facilities"*

On this basis it is recommended that Council impose a condition of consent which requires the existing detached/ancillary unhabitable building not be let, adapted or used for separate occupation as a dwelling. A draft condition has been included in the development consent. (See condition 6.2)

### Clause 28 Rural Conservation Zone – Building Materials

- (1) *Subject to sub clause (2), the external surfaces of any building shall be of prescribed materials.*
- (2) *The Council may relax the requirements prescribed by subclause (1) -*
  - (a) *in relation to the external surfaces of any alteration or enlargement of an existing building or building ancillary to an existing building, where the external surfaces of the existing building are not composed of prescribed materials; or*
  - (b) *in relation to the external surfaces of any building, to the extent of permitting not more than 10 per centum of the total area of those surfaces to be composed of materials other than prescribed materials.*

## 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)

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### Comment

The plans and finishes schedule submitted with the application indicate the development will achieve the "prescribed" external finishes for 7(a) zoned land through the use of grey external walls and dark grey roof. The BASIX certificate further supports the proposed external finishes.

The external finishes will reduce the visual impact of the building within the local environment and are considered to meet the prescribed materials.

### Clause 29 Rural Conservation Zone - Height

- (1) *Subject to subclause (2), the height of a building shall not exceed 8 metres.*
- (2) *A building which departs from the minimum requirements prescribed by subclause (1) to a minor extent only may be erected with the consent of the Council.*

### Comment

The maximum building height control is 8.0m on this site. The maximum dwelling roof height proposed is 10.07m, which is a variation of 2.07m or 26% on the height limit control.

The existing dwelling house is excavated into the side of the hill and therefore the majority of the building footprint (i.e. 87%) will be within the maximum height limit. The skillion roof design is considered to have architectural merit and is a net benefit to the building appearance.

The height variation is considered reasonable given the boundary setback, minimal overshadowing impact and minimal impact on the scenic quality or the streetscape. The exceedance is considered to be minor within the existing rural landscape, causes no adverse amenity impacts, no view loss for neighbours and has no impacts on the public domain.

Figures 7 and 8 above demonstrates the areas above the maximum height limitations are small.

The proposal is considered to meet the objectives of the clause and the height variation is supported through consideration of the SEPP 1 objection previously addressed in this report.

### Clause 30 Rural Conservation Zone – Ridge Lines

- (1) *Subject to this Clause a building or structure shall not be erected within 50 metres of any ridge line or prominent visible brow identified on any plan submitted to the Council.*

### Comment

The proposed development complies as it is not located within 50 metres of a ridge line or prominent brow

**2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

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Clause 35 Tree Preservation

- (1) *Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose make an order and may by like resolution rescind or vary any such order.*
- (2) *A tree preservation order may prohibit the ringbarking, cutting down, topping, lopping, removing, injuring or destruction of any tree or trees specified therein, except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think fit.*
- (3) *A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to the land, the subject of this Order, or any part thereof.*
- (4) *The Council shall forthwith upon the making of a tree preservation order cause notice of the making of such order to be published in the Gazette and in a newspaper circulating in the area in which land described in the order is situated.*
- (5) *In any proceedings under this Clause it shall be sufficient defence to prove that the tree or trees ring barked, cut down, topped, lopped, removed, injured or wilfully destroyed was or were dying or dead or had become dangerous.*

Comment

The proposed development satisfies Clause 35. The applicant has submitted an arborist and tree impact assessment report and is supported by Council's Tree Management Officer and Ecologist. The trees to be removed are ornamentals planted by the property owner.

As noted in the tree management section above, most trees to be removed are ornamentals planted by the property owners.

## Gosford Development Control Plan 2013 (GDPC 2013)

Standard	Requirement	Proposed	Compliance with Control
Chapter 2.2 - Scenic	Objectives	Objectives are achieved	Yes
Clause 3.1.2.1 - Building Height	Dwelling house - 8.0m	10.07m	No
Clause 3.1.3.2 (Large lots) - Setbacks	Front: 20m Side: 10m (outbuildings) Rear: 10m	>20m >10m >5m >10m	Yes Yes Yes Yes
Clause 3.1.4.1 - Views	View sharing-	Complies	Yes
Clause 3.1.4.2 - Visual privacy	Minimise overlooking	Complies	Yes
Clause 3.1.4.3 - Private open space	Widths Dimension gradient	Complies	Yes
Clause 3.1.4.4 - Sunlight access	June 21 50% at least 3 hours sunlight:  Adjoining land 50% at least 3 hours sunlight:	Complies	Yes
Clause 3.1.5.0 - Car parking & Access	1 space for 3 or less bedrooms:  2 spaces if dwelling has 4 or more bedrooms	Complies (>2 spaces )	Yes
Clause 3.1.6.1 - Earthworks	1.0m	Pre existing benching of site with some internal subfloor excavation on site	Yes
Clause 3.1.6.2 - Retaining walls	600mm if within 1.0m to boundary: Or 1.0m above or below existing ground level	Some additional retaining required,	Yes
Clause 3.1.6.3 - Drainage	To public system or other	To existing drainage system in accordance with submitted Storm water drainage design	Yes

## 2.1

**DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)**

Standard	Requirement	Proposed	Compliance with Control
Clause 3.1.7.2 - Outbuildings	Site areas: 600-45m <sup>2</sup> 600-700 60m <sup>2</sup> 600-700 75m <sup>3</sup> 700-800 800-900 85m <sup>2</sup> >900 100m <sup>2</sup>	No limit on this zoning:	Yes
Clause 3.1.7.4 - Swimming pool	Rear yard unless justified	Incorporated as a part of mid level terrace addition	Yes
Chapter 6.3 - Erosion control	Installation of control measures (s)	DA conditioned	Yes
Chapter 6.4 - Geotechnical requirements	Medium risk.	Geotechnical report not deemed necessary	Yes
Chapter 6.5 - Onsite effluent	Existing on site sewage management system	Effluent disposal report received and satisfactory	Yes
Chapter 6.6 - Trees	Minimise tree removal.	Tree removal assessed by TMO and Environment Officer	Yes
Chapter 6.7 Water Cycle Management			
Clause 6.7.7.2 - Water tank: Compliance as calculated	Compliance as calculated	Proposed tank exceeds calculation requirements.	Yes
Chapter 7.2 - Waste Management	Appropriate disposal	Waste Management Plan to be conditioned	Yes
Bushfire & APZ	Compliance with Bushfire BAL ( <i>Planning for Bushfire Protection 2006 + Addendum to Appendix 3</i> )	Condition imposed for compliance with Consultants report	Yes

**Chapter 2.1 Character Statement Number 12 (Matcham 3 Scenic Conservation)**

It is considered that the proposed development will ensure that natural landscape settings are not dominated by the size, siting, design or construction of the new structures.

The disturbance of natural slopes and bushland is restrained by locating works and structures primarily within existing cleared areas of the site.

Due to the extensive forested backdrop, the proposed dwelling additions and detached ancillary structures will be absorbed into the landscape.

## 2.1 DA 55713/2018 - No 31 Reads Road, Wamberal - Proposed Alteration & Additions, Tennis Court, Swimming Pool & Cabana (contd)

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The building has an articulated roofline and will incorporate a range of textured finishes. The dwelling is located approximately 50m from the site entry and will not impact on the streetscape.

As a result, the design of the development is considered compatible with the character of the locality.

### **Chapter 3.1 Dwelling Houses, Secondary Dwellings & Ancillary Development**

#### Clause 3.1.2.1 Building Height

The maximum building height control is 8.0m on this site. The maximum dwelling roof height proposed is 10.07m, which is a variation of 2.07m or 26% on the height limit control. The existing dwelling house is excavated into the side of the hill and therefore the majority of the building footprint (i.e. 87%) will be within the maximum height limit. The skillion roof design is considered to have architectural merit and is a net benefit to the building appearance.

The height variation is considered reasonable given the boundary setback, minimal overshadowing impact and minimal impact on the scenic quality. The exceedance is considered minor within the existing rural landscape and will not cause any adverse amenity impacts or view loss for neighbours of the public domain.

The proposal is considered to meet the objectives of this Development Control Plan clause namely:

- *To ensure that buildings are compatible with the height, bulk and scale of the existing desired future character of the locality*
- *To ensure that the height of buildings protects the amenity of the neighbouring properties in terms of visual bulk, access to sunlight, privacy and views*
- *To ensure that the building height is compatible with the scenic qualities of hillside and ridgetop locations and respects the site's natural topography*

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The application is supported by a BASIX certificate which confirms the proposal will meet the NSW government's requirements for sustainability, if built in accordance with the commitments in the certificate.

The proposal is considered to be consistent with the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

**Section 4.15(1)(b) of the EP&A Act 1979: the likely impacts of the development**

Built Environment

The proposal is considered suitable with regard to the context and setting of the site and is in keeping with the character of the area.

An assessment of the proposed development's impact on the built environment has been undertaken in terms of the IDO 122 and GDCP 2013 compliance.

On balance that the potential impacts are minimal.

Natural Environment

The proposal is considered satisfactory in relation to impacts on the natural environment.

**Section 4.15(1)(c) of the EP&A Act 1979: the suitability of the site for the development**

A review of Council's records identifies the following constraints:

The site is mapped as bushfire prone land on Councils maps (see Figure 2). The application is supported by a Bush fire assessment report (Building Code and Bushfire Hazard Solutions Reference No.190038 dated 21 August 2018) which has considered the proposal against the provisions of *Planning for Bush Fire Protection 2006* prepared by the NSW Rural Fire Service.

The appropriate construction requirements of Bushfire Attack Level 19 and 29 and compliance with the recommendations of this report are included as a condition of development consent.

There are no other constraints that would render the site unsuitable for development.

**Section 4.15(1)(d) of the EP&A Act 1979: any submission made in accordance with this Act or Regulations**

The development application received no public submissions

**Section 4.15(1)(e) of the EP&A Act 1979: the public interest**

The proposed development is seen to be in the public interest by providing assurance that the subject land is able to be developed in proportion to its site characteristics.

**Other Matters for Consideration**

*Development Contribution Plan*

The proposed development is not a development type that is subject to Section 7.11 of the EP&A Act development contributions. No contributions are applicable.

*Water and Sewer Contributions*

The proposed development is not subject to Water & Sewer Contributions.

**Conclusion**

The application has been assessed under the heads of consideration of Section 4.15 of the EP&A Act 1979 and all relevant instruments and policies.

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed Development subject to the imposition of appropriate conditions.

The proposed development is not expected to have any adverse social or economic impact.

It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for approval pursuant to Section 4.16 of the EP&A Act 1979.

**Attachments**

- |          |                             |           |
|----------|-----------------------------|-----------|
| <b>1</b> | Draft Conditions of Consent | D13519375 |
| <b>2</b> | Development Plans           | D13519226 |

## 1. PARAMETERS OF THIS CONSENT

### 1.1. Approved Plans and Supporting Documents

Implement the development substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

#### Architectural Plans by :David Sutton

Drawing	Description	Sheets	Issue	Date
DA01 – DA11	Architectural Plans	11	E	23/11/18

#### Supporting Documentation

Document	Title	Date
Ref 190038	Bushfire Assessment Report	21/08/18
Ref 18116_v1.2	Water Cycle Management Plan	05/11/18
Finishes	Finishes schedule	Not dated
Proposed Landscape	Landscape Concept Master Plan	24/10/18
18116-CI-051	Storm water Management plan	05/11/18

- 1.2. Carry out all building works in accordance with the Building Code of Australia.
- 1.3. Comply with all commitments listed in the BASIX Certificate for the development as required under clause 97A of the Environmental Planning and Assessment Regulation 2000.

## 2. PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

- 2.1. All conditions under this section must be met prior to the issue of any Construction Certificate.
- 2.2. No activity is to be carried out on-site until the Construction Certificate has been issued, other than:
  - a) Site investigation for the preparation of the construction, and / or
  - b) Implementation of environmental protection measures, such as erosion control and the like that are required by this consent
  - c) Demolition

- 2.3. Submit to the Accredited Certifier a report prepared by a suitably qualified Registered Structural Engineer providing certification that the remaining existing structure is capable of accepting all anticipated live and dead loads imposed by the proposed addition. The report is to include any recommendations on the structural upgrade of the existing structure.
- 2.4. Assessment of the development against the provisions of Planning for Bush Fire Protection (2006) (NSW) has determined a Bush Fire Attack level (BAL) of 29 (northern, western and eastern elevations) and 19 (southern elevation).

Submit to the Accredited Certifier for approval construction details showing that the development complies with this Bush Fire Attack Level (BAL) as prescribed by Australian Standard AS 3959-2009: *Construction of buildings in bush fire prone areas and additional measures as contained within Appendix 3 of the PBP Guidelines 2010* produced by the NSW Rural Fire Service and recommendations contained in Bushfire Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd (Ref No: 190038 dated 21 August 2018)

- 2.5 Submit a Vegetation Management Plan to Ecologist prior determination. The Vegetation Management Plan must be approved by Council and must be prepared by a suitably qualified Ecologist in accordance with Wyong Shire Council: Flora and Fauna Survey Guidelines, 2016. The Vegetation Management Plan must be prepared to Council's satisfaction for all areas of native vegetation not proposed for removal as stated in the Arborist Report (Chris La Rosa 04/10/2018) on LOT: 4 DP: 976834 No 31 Reads Road WAMBERAL.

The Vegetation Management Plan must:

- Integrate with other relevant plans eg. Landscape Plans or Erosion and Sediment Control Plans
- If relevant, integrate with NSW Department of Primary Industries: Water requirements.
- Recommend management actions to be undertaken during clearing, construction works and post construction.
- Clearly stage management actions to identify works required prior to commencement of construction works, during works, prior to subdivision certificate and ongoing.
- Include a protocol to prevent the transfer of weeds or pathogens onto or off the site.
- Detail ongoing reporting requirements.
- Be prepared by a suitably qualified and experienced restoration ecologist.
- Be implemented for no less than five years.
- Aiming to achieve the following outcomes by year 5 being:
  1. Less than 2% woody weed cover in any 1000m<sup>2</sup> of the subject site;
  2. Less than 20% exotic ground cover in any 1000m<sup>2</sup> of the subject site;
  3. If replanting is required, that replanted canopy species achieve a median height of no less than three metres;

Progress reports are to be submitted to Council's Ecologist by the 30th June each year for a minimum of 5 years after the commencement of works. Reports are to detail the progress of the works and any recommended additional actions, with a final report certifying completion of the Vegetation Management Plan at the end of the implementation period, or once the specific objectives of the plan have been met. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

The primary objective of the Plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna as well as habitat values, threats and ameliorative measures to ensure protection for threatened species.

### 3. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. All conditions under this section must be met prior to the commencement of any works.
- 3.2. Appoint a Principal Certifying Authority for the building work:
  - a) The Principal Certifying Authority (if not Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than two (2) days before the building work commences.
  - b) Submit to Council a Notice of Commencement of Building Works or Notice of Commencement of Subdivision Works form giving at least two (2) days' notice of the intention to commence building or subdivision work. The forms can be found on Council's website: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)
- 3.3. Erect a sign in a prominent position on any work site on which building, subdivision or demolition work is being carried out. The sign must indicate:
  - a) The name, address and telephone number of the Principal Certifying Authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person can be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.
  - d) Remove the sign when the work has been completed.
- 3.4. Submit both a Plumbing and Drainage Inspection Application, with the relevant fee, and a Plumbing and Drainage Notice of Work in accordance with the *Plumbing and Drainage Act 2011* (to be provided by licensed plumber). These documents can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

Contact Council prior to submitting these forms to confirm the relevant fees.

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- 3.5. Install run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - preventing the tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.
- 3.6. Provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Each toilet must:

- be a standard flushing toilet connected to a public sewer, or
  - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - be a temporary chemical closet approved under the *Local Government Act 1993*.
- 3.7. Undertake any demolition involving asbestos in accordance with the *Work Health and Safety Act 2011*.

The person having the benefit of this consent must ensure that the removal of:

- more than 10m<sup>2</sup> of non-friable asbestos or asbestos containing material is carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist, and
- friable asbestos of any quantity is removed by a licensed removalist with a friable (Class A) asbestos removal licence.

The licensed asbestos removalist must give notice to the regulator before work commences in accordance with Clause 466 of the *Work Health and Safety Regulation 2011*.

#### 4. DURING WORKS

- 4.1. All conditions under this section must be met during works.
- 4.2. Carry out construction or demolition works during the construction phase of the development only between the hours as follows:
- 7.00am and 5.00pm Monday to Saturday
- No construction or demolition works associated with the development are permitted to be carried out at any time on a Sunday or a public holiday.
- 4.3. During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains), is discovered during the course of the work:
- All excavation or disturbance of the area must stop immediately in that area, and
  - The Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.
- Note:** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.
- 4.4. Implement and maintain all erosion and sediment control measures at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 4.5. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council.
- 4.6. Notify Council when plumbing and drainage work will be ready for inspection(s) and make the work accessible for inspection in accordance with the *Plumbing and Drainage Act 2011*.
- This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)
- 4.7. Place all building materials, plant and equipment on the site of the development during the construction phase of the development so as to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure. Further, no construction work is permitted to be carried out within the road reserve unless the works are associated with a separate approval issued under the provisions of the Roads Act 1993.

- 4.8. Connect downpipes and the associated stormwater disposal system to the site stormwater connection point immediately after the roof materials are positioned in order to prevent erosion of the site from roof water run-off. The Principal Certifying Authority for the development must not issue a mandatory critical stage Compliance Certificate for framing unless connection of the site stormwater (or temporary system) has occurred.
- 4.9. Re-use, recycle or dispose of all building materials in accordance with the Waste Management Plan submitted with the subject application.
- 4.10. Demolish all buildings and/or building components in a safe and systematic manner in accordance with Australian Standard AS 2601-2001: *The demolition of structures*. Waste materials must be disposed of at a waste management facility.
- 4.11. No fill other than that as indicated within the approved plans is permitted to be placed upon the site.
- 4.12. Install a temporary fence around the Vegetation Management Zone.  
  
All fenced conservation areas are to be clearly marked as a "No Go Area" on the fencing itself. No clearing of vegetation, storage of vehicles or machinery, stockpiling, materials storage or unauthorised access is to occur within the fenced conservation area.
- 4.13. Maintain the temporary fence around the Vegetation Management Zone. The fence must be maintained for the duration of construction works.
- 4.14. Undertake clearing in accordance with the approved tree removal/retention survey plan. Trees must be removed in such a manner so as to prevent damage to surrounding trees to be retained.
- 4.15. Supply any plant stock used in landscaping from provenance specific seed/material collected from locally endemic species to maintain genetic diversity. Non-provenance specific material is prohibited. The Landscape Plan is to integrate with the required Vegetation Management Plan.
- 4.16. Conduct all works in accordance with the Vegetation Management Plan
- 4.17. Utilise timber from felled native trees by:
  - Re-instating logs as ground habitat in areas of retained vegetation, and/or
  - Wood chip or tub grind into mulch for landscaping, soil stabilisation or bush regeneration, and/or
  - Using for firewood (but not piled burned on-site); and/or
  - Recycling for use in construction materials, furniture or fencing.

- 4.18. The landscape plan is to be modified to use species native to the water catchment. The proposed removal of trees and vegetation shall be replaced with native vegetation species. A minimum of 1 tree to every tree removed. The landscaping plan detailing compliance with this condition is to be prepared and submitted to Councils Ecologist for approval prior to the issue of any Construction Certificate. The revegetation works shall be completed in accordance with this approved plan prior to the issue of any Occupation Certificate. Any plant loss will be replaced for like for like species.

## 5. PRIOR TO ISSUE OF ANY OCCUPATION CERTIFICATE

- 5.1. All conditions under this section must be met prior to the issue of any Occupation Certificate.
- 5.2. Submit a Certificate of Compliance for all plumbing and drainage work and a Sewer Service Diagram showing sanitary drainage work (to be provided by licensed plumber) in accordance with the *Plumbing and Drainage Act 2011*.
- This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)
- 5.3. Complete the building in accordance with the relevant provisions and requirements of the National Construction Code Series.
- 5.4. Complete the building in accordance with the provisions of *Planning for Bush Fire Protection 2006 (NSW)* and the requirements of Australian Standard AS 3959-2009 - *Construction of Buildings in Bush Fire Prone Areas* and additional measures as contained within Appendix 3 of the *Planning for Bush Fire Protection Guidelines 2010*, for a Bush Fire Attack Level of BAL(BAL) of 29 (northern, western and eastern elevations) and 19 (southern elevation).
- 5.5. Install the required rainwater tank in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code Australian Standard AS 3500 and must be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.
- 5.6. Drain all roof water by a piped drainage line to the street kerb outlet and in accordance with Storm water management plans prepared by Cubo Consulting Pty Ltd (Rev 2 dated 05/11/18)
- 5.7. Protect the Vegetation Management Zone by either of the two following approaches:

1. This area will be placed under a 'Restriction on Use' pursuant to section 88B and 'Public Positive Covenant' 88E of the *Conveyancing Act 1919*. These instruments must require the land to be managed under an approved Bushland Management Plan for the conservation of all identified threatened species. The public positive covenant must be created to require the implementation of the Bushland Management Plan.
    - a) The public positive covenant must permit Council or its nominee to enter and inspect the site and carry out any works required under the Bushland Management Plan, at the owner's cost, if the owner fails to implement and maintain the site in accordance with the Bushland Management Plan as amended and approved by Council.
    - b) The public positive covenant must be submitted to Council's General Counsel for approval.
    - c) The authority empowered to release, vary or modify the Restriction is Central Coast Council.
  - 2 The area must be dedicated under a conservation covenant to an eligible environmental body that is on the Register of Environmental Organisation (the Register). The dedication of this area, under a conservation covenant, must be conserved in perpetuity for the conservation of threatened species and their habitat.
- 5.8 Provide written evidence to Council from a suitably qualified ecologist detailing the implementation, supervision and compliance of the ecological protection measures specified in this consent and the Vegetation Management Plan

## 6. ONGOING OPERATION

- 6.1. Implement the required Asset Protection Zone to the perimeter of the main dwelling in accordance with . The Asset Protection Zone must be fuel managed so as to maintain fuel loadings as detailed within *Planning for Bush Fire Protection Guidelines 2006 (NSW)* and recommendations contained in Bushfire Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd (Ref No: 190038 dated 21 August 2018)
- 6.2. Do not let, adapt or use the existing detached ancillary habitable building on the site for separate occupation as a secondary dwelling.
- 6.3. Implement vegetation management activities in accordance with the Vegetation Management Plan prepared under Condition 2.5 of this consent.

## 7.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## ADVISORY NOTES

Discharge of sediment from a site may be determined to be a pollution event under provisions of the *Protection of the Environment Operations Act 1997*. Enforcement action may commence where sediment movement produces a pollution event.

The following public authorities may have separate requirements in the following aspects:

- a) Australia Post for the positioning and dimensions of mail boxes in new commercial and residential developments
- b) Jemena Asset Management for any change or alteration to the gas line infrastructure
- c) Ausgrid for any change or alteration to electricity infrastructure or encroachment within transmission line easements
- d) Telstra, Optus or other telecommunication carriers for access to their telecommunications infrastructure
- e) Central Coast Council in respect to the location of water, sewerage and drainage services.

Carry out all work under this Consent in accordance with SafeWork NSW requirements including the *Workplace Health and Safety Act 2011 No 10* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

**Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

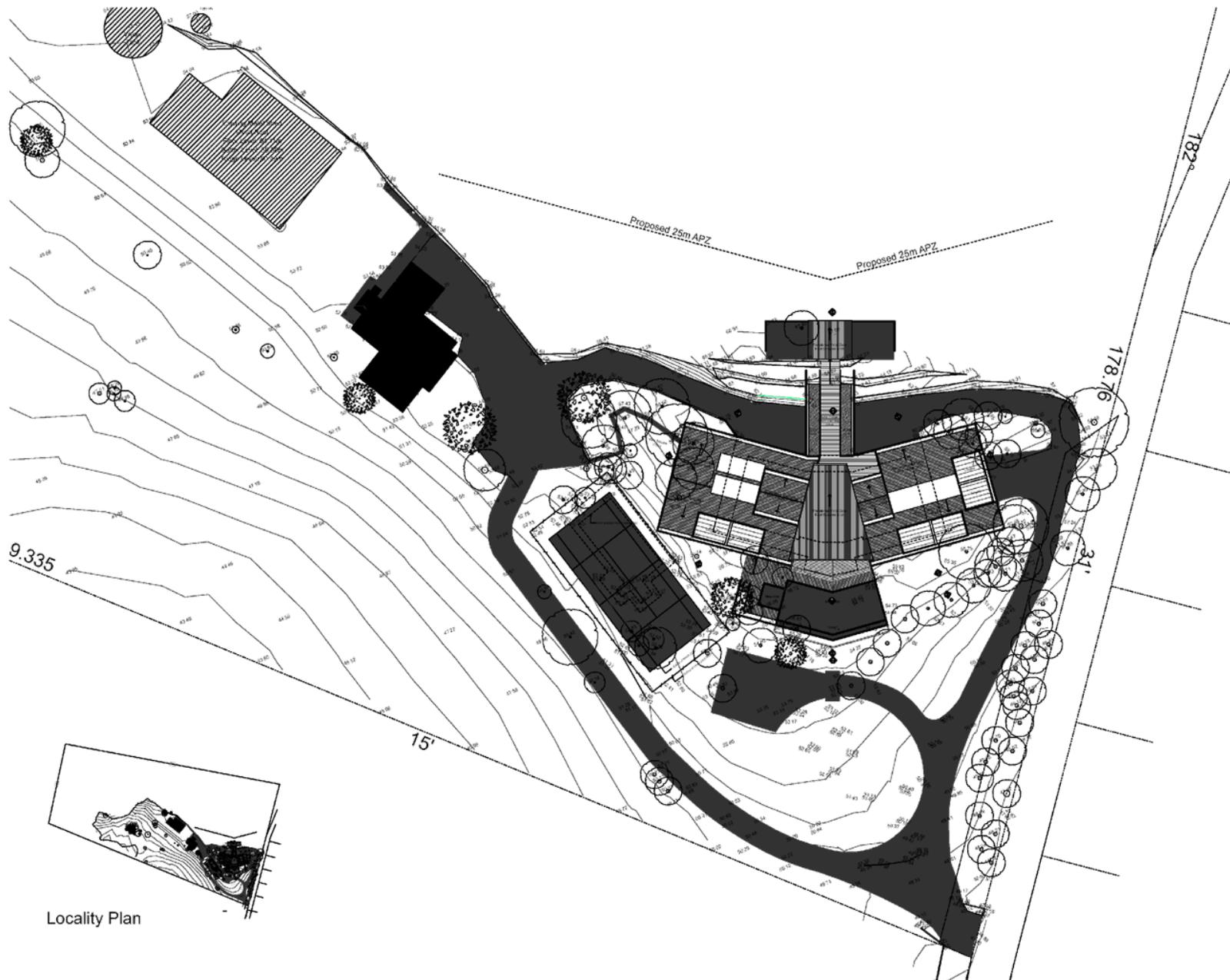
**Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Install and maintain backflow prevention device(s) in accordance with Council's WS4.0 Backflow Prevention Containment Policy. This policy can be found on Council's website at: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

This condition only applies if installation/alteration of plumbing and/or drainage works are proposed (excludes stormwater drainage)

- It is an offence under the National Parks and Wildlife Act 1974 to disturb an Aboriginal artefact without a Permit.



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT (27/10/2016)	27/10/16
2	ISSUED FOR PERMIT (27/10/2016)	27/10/16
3	ISSUED FOR PERMIT (27/10/2016)	27/10/16
4	ISSUED FOR PERMIT (27/10/2016)	27/10/16
5	ISSUED FOR PERMIT (27/10/2016)	27/10/16
6	ISSUED FOR PERMIT (27/10/2016)	27/10/16
7	ISSUED FOR PERMIT (27/10/2016)	27/10/16
8	ISSUED FOR PERMIT (27/10/2016)	27/10/16
9	ISSUED FOR PERMIT (27/10/2016)	27/10/16
10	ISSUED FOR PERMIT (27/10/2016)	27/10/16

**Alterations & Additions**  
 at  
**31 Reads Road**  
**WAMBERAL**  
 project  
**La Rosa Residence**

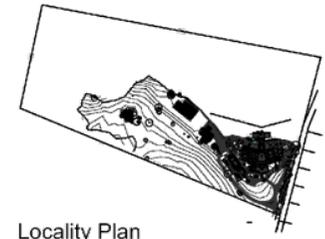
architect  
**David Sutton**  
 registration number: 9259

3 Berya Avenue WYOMING NSW 2250 AUSTRALIA  
 61842 238 317 #dcsdavid@outlook.com

**Site Plan**



Project No:	002	Date:	May 2016
Scale:	1:500, 1:800	Sheet No.:	E
DA01	2016.05		

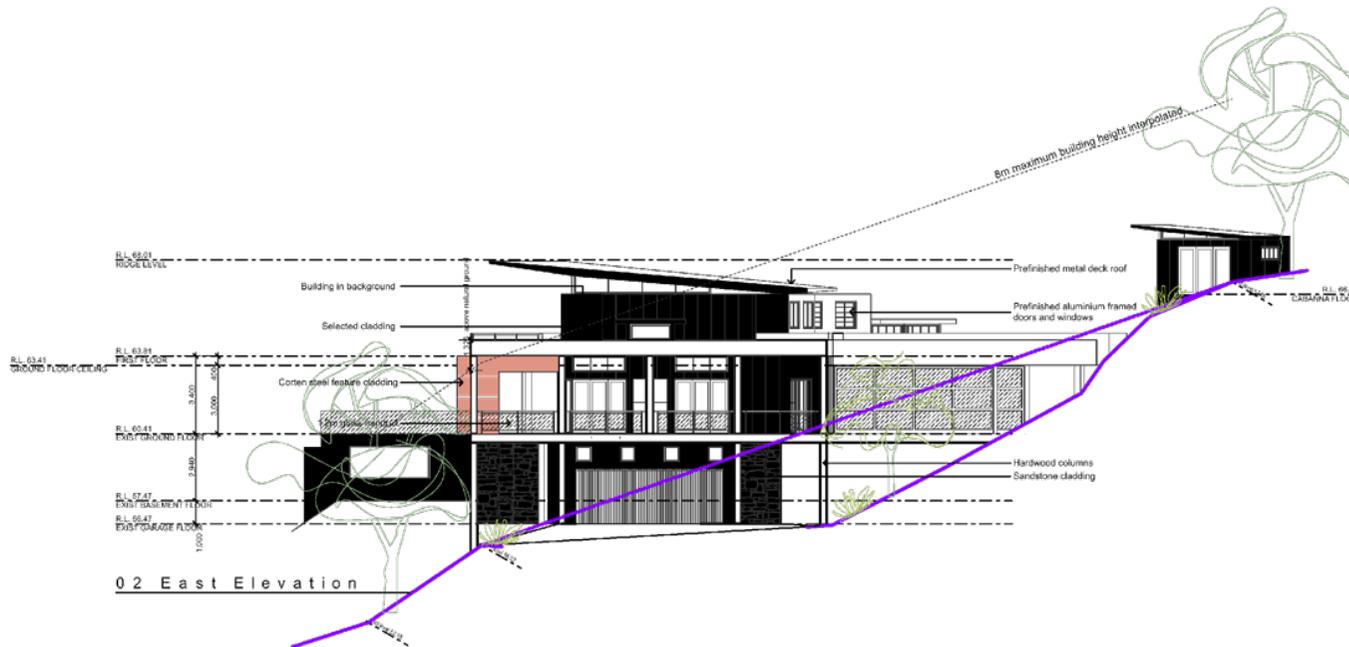


Locality Plan





01 South Elevation



02 East Elevation



NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMIT APPLICATION	23/05/18
2	ISSUE FOR PERMIT	07/12/18
3	ISSUE FOR GEM 2018	03/03/19
4	ISSUE FOR GEM 2019	23/03/19
5	REVISED DESIGN	02/03/19
6	REVISED DESIGN	02/03/19

**Alterations & Additions**  
at  
**31 Reads Road**  
**WAMBERAL**  
project  
**La Rosa Residence**

architect  
**David Sutton**  
registration number: 9259

3 Berya Avenue WYOMING NSW 2550 AUSTRALIA  
t 61 61 236 317 e david.sutton@daa.com.au

**Elevations**

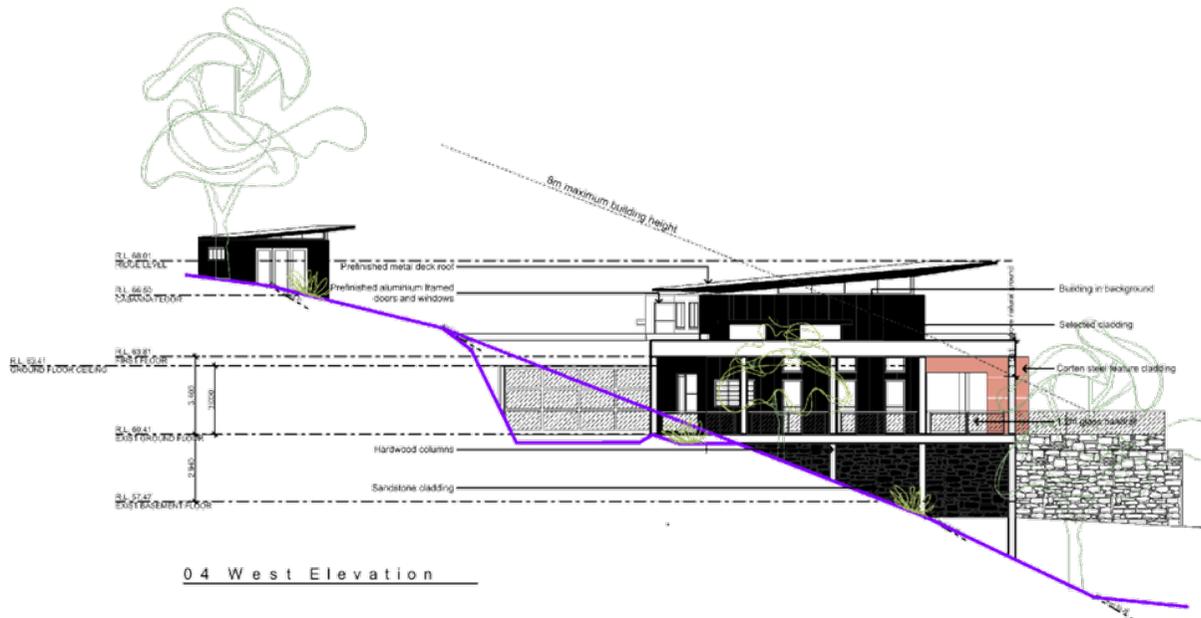


Project No:	002	Date:	May 2018	E
Sheet No:	DA06	Scale:	1:200	
		DATE PLOTTED:	2018/18	

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03 North Elevation



04 West Elevation



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT (27/01/2018)	27/01/18
2	ISSUED FOR PERMIT (27/01/2018)	27/01/18
3	ISSUED FOR PERMIT (27/01/2018)	27/01/18
4	ISSUED FOR PERMIT (27/01/2018)	27/01/18
5	ISSUED FOR PERMIT (27/01/2018)	27/01/18
6	ISSUED FOR PERMIT (27/01/2018)	27/01/18
7	ISSUED FOR PERMIT (27/01/2018)	27/01/18
8	ISSUED FOR PERMIT (27/01/2018)	27/01/18
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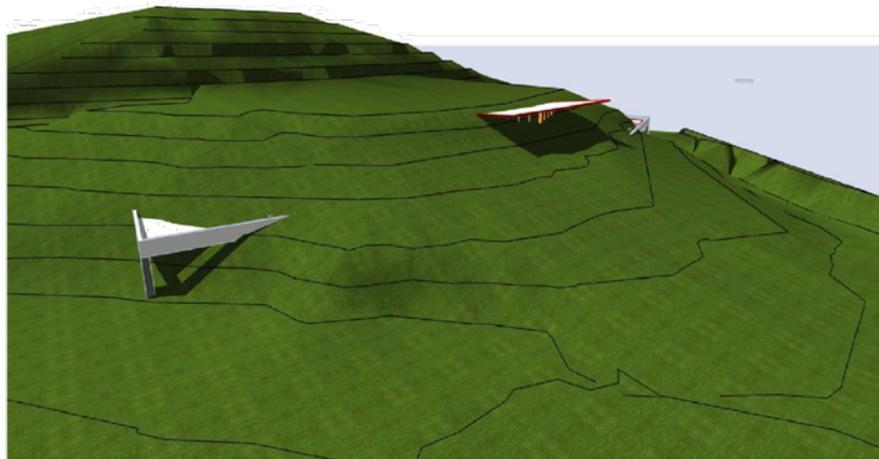
**Alterations & Additions**  
at  
**31 Reads Road**  
**WAMBERAL**  
project  
**La Rosa Residence**

architect  
**David Sutton**  
registration number: 9259

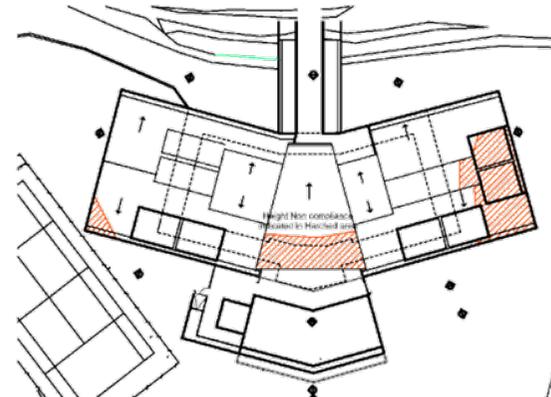
31 Reads Road WAMBERAL NSW 2550 AUSTRALIA  
Tel: 02 936 3037 [www.dss.com.au](http://www.dss.com.au)

**Elevations**

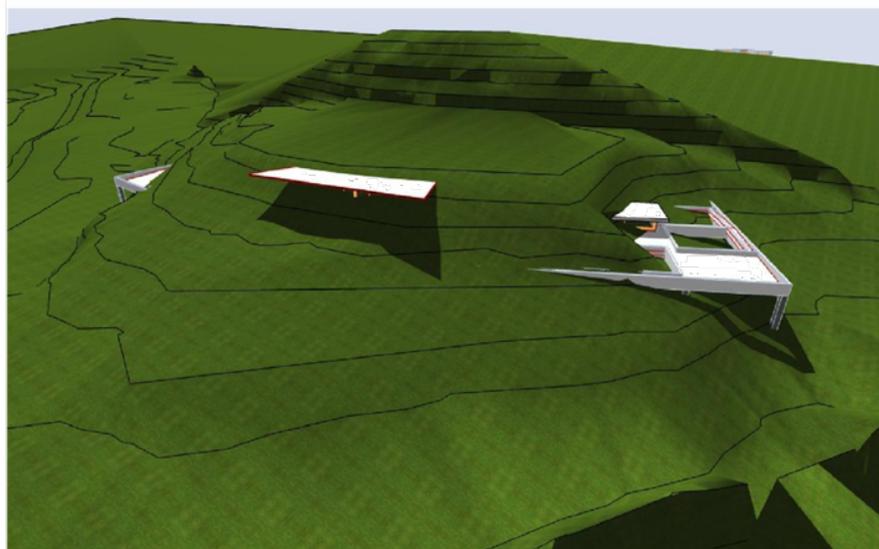
Project No:	002	Date:	May 2018	Scale:	1:200
Client Ref:	DA07	Project:	WAMBERAL	Sheet:	E
2018.05					



3D HEIGHT PLANE DIAGRAM 1 - SHOWING PORTION OF BUILDING OVER MAXIMUM HEIGHT LIMIT



2D HEIGHT PLAN DIAGRAM 3 - NON COMPLIANCE AREA SHOWN HATCHED



3D HEIGHT PLANE DIAGRAM 2 - SHOWING PORTION OF BUILDING OVER MAXIMUM HEIGHT LIMIT

DATE	DESCRIPTION	BY
27/11/18	ISSUED FOR PERMIT	DS
27/11/18	ISSUED FOR PERMIT	DS
27/11/18	ISSUED FOR PERMIT	DS
27/11/18	ISSUED FOR PERMIT	DS
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27/11/18	ISSUED FOR PERMIT	DS
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27/11/18	ISSUED FOR PERMIT	DS

Alterations & Additions  
 at  
**31 Reads Road**  
**WAMBERAL**  
 project  
**La Rosa Residence**

architect  
**David Sutton**  
 registration number: 9259

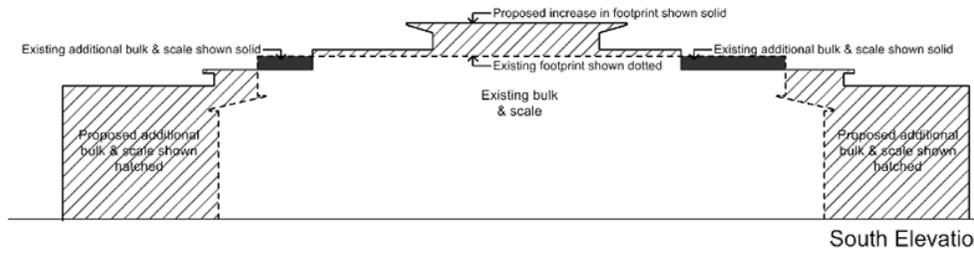
31 Reads Avenue WYOMING NEW SOUTH WALES  
 5124 200 317

**Height Diagrams**

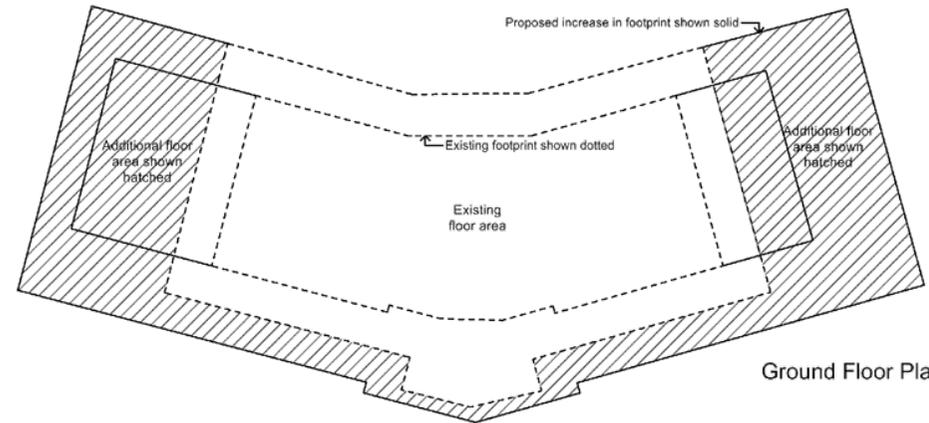


Sheet No.	002	Date	May 2018
Scale	1:200 (Elev)	Project No.	DA09
Author	DS	Issue Date	22/11/18

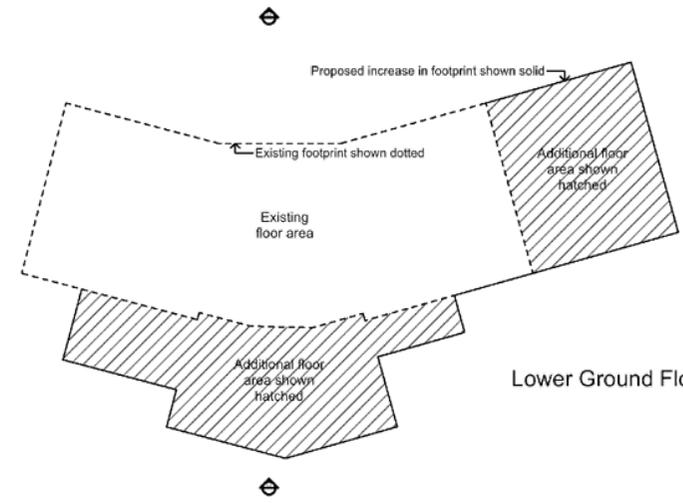
NSW DEVELOPMENT SERVICES - DEVELOPMENT CONTROL INFORMATION SYSTEM - PUBLIC RELEASE 2018



South Elevation



Ground Floor Plan



Lower Ground Floor Plan

1.	DEVELOPER'S NAME	23/01/2016
2.	DEVELOPER'S ADDRESS	23/01/2016
3.	DEVELOPER'S PHONE	23/01/2016
4.	DEVELOPER'S EMAIL	23/01/2016
5.	DEVELOPER'S SIGNATURE	23/01/2016
6.	DEVELOPER'S DATE	23/01/2016
7.	DEVELOPER'S TITLE	23/01/2016
8.	DEVELOPER'S POSITION	23/01/2016
9.	DEVELOPER'S ORGANISATION	23/01/2016
10.	DEVELOPER'S CONTACT INFORMATION	23/01/2016

Alterations & Additions  
at  
**31 Reads Road**  
**WAMBERAL**  
project  
**La Rosa Residence**

architect  
**David Sutton**  
registration number: 9259

3 Berya Avenue WYOMING NSW 2550 AUSTRALIA  
61842 238 317 #david.sutton@da10.com.au

**Bulk & Scale Diagrams**

Project No: **002**

Date: May 2016

Scale: 1:250

**DA10**

2016/18

E





**Item No:** 3.1  
**Title:** CPA/1183 - Payroll System Implementation  
**Department:** Information Management and Technology

---

11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13532298

Author: Graeme Lewis, Program Manager

Manager: Mark Margin, Unit Manager Core Systems Consolidation Program

Executive: Peter Auhl, Chief Information Officer

## Summary

Evaluation and selection of tenders for Contract CPA/1183 – Payroll System Implementation.

## Recommendation

- 1 That the Council resolve to decline to accept any of the tenders, in accordance with cl. 178(1)(b) of the Local Government (General) Regulation 2005.**
- 2 That the Council determine, for the purposes of cl. 178(3)(e) of the Local Government (General) Regulation 2005 (“the LG Regulation”), that the Council enter in to negotiations with the entity identified as Tenderer No. 5 in confidential Attachment 1 to this report (“Tenderer 5”) and any other appropriate vendors, with a view to entering in to a contract in relation to the subject matter of the request for tender.**
- 3 That the Council note, for the purposes of cl. 178(4) of the LG Regulation, that:**
  - a Its reasons for declining to invite fresh tenders or fresh applications are:**
    - i inviting fresh tenders or applications is unlikely to result in a more beneficial contract than direct negotiations with Tenderer 5 and any other appropriate vendors**
    - b The Council’s reason for determining to enter in to negotiations with Tenderer 5 and any other appropriate vendors are that the risks identified by the Council in respect to the tender received from Tenderer 5 have some prospect of being resolved by direct negotiations, which if so resolved would result in an appropriate contract for the Council.**
- 4 That the Council resolve that this report and its attachments remain confidential in accordance with s.11 (3) of the Local Government Act 1993 (“LG Act”), because:**
  - a The report and its attachments contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council proposes**

***to conduct business (s. 10A(2)(c) of the LG Act);***

***b The report and its attachments contain commercial information of a confidential nature which, if disclosed, would prejudice the commercial position of the person who supplied it to the Council (s. 10A(2)(d)(i) of the LG Act.***

***5 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act 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 and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.***

### **Background**

A Tender Evaluation panel of four members independently undertook an initial assessment of each of the five submissions in accordance with the Tender Evaluation Plan. A Tender Evaluation Consensus meeting was held on the 27 March 2019 chaired by a member of Contract Governance and attended by the four Evaluation Panel members. The tenders were not evaluated beyond this Consensus meeting as the Evaluation Panel determined that the submissions did not include enough information to evaluate the respondent's capability.

The Tender Evaluation panel determined that under *cl. 178(3)(e) of the Local Government (General) Regulation 2005 ("the LG Regulation")*, that the Council enter in to negotiations with the entity identified as Tenderer No. 5 in confidential Attachment 1 to this report ("Tenderer 5") and any other appropriate vendors, with a view to entering in to a contract in relation to the subject matter of the request for tender.

### **Introduction**

This matter has been brought to the attention of Council given its circumstances and to move the matter forward we require Council Resolution in accordance with clause 178 'Acceptance of tenders' of the Local Government (General) Regulation 2005.

### **Background of Recommendation**

Central Coast Council amalgamated on the 12 May 2016 from the merger of former Wyong Shire Council and former Gosford City Council. With this merger, there is the need to consolidate the payroll systems that served both Councils into one system.

On 19 February 2019 council issued the Payroll System Implementation (CPA/1183) Request for Tender (RFT) on Tenderlink. The RFT was advertised via the Sydney Morning Herald and

### 3.1 CPA/1183 - Payroll System Implementation (contd)

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the Central Coast Express Advocate and was closed at 2:00pm on Tuesday 12 March 2019. Five tenders were received and are listed in alphabetical order below:

- Agilyx Pty Ltd
- Aurion Corporation Pty Ltd
- Empower Masterpay Pty Ltd trading as Fusion5
- Frontier Software Pty Ltd
- Presence of IT OCL Pty Ltd

A Tender Evaluation panel of four members independently undertook an initial assessment of each of the five submissions in accordance with the Tender Evaluation Plan. A Tender Evaluation Consensus meeting was held on the 27th March 2019 chaired by a member of Contract Governance and attended by the four Evaluation Panel members. The tenders were not evaluated beyond this Consensus meeting as the Evaluation Panel determined:

- That after careful consideration the panel were unable to accept any tenders based on the responses provided as there was not enough information to evaluate the respondent's capability nor the appropriateness of their products recommended.
- In addition, the desired outcome of the RFT was developed with the information available at the time of release. Furthermore, with the recent reprioritisation of activity post a risk assessment of the program of work, and the focus on fast tracking consolidated systems for staff to improve efficiency and staff culture, looking at replacement products is no longer a viable option.

A tender evaluation document was prepared and is attached (Attachment 1 – Evaluation Process Report).

Since the release of the tender a review of the payroll systems in use at council was conducted (attached in Attachment 2 – Review and recommendation for the Payroll System Strategic Direction). It was recommended that council should leverage its current investment in the Oracle eBusiness on-premise payroll solution and consolidate the remaining staff on it in lieu of further investment into a new solution which may provide great risk at time of implementation. The basis of this recommendation was:

- Oracle eBusiness on-premise is already used in council and is a proven solution with half of the business already trained in its use.
- Oracle eBusiness on-premise has in place integration with Oracle Finance and Oracle Human Capital Management which are council's consolidated finance and human resource systems.

- Oracle eBusiness has a similar data model to Oracle Finance and Oracle Human Capital Management which simplify ongoing maintenance of integration between systems.

Oracle eBusiness has been in use at council since 1996 and in Australia it is used by customers as small as 200 employees through to 150,000 employees. The customer profile is varied and most importantly includes Local, State and Federal Government in Australia and globally.

When reviewing the responses to the RFT post the recommendation to proceed with the Oracle eBusiness on premise it was evident that none of them provide council this option and as such we are unable to proceed with this tender. One of the responses (Tenderer 5 – Presence of IT OCL Pty Ltd) was to implement a cloud-based Oracle solution and further negotiation should be completed to understand if they are able to provide a proposal to align with council’s new approach. In order to ensure that council is receiving value for money, alternate Oracle eBusiness partners should also be invited to enter into negotiations after a market assessment.

**Options**

- 1) Reject all responses from the Request for Tender CPA/1183 Payroll System Implementation, enter into negotiations with Tenderer 5 and invite selected Oracle eBusiness on premise implementation specialists to ensure value for money and proven quality.
- 2) Reject all responses from the Request for Tender CPA/1183 Payroll System Implementation and issue another request for tender for the revised scope of work.
- 3) Reject all responses and do nothing.

Option 1 is the recommended option.

Option 2 is viable however will impact the critical path of the Core Systems Consolidation program of work as the new tender will add three months to the schedule.

Option 3 is viable however will leave CCC with two separate payroll systems that would necessitate a review of the overarching design principles for the Core Systems Consolidation program of work

**Attachments**

<b>1</b>	Evaluation Process Report - Confidential	Attached under separate cover	D13519532
<b>2</b>	Review and Recommendation for the Payroll System Strategic Direction - Confidential	Attached under separate cover	D13534202



**Item No:** 3.2  
**Title:** CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00037 - D13551528

Author: Karen O'Mara, Project Officer

Manager: Brett Sherar, Unit Manager, Open Space and Recreation

Executive: Scott Cox, Director Environment and Planning

## Report Purpose

The purpose of this report is to evaluate and decline all tenders for Contract CPA/1877- Design and Construction of Correa Bay Boat Ramp and to approve the Chief Executive Officer to enter into negotiations with any contractor, as per cl.178(1b) and cl.178 (3e) of the *Local Government (General) Regulation 2005* for the reasons outlined in the confidential Tender Evaluation Report - Attachment 1.

## Summary

Tenders were called for design and construction of Correa Bay Boat Ramp with no suitable tender received.

In accordance with cl.178 of the *Local Government (General) Regulation 2005*, Council is first required to decline all tenders for Contract CPA/1877 – Design and Construction of Correa Bay Boat Ramp to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

## Recommendation

- 1 That Council declines all tenders received for Contract CPA/1877 – Design and Construction of Correa Bay Boat Ramp in accordance with cl.178 Local Government (General) Regulation 2005.**
- 2 That Council declines to invite fresh tenders because the market has responded.**
- 3 That Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender, as per cl.178(3) of the 'Regulation'.**
- 4 That Council determine the Tender Evaluation Report (Attachment 1) remains confidential in accordance with Section 10A(2)(d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature.**

## **3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp (contd)**

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### **Context**

Council invited tenders for the design and construction of the Correa Bay Boat Ramp at Woy Woy Road Woy Woy.

Works included:

- Review of the Survey, Geotechnical Investigation Report, Acid Sulphate Soil Assessment, Waste Classification Report and Principals Project Requirements provided by Council.
- Detailed design of a replacement boat ramp ensuring compliance with applicable legislation, standards, and guidelines.
- Demolition of existing and construction of a new single lane boat ramp and fish cleaning table.
- Landscaping including connecting concrete pathways

This project has been identified as a priority project in the Brisbane Water Public Wharves and Boat Ramps Usage Study due to the poor state of the existing ramp and the need for enhancing the availability and accessibility to quality aquatic recreation experiences through improved infrastructure.

### **Tender Submissions**

The tender was advertised in the Sydney Morning Herald on 19 March 2019 and the Central Coast Express Advocate on 21 March. The tender closed at Council's Chambers at 2pm on 16 April 2019.

The following response was received

- Bell Rock Marine Pty Ltd, Rainbow Flat NSW

There were no late tenders submitted.

### **Tender Evaluation**

Council's tender evaluation process was undertaken in accordance with the Tender Evaluation Plan (D13531342) as outlined in the Tender Evaluation Report (D13547440) – Attachment 1.

### **Financial Impact**

The project is listed in Councils 2019/20 Operational Plan.

## 3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp (contd)

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It is anticipated that by entering into negotiations with a suitably qualified contractor, the project can be delivered in full within the available budget.

### Link to Community Strategic Plan

Theme 5: Liveable

### Goal K: Out and about in fresh air

L-K4: Repair and maintain wharves, jetties, boat ramps and ocean baths to increase ease of access and enjoyment of natural waterways and foreshores.

### Relevant Legislation

The tender has been conducted in accordance with the *Local Government Act 1993*, and *Local Government (General) Regulation 2005* ("the Regulation") and Council's Procurement Policy.

Information provided by the tenderer which is commercial-in-confidence has been protected and it is proposed that the information will not be disclosed in accordance with section 11(3) of the *Local Government Act 1993*.

*Clause 178(1) of the 'Regulation' states:*

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
  - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
  - (b) **decline to accept any of the tenders.**

*Clause 178(3) of the 'Regulation' states:*

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
  - (a) *postpone or cancel the proposal for the contract,*
  - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
  - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*

### 3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp (contd)

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- (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) ***enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,***
- (f) *carry out the requirements of the proposed contract itself.*

#### **Critical Dates or Timeframes**

The projected is listed for delivery in the 2019/20 Operational Plan.

#### **Risk Management**

This contract has been assessed as a medium risk contract principally based on the environmental management requirements of the site. The key risks and mitigation measures have been addressed in the Contact Plan (D13354593).

#### **Regulatory Approvals**

The following regulatory approvals have been obtained for this Contract:

- Approval under Part 5 of the *Environmental Planning and Assessment Act 1979*
- Approval under Part 7 of the *Fisheries Management Act 1994*

#### **Public Consultation**

Public consultation was undertaken in 2012 as part of the development of the Brisbane Water Public Wharves and Boat Ramps Usage Study. No further community consultation specific to this contract was deemed necessary.

Consultation has been undertaken with the following relevant authorities:

- Department of Primary industries-Fisheries
- Department of Transport-Roads and Maritime Services
- Department of Primary Industries - Crown Lands

#### **Options**

Council has the following options under cl.178 (3e) of the 'Regulation':

### 3.2 CPA/1877 - Tender Evaluation - Design and Construction of Correa Bay Boat Ramp (contd)

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- 1 That Council resolve to decline the tender and enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender – **Recommended.**
- 2 Accept the tender and manage the risk within the contract – **Not Recommended due to the significant level of risk.**
- 3 That Council invite fresh tenders based on the same detail – **Not Recommended as the market has already responded.**
- 4 That Council resolve to decline all tenders and not deliver the project to the community – **Not Recommended due to reputational risk.**

#### **Conclusion**

It is recommended that Council proceed to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

#### **Attachments**

- |   |                                  |           |
|---|----------------------------------|-----------|
| <b>1</b> Confidential - Evaluation Process Report CPA1877<br>D&C Boat Ramp Correa Bay Woy Woy | Attached under<br>separate cover | D13561312 |
|---|----------------------------------|-----------|



**Item No:** 4.1  
**Title:** Deferred Item - Ordinary Rates Harmonisation  
**Department:** Finance

---

11 June 2019 Ordinary Council Meeting

Trim Reference: F2004/06147 - D13558310

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Evan Hutchings, Director Governance

### **Report Purpose**

At the Council Meeting of 27 May 2019, Council resolved:

- 452/19 *That Council defer this matter to the Ordinary Meeting being held on 11 June 2019.*
- 453/19 *That Council request the Chief Executive Officer to provide a response to the suggestion of expediting the harmonisation.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item – Ordinary Rates Harmonisation.**
- 2 That Council make formal representations to the Minister for Local Government to;**
  - a Implement legislative amendments to delay the expiry of restrictions on the Ordinary Rates structure of merged councils until the 2021/2022 financial year.**
  - b Implement legislative amendments to reduce the impact that changes from Ordinary Rates Harmonisation will have on ratepayers of merged councils.**
  - c Issue guidelines to merged councils on Ordinary Rates Harmonisation.**

### **Attachments**

- 1** Deferred Item 4.9 - Ordinary Rates Harmonisation      D13558333

**AMENDED ITEM**

**Item No:** 4.9  
**Title:** Ordinary Rates Harmonisation  
**Department:** Finance

---



27 May 2019 Ordinary Council Meeting

Trim Reference: F2004/06147 - D13538211

Author: Carlton Oldfield, Unit Manager, Financial Services

Executive: Evan Hutchings, Director Governance

**Report Purpose**

To consider the impact of Ordinary Rates Harmonisation scheduled to take effect from the 2020/2021 financial year and to consider making formal representations to the Minister for Local Government for legislative amendments with a view to reducing the impact on ratepayers.

**Recommendation**

***That Council make formal representations to the Minister for Local Government to:***

- a Implement legislative amendments to delay the expiry of restrictions on the Ordinary Rates structure of merged councils until the 2021/2022 financial year.***
- b Implement legislative amendments to reduce the impact that changes from Ordinary Rates Harmonisation will have on ratepayers of merged councils.***
- c Issue guidelines to merged councils on Ordinary Rates Harmonisation.***

**Context**

The *Local Government (Council Amalgamations) Proclamation 2016* merged the former Gosford City Council and Wyong Shire Council on 12 May 2016, to create Central Council, in addition to locking in the existing ordinary rates structure for the 2016/2017 financial year.

The NSW government subsequently introduced further amendments via Section 218CB(1) and 218CB(2) of the Local Government Act 1993 (the Act). The effect of these amendments was to continue to 'freeze' the ordinary rates structure of the former Gosford City Council and former Wyong Shire Council for a further three financial years 2017/18 - 2019/20.

## 4.9 Ordinary Rates Harmonisation (contd)

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In accordance with the legislation, the Ordinary Rates Harmonisation is scheduled for implementation in the 2020/2021 financial year. The proposed timing of these changes is however problematic. In particular, as new land valuations are to become effective in November 2019, modelling on the ratepayer impact that a harmonised rates structure would generate in 2020/2021 cannot be conducted until that time, resulting in an insufficient timeframe to properly inform and consult with ratepayers.

### Current Status

#### Legislative hurdles

Council cannot alter its existing rates structure due to the existence of s218CB(2) of the Act which does not expire until 30 June 2020. At that time Council will be able to redefine its rating structure in compliance with the Act.

This process specifies the consolidation and levying of ordinary rates of the former legacy Councils as if all residential ratepayers were part of one homogenous group or one 'centre of population'.

The consequence is that whilst harmonisation for Ordinary Rates will be achieved, the process will occur in one year which will result in material variances in rates levied for some ratepayers. A transitional implementation of the harmonisation would be the preferred approach so the impacts are phased progressively.

One possible solution considered by Council staff was to differentiate charges of residential rates from legacy councils. The ability to levy differential rates is detailed under s529(2) of the Act. This provides that to levy different ordinary rates charges to residential properties, different "centres of population" must be defined. The Office of Local Government (OLG) Rating and Revenue Raising Manual (2007) provides the following advice (refer page 23):

*A centre of population should not be a device intended to enable rating variations within an homogeneous suburb or suburbs, or by street, or by any special feature such as proximity to water.*

The geographical spread of the Central Coast residential population prohibits Council from presenting a reasonable argument to pursue different rates charges under multiple centres of population.

This solution would have provided for a 'glide path' mechanism that would reduce the price shock impact on ratepayer. Glide Paths were originally raised in discussions by IPART during the Fit For The Future consultation and merged council reforms in 2016, in response to concerns raised by merging councils on the eventual impact on ratepayers through amalgamations.

To date, there have been no legislative changes enacted that will lessen the impact on ratepayers for price shock changes caused by ordinary rates harmonisation.

#### 4.9 Ordinary Rates Harmonisation (contd)

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Possible options that could be considered for legislative changes to reduce the impact on ratepayers include the expanded use of s.529(2) of the Act and the introducing maximum limits for ratepayers with year-on-year increases/decreases on their ordinary rates charges.

It is proposed that such options be submitted to the Minister for Local Government for consideration to reduce the impact on ratepayers resulting Ordinary Rates Harmonisation.

#### Timing

Land Revaluations are completed every three years. The next scheduled land revaluation will be completed in the next few months and is expected to be provided to Council in November 2019. Council is required under the Land Valuations Act to utilise these values in its next rating year being 2020/ 2021. This is the same year that ordinary rates harmonisation is scheduled to occur.

The normal impact of a land revaluation is a redistribution of ordinary rates levies amongst ratepayers. Generally for ratepayers whose land value has increased higher than the average land value, the ratepayer will incur an increased rates cost. Conversely ratepayers whose land has risen by less or decreased in value, will see a reduction in their rates cost compared to the average. This ignores the impact of the rate peg which is a CPI type mechanism.

With new land valuations applied in November 2019 ratepayers will experience changes to their 2020/2021 rates that are impacted by the following competing variables:

- Land Revaluation
- Rate Peg (e.g. CPI)
- Harmonised Rates structure

At this time no modelling on the ratepayer impact that a harmonised rates structure would generate in 2020/2021 can be conducted as new land valuations in November 2019 will render existing modelling inaccurate.

The Rates Harmonisation of aligning the rates structure between the two former legacy Councils is in itself, a complex matter to communicate to ratepayers. This communication will be further complicated with the distorting factors of land revaluations and rate peg.

Council will also be preparing a new delivery plan under the Integrated Planning and Reporting (IP&R) framework that will take effect from the 2021/2022 financial year.

This process will involve a comprehensive services review, where ratepayers will be able to provide input to Council on what services they value. This vital information will feed into Council's future service offering. The outcome of this services review and any impacts on how it is funded cannot be anticipated at this time. Aligning the Ordinary Rates Harmonisation process with the outcomes driven from the services review will help Council to promote equity when levying Ordinary Rates and service delivery.

## 4.9 Ordinary Rates Harmonisation (contd)

It should also be acknowledged that ratepayers have already been subjected to additional changes to the Water, Sewerage and Drainage charges by the recent IPART pricing determination.

### Proposal

#### Legislative hurdles

In an effort to reduce the price shock impact on ratepayers it is proposed that representation be made to the Minister for Local Government for legislative changes that will reduce the price shock impact on ratepayers from Ordinary Rates Harmonisation. In particular these representations should seek to delay the restrictions around Rates Path Freeze for one year until the 2021/2022 financial year. The delay will assist to differentiate changes in ordinary rates from that caused by land revaluation.

It is also proposed that these representations include a request for the issue of guidelines for merged councils on Ordinary Rates Harmonisation.

Council supports harmonised pricing for common services and made representations to IPART in the Water, Sewerage and Drainage pricing process to achieve this aim for residential customers but were unsuccessful. IPART has continued however with differential prices for former Gosford City Council and former Wyong Shire Council customers.

#### Consultation

The Ordinary Rates harmonisation project plan is currently being finalised. The high level consultation/engagement plan for the rates harmonisation projected to take effect for the 2021/21 financial year includes:

Proposed project timeline

Milestone	Delivery
Project planning	Current
Councillor workshop – Taxation Principles and Rating Structures. Feedback on direction of initially modelling	August 2019
New land valuations provided by the Valuer General	November 2019 (based on previous revaluations)
Analysis of impact of new land valuations and preparation of initial modelling for Ordinary Rates Harmonisation	December 2019
Councillor workshop – Review of initial modelling	January 2019
Councillor workshop – Finalise modelling prior to Community engagement	January 2019
Community engagement	February 2020
Councillor workshop – 2020/2021 Operational Plan	February 2020
Councillor workshop – outcome from community engagement and finalise Ordinary Rates structure	March 2020

#### 4.9 Ordinary Rates Harmonisation (contd)

Specific targeted engagement for highly impacted ratepayers	April 2020
2020/2021 Operational Plan – finalise preparation based on March 2020 Councillor workshop	March 2020
2020/2021 Operational Plan – on exhibition	April 2020
2021/2021 Operational Plan – Adoption	May 2020

The above project timeline is based on implementation in the 2020/2021 financial year. The time available to properly consult with Councillors and the community on this complex subject is limited. There is an increased risk that due to these time constraints the consultation will be less than Council would typically and ideally have undertaken.

This high level plan will be impacted by any legislative changes or issued guidelines on the parameters for the rates harmonisation.

#### Recommendation

Should Council wish to address the impacts identified in the ordinary rates harmonisation process scheduled for the 2020/2021 financial year, it is recommended that formal representations be made to the Minister for Local Government to implement legislative amendments to delay the expire of s218CB(2) until 2021/2022, to issue guidelines on ordinary rates harmonisation for merged councils and provide for better legislative mechanisms to reduce the price shock on ratepayers caused from ordinary rates harmonisation.

#### Financial Impact

Ordinary Rates revenue totals \$165m or 29.4% of Council's 2019/2020 total revenue. Any decision which impacts Council's ability to levy this total amount will have a profound impact on existing service levels. Reducing Council's rates income will require reductions in services.

Any decisions that alter and/or harmonise the ordinary rates structure whilst may not impact Council's overall ordinary rate revenue will impact have how rates are levied or 'allocated' amongst ratepayers.

#### Link to Community Strategic Plan

Theme 4: Responsible

#### Choose Focus Area

R-G4: Serve the community by providing great customer experience, value for money and quality services.

**4.9 Ordinary Rates Harmonisation (contd)**

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**Critical Dates or Timeframes**

The restrictions placed upon Council Rates structure expires on 30 June 2020.

Council will be required to define its own Rates structure, within legislative requirements, for the 2020/2021 financial year. This structure will be presented for exhibition in the 2020/20201 operational plan around April 2020.

**Attachments**

*Nil.*



**Item No:** 4.2  
**Title:** Deferred Item - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00099 - D13557936

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

At the Council Meeting of 27 May 2019, Council resolved:

*456/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report for Deferred Item - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019.**
- 2 That Council note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019 that is Attachment 1 to this report.**
- 3 That concerns raised by the Committee be noted as a submission as part of the exhibition of the Consolidated Local Environmental Plan.**

### **Attachments**

- 1** Deferred Item 4.10 - Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019 D13557939



**Item No:** 4.10  
**Title:** Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019  
**Department:** Governance

27 May 2019 Ordinary Council Meeting

Trim Reference: F2018/00099 - D13519619

Manager: Luke Sulkowski, Unit Manager, Natural and Environmental Assets

Executive: Scott Cox, Director, Environment and Planning

### Report Purpose

To note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019, including staff recommendations.

### Recommendation

- 1 That Council note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 March 2019 that is Attachment 1 to this report.**
- 2 That concerns raised by the Committee be noted as a submission as part of the exhibition of the Consolidated Local Environmental Plan.**

### Background

The Coastal Open Space System (COSS) Committee held a meeting on 27 March 2019. The draft Meeting Record of that meeting is Attachment 1 to this report.

A discussion was held regarding the concern of 7A land being rezoned to E4 as some members of the Advisory Committee considered that this was not seen to be usual practice.

#### Committee Recommendation

*A meeting to be requested with relevant planning staff with Mayor Smith, Councillor Committee representatives, Barbara Wills, Paul Links, Gary Chestnut and Deb Holloman to discuss issues raised. Outcomes of the Working Group and further information to be brought back to the next meeting.*

#### Staff Response

It is recommended that the concerns raised by the Committee be noted as a submission during the exhibition period on the Consolidated Local Environmental Plan and that staff review this submission as part of the review of submissions made. Detailed review of individual lots through the Committee is considered to be operational and not consistent with the Terms of Reference of the Committee.

**4.10 Meeting Record of the Coastal Open Space System (COSS) Committee  
held on 27 March 2019 (contd)**

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**Recommendation to Council**

That concerns raised by the Committee be noted as a submission as part of the exhibition of the Consolidated Local Environmental Plan.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

**Attachments**

- 1 COSS Committee Meeting Record - 27 March 2019 D13519601

## Coastal Open Space System (COSS) Committee Meeting Record 27 March 2019



Central  
Coast  
Council

Location:	Gosford Administration Building Level 1 Committee Room 49 Mann Street, Gosford	
Date:	27 March 2019	
Time	Started at: 4.05pm	Closed at: 5.51pm
Chair	Mayor Jane Smith	
File Ref	F2018/00099	

**Present:**

Mayor Jane Smith, Councillor Chris Holstein (arrived 4.09pm, left 5.36pm), Councillor Louise Greenaway (arrived 4.12pm), Councillor Jeff Sundstrom, John Andrews, David Holland, Deb Holloman, Paul Links, Douglas Williamson, Barbara Wills

**External Representatives present:**

Jonathon Eccles – Local Land Services (Greater Sydney)

**Council Staff present:**

Luke Sulkowski – Unit Manager Natural and Environmental Assets, Larry Melican – Section Manager Emergency Protection Natural Assets, Kelly Drover – Advisory Group Support Officer

**Item 1 Welcome, Apologies and Acknowledgement of Country**

Gary Chestnut, Stephen Atkins – National Parks and Wildlife Services (Hunter Central Coast Branch), Joel Stibbard – Biodiversity Conservation Trust

The Chairperson, Mayor Jane Smith declared the meeting open at 4.05pm and undertook an Acknowledgement of Country.

**Item 2 Disclosures of Interest**

The Mayor called for any declarations of interest. No disclosures were noted.

**Item 3 Confirmation of Previous Meeting Record**

The Advisory Group confirmed the Meeting Record from 30 January 2019.

The Advisory Group reviewed the Action Log.

## Coastal Open Space System (COSS) Committee Meeting Record 27 March 2019



### **Item 4 Presentation on the Biodiversity Conservation Trust and its programs**

Joel Stibbard (Senior Ecologist, Biodiversity Conservation Trust) was an apology at today's meeting and will provide an update to the Committee at the next meeting on the Trust and its programs.

### **Item 5 Land Acquisition and Prioritisation (Action 33)**

Larry Melican (Section Manager, Emergency Protection Natural Assets) provided the Committee with an update on changes to land acquisitions and potential land for acquisition for conservation purposes. There are 14 properties currently being investigated for acquisition.

**Action:** Staff to meet with the Land Acquisition working group to discuss new properties that may have been identified for potential acquisition.

### **Item 6 Wildlife Corridors (Action 41)**

Larry Melican gave the Committee a presentation in regard to wildlife corridors and preliminary discussions held with the roads planning group.

A Consultant has been engaged to review Councils' 10 year road works program, road kill data, and wildlife corridor mapping. A report is due by May 2019.

**Action:** A report to be provided to a future meeting on the outcome of the review.

**Action:** Smart sheet link for capturing road kill data to be circulated to the Committee.

### **Item 7 Opportunities to promote COSS Initiatives (Action 44)**

Larry Melican provided the Committee with an update of what has previously happened in regard to promoting COSS Initiatives including:

- COSS logo and branding
- 2008/2009 COSS Week
- 2012 COSS Promotional Strategy
- Newspaper adverts
- Social Media, engagement with local schools and Taronga Zoo
- Photography competition
- COSS publications including workbooks for school students
- COSS family nature club
- Presented at a number of conferences

Discussion was held around using terminology of COSS in former Wyong to increase branding and knowledge of what COSS actually is.

**Coastal Open Space System (COSS) Committee Meeting Record  
27 March 2019**

**Action:** The Committee requests that Council staff provide an outline of some COSS and Environmental lands promotional initiatives that could be implemented in 2019. Presentation to be provided at the next meeting.

**Item 8 Update on previous RMS proposal re widening of Woy Woy Road (Action 46)**

Larry Melican gave an update on the Rawson Road Level Crossing Replacement Project at Woy Woy. Noted that there has been no change to COSS land in this location.

**Item 9 COSS Logo**

Discussion was held around the Mayor's previous request to have the COSS logo included on COSS Committee meeting Agendas and Meeting Records, which staff advised could not occur because it does not align with our corporate brand.

**Action:** Staff to provide further clarity regarding the use of the COSS logo being included on COSS Committee meeting documentation.

**Item 10 Proposed Zonings of COSS lands (including land identified for COSS) in the Consolidated LEP**

Item deferred to May meeting.

**Item 11 Key Principles and historical practice for applying "bonus lot provision"**

Discussion was held regarding the concern of 7A land being rezoned to E4 as some members of the Advisory Group considered that this was not seen to be usual practice.

**Action:** A meeting to be requested with relevant planning staff with Mayor Smith, Councillor Committee representatives, Barbara Wills, Paul Links, Gary Chestnut and Deb Holloman to discuss issues raised. Outcomes of the Working Group and further information to be brought back to the next meeting.

**Item 12 Update from External Representatives**

Jonathon Eccles – Local Land Services (Greater Sydney) provided an update on the Rabbit Haemorrhagic Disease Virus commonly known as RHDV1-K5 which was released in February. Baiting is still continuing.

Wild dog baiting will begin in April and fox baiting is still ongoing.

The issue of feral deer was discussed.

Coastal Open Space System (COSS) Committee Meeting Record  
27 March 2019**Item 13            General Business and Close**

- a) Councillor Sundstrom raised the question as to how the change to the *Local Land Services Act* in February impacts on Category 2 regulated land. Jonathon Eccles will follow up with the Sustainable Land Management Group.
- b) Concerns were raised regarding potential unauthorised clearing of COSS land at MacMasters Beach.
- c) Doug Williamson thanked Advisory Group Support Officers for the SMS reminder sent prior to the meeting.

The meeting closed at 5.51pm

**Next Meeting:**            **Wednesday 29 May 2019**  
                                 **4pm – 6pm**  
                                 **Central Coast Council Wyong Office**  
                                 **Level 2 Committee Room**  
                                 **2 Hely Street, Wyong**



**Item No:** 4.3  
**Title:** Deferred Item - Meeting Record of the Environment Trust Management Committee held on 26 March 2019  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00732 - D13557946

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

### **Report Purpose**

At the Council Meeting of 27 May 2019, Council resolved:

*457/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item - Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019.**
- 2 That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019 that is Attachment 1 to this report.**
- 3 That Council as Trustee of the Protection of the Environment Trust determine what process is appropriate with regard to the lands identified by the Management Committee, including whether to subsequently allocate Trust funds for the process and make any determination to waive associated fees.**

### **Attachments**

- 1 Deferred Item 4.11 - Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019**

D13557954



**Item No:** 4.11  
**Title:** Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019  
**Department:** Governance

27 May 2019 Ordinary Council Meeting

Trim Reference: F2018/00732 - D13510966

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

### Report Purpose

To note the Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019 and consider the recommendations to Council from the Committee, including staff comments on those recommendations.

### Recommendation

- 1 That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019 that is Attachment 1 to this report.**
- 2 That Council as Trustee of the Protection of the Environment Trust determine what process is appropriate with regard to the lands identified by the Management Committee, including whether to subsequently allocate Trust funds for the process and make any determination to waive associated fees.**

### Background

The Protection of the Environment Trust Management Committee held a meeting on 26 March 2019. The Meeting Record of that meeting is Attachment 1 to this report.

#### Committee Recommendation

*That the Trust commences a planning proposal process to rezone the following parcels of Council land held by the Trust to the highest appropriate environmental zone:*

- 1. 95 Pile Road, Somersby – Currently zoned RE1 Public Recreation*
- 2. 115 Wisemans Ferry Road, Somersby - Currently zoned RE1 Public Recreation*
- 3. 31-33 Somersby Falls Road, Somersby – Currently zoned B5 Business Development*
- 4. 3A Ainslie Close, Somersby - Currently zoned IN1 General Industrial*
- 5. 1A Raverson Close, Somersby – Currently zoned IN1 General Industrial*
- 6. 6 Deodar Road, Somersby – Currently zoned IN1 General Industrial*

**4.11 Meeting Record of the Protection of the Environment Trust Management  
Committee held on 26 March 2019 (contd)****Staff Response**

Council is currently in the process of reviewing deferred lands as part of the Consolidated Central Coast Local Environmental Plan (Consolidated CCLEP) project.

Council would need to resolve to commence a separate planning proposal to rezone the abovementioned parcels of Council land held by the Trust to an E2 Environmental Conservation Zone. This project is not part of the 19/20 Operational Plan or Operational Budget.

As such, the following would be the staff recommendation to Council as endorsed by the Director, Environment and Planning:

*That Council review the zoning of 95 Pile Road, Somersby, 115 Wisemans Ferry Road, Somersby, 31-33 Somersby Falls Road, Somersby, 3A Ainslie Close, Somersby, 1A Raverson Close, Somersby and 6 Deodar Road, Somersby as part of the Comprehensive Local Environmental Plan.*

**Recommendations to Council**

Given that the recommendation from staff differs from that of the Committee it is recommended that Council as Trustee determine this matter.

**Committee Recommendation**

*That Council authorises the Trust to allocate funding from the Trust fund for the planning proposal process.*

**Staff Response**

Council is Trustee of the Protection of the Environment Trust. The Trustee is required to resolve any distribution of monies. It is noted that should Council endorse the Committee's recommendation with regard to commencing a planning proposal above that it would then be necessary to determine whether to allocate funding from the Trust for that purpose.

As the staff recommendation is not to commence a planning proposal process, it follows that it is not recommended that Council authorises the Trust to allocate funding from the Trust fund for the planning proposal process.

**Recommendations to Council**

Given that the recommendation from staff differs from that of the Committee it is recommended that Council as Trustee determine this matter.

**Committee Recommendation**

*That Council waive any fees in relation to the planning proposal process.*

**4.11 Meeting Record of the Protection of the Environment Trust Management Committee held on 26 March 2019 (contd)**

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**Staff Response**

As the staff recommendation is not to commence a planning proposal process, it follows that it is not recommended that Council determine to waive any fees in relation to the planning proposal process.

**Recommendations to Council**

Given that the recommendation from staff differs from that of the Committee it is recommended that Council as Trustee determine this matter.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

**Attachments**

- 1 POET Management Committee Meeting Record - 26 March 2019 D13511380

Protection of the Environment Trust  
Management Committee Meeting Record  
26 March 2019

Central  
Coast  
Council

Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	26 March 2019	
Time	Started at: 11.03am	Closed at: 12.30pm
Chair	Mayor Jane Smith	
File Ref	F2018/00732	

**Present:**

Mayor Jane Smith, Joy Cooper, Barbara Wills Gary Murphy – Chief Executive Officer

**Staff present:**

Shane Sullivan – Acting Director Governance, Luke Sulkowski – Unit Manager Natural and Environmental Assets, Matthew Prendergast – Acting Executive Manager Innovation and Futures (arrived 11.12am, left 11.57am), Larry Melican – Section Manager Emergency Protection Natural Assets, Scott Duncan – Section Manager Land Use and Policy (left 11.57am), Kendal Caynes – Strategic Environmental Planner Environmental Strategies (left 11.57am), Kelly Drover – Advisory Group Support Officer

**Item 1 Welcome, Apologies and Acknowledgement of Country**

The Chairperson, Mayor Jane Smith, declared the meeting open at 11.03am and undertook an Acknowledgement of Country.

No apologies.

**Item 2 Disclosure of Interest**

The Mayor called for any declarations of interest.

No disclosures were received.

**Item 3 Confirmation of Previous Meeting Record**

The Committee confirmed the Meeting Record from 26 February 2019.

Protection of the Environment Trust Management Committee  
Meeting Record 26 March 2019



#### Item 4 Action Log

The Committee discussed the Action Log.

Action Item 19 – Responsible Party now Acting Director Governance. Shane Sullivan to make some preliminary enquiries regarding the process of donating to the trust.

#### Item 5 Adoption of E Zones and Planning Proposal Process re Changing Zones (Action 29)

Scott Duncan – Section Manager Land Use and Policy and Kendal Caynes – Strategic Environmental Planner Environmental Strategies, presented to the Committee on the Central Coast Local Environment Plan, the Planning Proposal process and the Urban Edge Zone Review.

**Recommendation:** The Protection of the Environment Trust Management Committee recommends to Council:

1. That the Trust commences a planning proposal process to rezone the following parcels of Council land held by the Trust to the highest appropriate environmental zone :
  - 95 Pile Road, Somersby (Lot 3 DP 1117622)
  - 115 Wisemans Ferry Road, Somersby (Lot 2 DP 1112163)
  - 31-33 Somersby Falls Road, Somersby (Lot 15 DP 1136135)
  - 3A Ainslie Close, Somersby (Lot 122 DP 1134128)
  - 1A Raverson Close, Somersby (Lot 42 DP 1143508)
  - 6 Deodar Road, Somersby (Lot 3 DP 1209664)
2. That Council authorises the Trust to allocate funding from the Trust fund for the planning proposal process.
3. That Council waive any fees in relation to the planning proposal process.

**Action:** Further information to be brought back to the Committee as this process progresses.

#### Item 6 Grant Guidelines

The Committee discussed the Protection of the Environment Trust Grant Guidelines.

In regard to Item 6.1 – the Assessment Process states that:

*Applications are only accepted online through Central Coast Council's website [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au) and the appropriate online application form. Assistance is provided to any group or individual if requested to ensure access and support with the online system.*

**Action:** When the next round of Grant Funding is advertised, it needs to be included in the advertisement that Staff can be contacted to provide assistance with submitting an application.

**Action:** Luke Sulkowski to speak to Community Partnerships team with the aim to have the advertisement out in April with submissions closing in May.

Protection of the Environment Trust Management Committee  
Meeting Record 26 March 2019




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### Item 7 Volunteer Research Activities (Action 36)

Mayor Smith tabled a Proposal on Volunteer Citizen Science Tourism.

**Action:** The Committee agreed in principle to an initial EOI to identify an organisation to partner with the Trust on a pilot grant program focused on Citizen Science and research.

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### Item 8 Update on opportunities and avenues for promotions and marketing of the Trusts (Action 37)

Shane Sullivan, Acting Director Governance tabled a Draft Communications Campaign for the Trusts.

The following change (in bold) to be made:

- Donations to the Trusts in either land or money are fully tax deductible (**over 5 years**)

**Action:** In regard to promoting donations to the trust, the following actions are to be made a priority:

- Mayoral Column in Coast Connect
- Update webpage with donation information
- Media Release
- Social Media

**Action:** A FAQ's flyer be developed to help people understand more about reasons for donating to the trust and how they can go about it.

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### Item 9 Finance Report

The Protection of the Environment Finance Report was tabled.

**Action:** The Committee request staff to provide further information at the next meeting regarding the Hillview Street donation.

**Action:** The Committee request further information at the next meeting on the *Perpetuity Management Plan – The Scenic Road Bushland Reserve* and how funds will be allocated.

**Action:** Luke Sulkowski to provide a status update at the next meeting on Grant Funding Projects and Trust expenditure since the Amalgamation.

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### Item 10 General Business and Close

The meeting closed at 12.30pm

**Next Meeting:** Tuesday 4 June 2019  
3pm – 4pm  
Central Coast Council Gosford Admin Building  
Level 1 Committee Room  
49 Mann Street, Gosford



**Item No:** 4.4  
**Title:** Deferred Item - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00097 - D13557962

Author: Peter Ham, Unit Manager, Waterways and Coastal Protection

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

At the Council Meeting of 27 May 2019, Council resolved:

*458/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item – Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019.**
- 2 That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019, that is Attachment 1 to this report.**
- 3 That Council note the draft Terms of Reference for the Terrigal Water Quality Sub-Committee.**

### **Attachments**

- 1** Deferred Item 4.12 - Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019 D13557963



**Item No:** 4.12  
**Title:** Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019  
**Department:** Environment and Planning

27 May 2019 Ordinary Council Meeting

Trim Reference: F2018/00097 - D13507253

Author: Peter Ham, Unit Manager, Waterways and Coastal Protection

Executive: Scott Cox, Director, Environment and Planning

### Report Purpose

To note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019, and the draft Terms of Reference for the Terrigal Water Quality Sub-Committee.

### Recommendation

- 1 That Council note the draft Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019, that is Attachment 1 to this report.**
- 2 That Council note the draft Terms of Reference for the Terrigal Water Quality Sub-Committee.**

### Context

The Catchments and Coast Committee Brisbane Water and Gosford Lagoons (the Committee) held a meeting on 21 March 2019. The draft Meeting Record of that meeting is Attachment 1 to this report.

At the meeting the Committee considered a draft Terms of Reference for the Terrigal Water Quality Sub-Committee, which Council resolved be established at its Ordinary Meeting on 25 February 2019 as below.

- 145/19 That Council establish a Terrigal Water Quality Sub-Committee under the Coasts and Catchments Committee for Brisbane Water and Gosford Lagoons to review existing information and examine ways to improve water quality. Membership of the sub-committee will include representatives from community groups, relevant agencies and staff. The initial term of the sub committee would be for a 12 month period.*

#### 4.12 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019 (contd)

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The Committee requested that the draft Terms of Reference for the Terrigal Water Quality Sub-Committee be reported to Council as soon as practicable. The draft Terms of Reference are Attachment 2 to this report.

The Committee recommended that some of the elements recommended by staff for inclusion in the Terms of Reference be removed. It is noted that the Terms of Reference are a matter for Council to resolve.

It is the recommendation of staff that the following sections be included in the Terms of Reference for the purposes of consistency, clarity and good governance:

- Role of staff in supporting the Sub-Committee

**Council officers will provide professional advice and administrative support as approved by the Unit Manager, Waterways and Coastal Protection. Employees of Council are not subject to the direction of the Sub-Committee, or any members of it. Staff attendance is at the discretion of the Chief Executive Officer.**

- Role of the Chairperson of the Sub-Committee

##### ***Chairperson***

**The Chairperson is a Councillor. The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set out in the Agenda.**

- Identification of the staff convenor and their role

##### ***Convenor***

**A Central Coast Council staff position shall be nominated as convenor by the Chief Executive Officer. They will be a staff member responsible for coordinating the preparation of agendas, invitations and minutes (meeting records).**

**The Unit Manager, Waterways and Coastal Protection shall be the convenor of the Sub-Committee.**

- How decisions will be made and, where necessary, how voting will be conducted

##### ***Voting***

**No formal voting rules apply.**

**As the Sub-Committee has an advisory role, its recommendations are to be made by consensus. Where consensus cannot be reached, a vote may be taken**

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**4.12 Meeting Record of the Catchments and Coast Committee Brisbane Water and Gosford Lagoons held on 21 March 2019 (contd)**


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**at the request of the Chair. The vote will be carried by a majority of voting members. The minutes would reflect this process. The Sub-Committee may agree to allow participation in meetings through conference calls and other technology. As no formal voting rules apply, there is no proxy voting.**

- How meeting records will be maintained and accessed

**Communications and reporting**

**The agendas and minutes of the Sub-Committee will be stored as a permanent record of Council. All agendas and minutes will be included in the agendas for the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons.**

- Code of Conduct requirements as standard for all Advisory Groups

**Conduct**

**Code of Conduct training will be provided to all Sub-Committee members, and must be completed prior to attending a meeting of the Sub-Committee.**

**Each member of the Sub-Committee will be provided with Council's adopted Code of Conduct and the Conduct of members is expected to be consistent with the principles outlined in the Code of Conduct.**

**For the avoidance of doubt, members of the Sub-Committee are not permitted to speak to the media or make representations on social media on behalf of the Sub-Committee or Council unless approved by Council.**

Should Council determine to accept the Terms of Reference as recommended by staff the following is recommended:

*That Council determine the Terms of Reference for the Terrigal Water Quality Sub-Committee as provided in Attachment 2 with the additions of those provisions identified in the report.*

Should Council determine to accept the Terms of Reference as proposed by the Committee the following is recommended:

*That Council determine the Terms of Reference for the Terrigal Water Quality Sub-Committee as provided in Attachment 2 to this report.*

**4.12 Meeting Record of the Catchments and Coast Committee Brisbane Water  
and Gosford Lagoons held on 21 March 2019 (contd)**

---

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Catchments and Coast Committee Brisbane Water and Gosford Lagoons Meeting Record - 21 March 2019 | D13509451 |
| <b>2</b> | Draft Terms of Reference - Terrigal Water Quality Sub Committee                                  | D13509600 |



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	21 March 2019	
Time	Started at: 2.05pm	Closed at: 4.18pm
Chair	Mayor Jane Smith	
File Ref	F2018/00097	

**Present:**

Mayor Jane Smith, Ian Carruthers, Andrew Jones, Michael Kilp, Jenny McCulla, Adrian Williams, Samantha Willis, Michael Alsop (non-voting)

**External Representatives present:**

Neil Kelleher – NSW Office of Environment and Heritage, Richard Murphy – NSW Office of Environment and Heritage

**Other Attendees:**

Emily Clegg - Terrigal Haven Supporters Group, David Mylan - Terrigal Haven Supporters Group, Ray Moore - Terrigal Haven Supporters Group, Roz Fuller - Terrigal Haven Supporters Group, Tony Horwood - Terrigal Haven Supporters Group, Anne Maree Kreller (UNSW PhD Student – Observer)

**Council Staff present:**

Scott Cox – Director Environment and Planning, Peter Ham – Unit Manager Waterways and Coastal Protection, Ben Fullagar – Section Manager Coastal Protection, Melanie James – Waterways Officer, Peter Sheath – Section Manager Waterways, Warren Brown – Waterways and Coastal Management Officer, Vanessa McCann – Team Leader Estuary Management and Projects, Kelly Drover – Advisory Group Support Officer

**Item 1 Apologies**

Councillor Troy Marquart

The Chairperson, Mayor Jane Smith, declared the meeting open at 2.05pm and undertook an Acknowledgement of Country.

**Item 2 Disclosure of Interest**

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The Mayor called for any declarations of interest.

Andrew Jones declared a less than significant non-pecuniary interest as Director of Terrigal Ocean Tours who run Whale watching tours out of Terrigal Haven.

Mayor Jane Smith declared a less than significant non-pecuniary interest as she is involved with the Waterwatch program.

**Item 3 Confirmation of Previous Meeting Record**

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The Advisory Group confirmed the Meeting Record of 13 December 2018.

The Advisory Group reviewed the Action Log.

It was noted the following action from the Meeting Record of 13 December 2018 hadn't been included in the Action Log:

*Action: Staff to provide Advisory Group members with a list of priority projects identified in the respective CZMP's, which the Group may consider recommending for inclusion in future budgets.*

**Action:** List of Priority Projects to be circulated to Committee prior to the next meeting and to be included on the agenda for the June meeting.

**Item 4 Update on Avoca Lagoons**

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Warren Brown – Waterways and Coastal Management Officer provided an update on the Avoca Lagoon Catchment Audit which has commenced in consultation with Office of Environment and Heritage.

We are consulting with various Universities who have a large amount of information and data. Samantha Willis will provide Vanessa McCann with details of a Waterwatch contact who may be able to provide additional information.

**Action:** The Committee requests staff to provide a Communications Plan at the next meeting.

**Item 5 A Short History of Coastal Management at Ettalong and Umina**

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Warren Brown – Waterways and Coastal Management Officer gave a presentation on the history of Coastal Management at Ettalong and Umina and the current holistic management program project with Office of Environment and Heritage.

**Item 6 Lagoons Water Quality – Progress and Next Steps**

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This topic was covered in Item 4.

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**Item 7                    Development of Coastal Zone Management Plans**


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Ian Carruthers raised the issue that a Central Coast Coastal Management Program needs to be completed by 2021 and it is a large and complex task requiring intermediate steps such as a sea level rise policy and hazard mapping.

The Committee had a discussion around the current Coastal Zone Management Plan and hazard lines, exempt and complying development SEPP and mapping around coastal vulnerability areas.

**Action:** Staff to report back to a future meeting regarding the Committee's role with regard to the Coastal Management Program development.

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**Item 8                    Vision for the Committee**


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The Vision for the Committee was included in the 12 month Action Plan at the Inaugural Meeting of the Committee.

It was discussed that the role of the Committee is already identified in the Terms of Reference.

**Action:** Advisory Group Support Officer to distribute Terms of Reference to the Committee for any feedback or ideas on the Role or Vision of the Committee.

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**Item 9                    Presentation from Terrigal Haven Supporters Group**


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At the 25 February 2019 Ordinary Meeting, Council resolved in part:

**144/19                    That Council invite representatives from Terrigal Haven Supporters Group to present at the next Coasts and Catchments Committee for Brisbane Water and Gosford Lagoons on 21 March 2019.**

Roz Fuller spoke on behalf of the Advocacy Group for Terrigal Haven Supporters.

The main topics raised by the group included:

- The perception of Terrigal's 'unsanitary' ocean water.
- Terrigal was not included in the August 2018 \$45 million budget to improve coastal water quality.
- In the 2018 NSW State of the Beach report, only 2 of 127 NSW ocean beach were rated as poor, one of which was Terrigal.



- Since 2010 every report has rated the water quality at Terrigal beach and Lagoon as Poor or Very Poor.
- The Poor assessment is based on National Health and Medical Research Council's *Guidelines for managing risks in recreational water*. A Poor water rating means that the chances of a swimmer contracting a gastrointestinal or respiratory condition at Terrigal Beach and Lagoon exceeds the safe limits as set by the Guidelines.
- Terrigal Haven is not included in the State of the Beaches reports because it is not sampled by the Beachwatch program.
- Seven stormwater drains flow directly into the southern end of Terrigal Beach, right onto the toddler's rock pool and next to the Haven beach.
- Terrigal Haven Supporters Group held a forum on 13 February 2019 to find out the community concerns and received a large number of suggestions.
- Many local businesses including Crown Plaza, cafes and real estates have raised concerns about the perceived health risks and their economic consequences.

Melanie James - Waterways Officer gave a presentation on Water Quality investigations and Terrigal Audits including some of the following topics:

- There is a Partnership Program between Council and the NSW Office of Environment and Heritage's Beachwatch team.
- Council staff are following up on poor results (Terrigal is now the focus of a catchment audit along with other sites).
- Explanation of the extensive network of stormwater pipes in the catchment.
- Explanation of the process involved in isolating potential sources of pollution – that this is an incremental process.
- Current and Future sample tests.
- Internal pipe camera surveys are already being done at the Haven.
- Working with Councils' Water and Sewer and Roads teams to assist in getting samples.

#### Item 10 General Business and Close

At the 25 February 2019 Ordinary Meeting, Council resolved in part:

- 145/19** *That Council establish a Terrigal Water Quality Sub-Committee under the Coasts and Catchments Committee for Brisbane Water and Gosford Lagoons to review existing information and examine ways to improve water quality. Membership of the sub-committee will include representatives from community groups, relevant agencies and staff. The initial term of the sub-committee would be for a 12 month period.*

Catchments and Coast Committee – Brisbane Water and Gosford Lagoons  
Meeting Record 21 March 2019



The Committee discussed and endorsed a draft Terms of Reference for the Terrigal Water Quality Sub-Committee.

**Action:** The adopted Terms of Reference be reported to Council as soon as practicable.

The meeting closed at 4.18pm

**Next Meeting:**        **Thursday 20 June 2019**  
                                 **2pm – 4pm**  
                                 **Central Coast Council Gosford Office**  
                                 **Level 1 Committee Room**  
                                 **49 Mann Street, Gosford**

## Draft Terms of Reference – Terrigal Water Quality Sub-Committee under the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

### **1. Role**

The Terrigal Water Quality Sub-Committee is established under the Catchments and Coast Committee for Brisbane Water and Gosford Lagoons to review existing information and examine ways to improve water quality at Terrigal Beach and The Haven.

### **2. Membership, Chairperson and Voting**

#### *Membership*

Councillors:

- Mayor Jane Smith (Chair)
- Councillor Rebecca Gale-Collins
- Councillor Jeff Sundstrom

Representatives from each of the following organisations will be invited to participate in the sub-committee:

- Terrigal Haven Supporters Group (2 representatives)
- Terrigal Sea Urchins Group (1 representative)
- Central Coast Waterwatch (1 representative)
- University of Newcastle (1 representative)
- Office of Environment and Heritage

Additional Representation:

- Members of the current Catchments and Coast Committee are eligible to attend Sub-Committee meetings

Staff holding the following Central Coast Council positions may attend Sub-Committee meetings if required:

- Director Environment and Planning
- Director Roads Transport Drainage and Waste
- Director Water and Sewer
- Unit Manager Waterways and Coastal Protection
- Sectional Manager Coastal Protection
- Section Manager Waterways
- Team Leader Estuary Management
- Waterways Officer

## Draft Terms of Reference – Terrigal Water Quality Sub-Committee under the Catchments and Coast Committee – Brisbane Water and Gosford Lagoons

### **3. Meetings**

- Meetings are held quarterly (for one hour) immediately after the Catchments and Coast Committee meetings.
- Agenda and meeting papers will be distributed to members three days prior to the meeting.
- Conduct, communications and reporting of the Sub-Committee will be the same as for the Catchments and Coast Committee.
- Meetings will be minuted and minutes will be considered for adoption at the following meeting of the Advisory Group, and shall form part of the Advisory Group Minutes reported to Council.

### **4. Terms**

The initial term of the Sub-Committee will be for a 12 month period following the first meeting.



**Item No:** 4.5  
**Title:** Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019  
**Department:** Governance

---

11 June 2019 Ordinary Council Meeting

Trim Reference: F2017/02125 - D13535041

Author: Kelly Drover, Advisory Group Support Officer

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

### **Report Purpose**

To note the Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019, and consider the recommendations to Council from the Committee.

### **Recommendation**

- 1 That Council note the Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held 9 April 2019 that is Attachment 1 to this report.**
- 2 That the Chief Executive Officer consider the proactive release of the independent assessment report titled *Technical Environment & Operational Review, Mangrove Mountain Landfill, Wisemans Ferry Road, Mangrove Mountain NSW* dated 5 May 2017, following receipt of letter from the Environment Protection Authority. The report is to be placed on Council's website if proactively released.**

### **Context**

The Mangrove Mountain and Spencer Advisory Committee held a meeting on 9 April 2019. The Meeting Record of that meeting is Attachment 1 to this report. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

At the meeting the Committee considered the items and made recommendations in some instances. The recommendations have been reviewed by staff and the following is now provided to Council.

### **Committee Recommendation:**

In September 2018, Acting Unit Manager Environment and Certification wrote to the Environment Protection Authority requesting a copy of the follow up report to the independent assessment report titled *Technical Environment & Operational Review, Mangrove Mountain Landfill, Wisemans Ferry Road, Mangrove Mountain NSW* dated 5 May 2017.

At the 9 April 2019 Mangrove Mountain and Spencer Advisory Committee meeting, the Environment Protection Authority advised that Council already has a copy of the report as

#### 4.5 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019 (contd)

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part of the legal proceedings and a letter is currently being drafted advising Council that they can now use the report without restriction.

The Committee recommended that once the letter is received from the Environment Protection Authority, that Council proactively release the report onto the website and distribute the link to Committee members.

##### **Staff Comment:**

Once the letter is received from the Environment Protection Authority, staff will review the independent assessment report titled *Technical Environment & Operational Review, Mangrove Mountain Landfill, Wisemans Ferry Road, Mangrove Mountain NSW* dated 5 May 2017. A recommendation regarding suitability to proactively release will then be made to the Chief Executive Officer in accordance with the *Government Information (Public Access) Act 2009*.

Under the *Government Information (Public Access) Act 2009* it is exclusively a matter for the CEO to determine whether information held by Council is to be proactively released.

The CEO must ensure that all commercially sensitive information is redacted from documents that are proactively released, as well as ensuring that all personal information and personal identifying information is redacted from any document released so that Council complies with the *Privacy and Personal Information Act 1998*.

Council has a commitment to proactive release and where possible is keen to make information of interest to the community accessible and available.

It is, of course, not possible to provide a definitive recommendation in this regard without the document in question. However, once the document is received, staff will work to review the document in the context of the *Government Information (Public Access) Act 2009*.

The recommendation of the Committee is supported in the context of the above information.

##### **Recommendation to Council:**

***That the Chief Executive Officer consider the proactive release of the independent assessment report titled *Technical Environment & Operational Review, Mangrove Mountain Landfill, Wisemans Ferry Road, Mangrove Mountain NSW* dated 5 May 2017, following receipt of letter from the Environment Protection Authority. The report is to be placed on Council's website if proactively released.***

## 4.5 Meeting Record of Mangrove Mountain and Spencer Advisory Committee held on 9 April 2019 (contd)

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### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

### Attachments

- 1 Mangrove Mountain and Spencer Advisory Committee Meeting Record - 9 April 2019 D13535014

# Mangrove Mountain and Spencer Advisory Committee Meeting Record 9 April 2019



Location:	Central Coast Council Gosford Office Level 1 Committee Room 49 Mann Street, Gosford	
Date:	9 April 2019	
Time	Started at: 5.02pm	Closed at: 6.38pm
Chair	Councillor Richard Mehrtens	
File Ref	F2017/02125	

**Present:**

Councillor Chris Holstein, Councillor Kyle MacGregor, Councillor Richard Mehrtens, Lillias Bovell, Gary Chestnut, Joy Cooper (arrived 5:10pm), Dr Stephen Goodwin, Wolfgang Koerner, Margaret Pontifex, Stephen Rickards, Marilyn Steiner, Danny Willmott, [Catherine Wade - (observer only)]

**External Representatives present:**

Guy Ohandja – Natural Resources Access Regulator, Greg Sheehy – Environment Protection Authority, Cate Woods – Environment Protection Authority

**Council Staff present:**

Shane Sullivan – Acting Director Governance, Brian Jones on behalf of Scott Cox – Director Environment and Planning, Kelly Drover – Advisory Group Support Officer

**Item 1 Apologies, Welcome and Acknowledgement of Country**

Mayor Jane Smith, Councillor Troy Marquart, Gary Murphy – Chief Executive Officer, Scott Cox – Director Environment and Planning, John Asquith, Pam O’Sullivan, Algis Sutas – Natural Resources Access Regulator

The Chairperson, Councillor Richard Mehrtens, declared the meeting open at 5.02pm, and gave an Acknowledgement of Country.

**Item 2 Disclosure of Interest**

Gary Chestnut previously declared a less than significant non-pecuniary interest as he is a former employee of Gosford City Council and during this employment he received and presented confidential information to Councillors, Senior Management, Council’s Solicitors, Council’s Barrister and Council’s Senior Counsel.

Danny Willmott previously declared a less than significant non-pecuniary interest as he is a former respondent in the legal case regarding Mangrove Mountain Landfill.

Mangrove Mountain and Spencer Advisory Committee Meeting Record  
9 April 2019



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**Item 3 Confirmation of 18 December 2018 Meeting Record**

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The Committee confirmed the 18 December 2018 Meeting Record.

The Committee discussed the Action log.

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**Item 4 Update from Council Staff Regarding Current Council Actions**

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Brian Jones on behalf of Scott Cox – Director Environment and Planning provided an update that the matter was heard in the Land Environment Court today and is listed for 10 May 2019.

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**Item 5 Insight into Gauge Flow Trends**

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Guy Ohandja from the Natural Resources Access Regulator (NRAR) advised that there was no update on this matter.

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**Item 6 Letter to EPA 14 September 2018 regarding providing a copy of the Follow Up Independent Environmental Report to the Committee**

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Cate Woods from the Environment Protection Authority (EPA) advised that Council already has a copy of the report as part of the legal proceedings however a letter is currently being drafted advising Council that they can now use the report without restriction.

**Action:** Once letter is received from Environment Protection Authority, Council to proactively release report onto website and distribute link to Committee members.

Council had also requested from the Environment Protection Authority a copy of surface and groundwater quality data from the Mangrove Mountain Landfill site.

**Action:** Staff to provide further information to the Environment Protection Authority as to exactly what information is required in regards to surface and groundwater monitoring.

---

**Item 7 Response to Questions received from Robyn Downham**

---

Greg Sheehy from the Environment Protection Authority (EPA) provided an update in regard to Spencer, awaiting the court process and hoping the owner will enter a plea. Environment Protection Authority has issued a draft clean up notice on the owner of the property.

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**Item 8 List of Questions sent to EPA April 2018**

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Cate Woods provided a response in regards to the questions that were sent to the Environment Protection Authority by the Committee in April 2018.

- The Environment Protection Authority agrees to all 61 recommendations in the IER final report.



- Currently up to 8<sup>th</sup> round of Office of Environment and Heritage (OEH) surface water monitoring. (The Committee asked the question as to whether the monitoring can occur after a rain event; however Cate advised whilst this would be ideal, the monitoring is up to the availability of OEH staff).
- The Environment Protection Authority has not approved the commencement of construction of Cells X, Y or Z.
- In regard to Annual Returns, apart from the most recent one which is currently being assessed, all are available on the public register.
- Sub-surface wells have been replaced, existing wells depressurised and new wells placed adjacent. New wells are not on the licence.
- A GIPA request would be required to obtain inspection reports.

The Committee raised the issue of leachate pouring out of mounds and going straight into stormwater.

**Action:** The Committee requested that the issue of leachate going into stormwater to be investigated by the Environment Protection Authority and information provided back to the Committee.

**Action:** The Committee requested that the current surface gas monitoring information to be provided by Environment Protection Authority at a future meeting.

#### **Item 9 Stormwater and Leachate**

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Cate Woods advised that the information she has indicates there is no intermixing of stormwater and leachate, however will confirm this and provide confirmation back to the Committee.

Margaret Pontifex raised the issue that the rainforest ferns along the rainforest walk at Ourimbah Creek have all died since the latest rain events and asked whether the Environment Protection Authority could investigate this.

**Action:** The Committee requested that the Environment Protection Authority and Council staff investigate the matter of the rainforest ferns along the rainforest walk at Ourimbah Creek that have all died since the latest rain events.

#### **Item 10 Committee Questions on Notice**

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Cate Woods and Greg Sheehy (Environment Protection Authority) responded to the Committee Questions on Notice. The responses have been provided to all Committee member via email.

Mangrove Mountain and Spencer Advisory Committee Meeting Record  
9 April 2019



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**Item 11 Update on Spencer Site**

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This was covered in Item 7.

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**Item 12 Risk Profile Mangrove Mountain Landfill**

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Brian Jones (Unit Manager Environment and Certification) advised that Council has a consultant reviewing the risk profile of Mangrove Mountain Landfill. This matter is currently tied up in the Court case and no further information is able to be provided at this stage.

**Action:** A further update to be provided at a future meeting in regards to the risk profile for Mangrove Mountain Landfill.

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**Item 13 General Business and Close**

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- a) Dr Goodwin raised the issue of the Land and Environment Court matter that was heard in Court today and noted that it is of interest to the community however the media aren't being given any information that they can report on. Dr Goodwin asked that, without compromising the ongoing court proceedings, Council release some information to media outlets as this matter is of considerable public interest. Dr Goodwin gave a summary of the matter as he understood it and this has been provided to Committee members via email.

**Action:** The Committee reaffirmed its support of Council's commitment to the ongoing legal matter and the Committee offered to provide all necessary additional information and assistance in this matter.

- b) The Committee asked whether the Environment Protection Authority could request the Minister to establish a Special Commission of Inquiry into the operation, regulation and approvals of the Mangrove Mountain Landfill site.

**Action:** Environment Protection Authority to take this question on notice and respond back to the Committee in due course.

- c) Dr Goodwin raised the matter of water sampling including unauthorised sediment dams on the golf course and suggested that all these dams require sampling and analysis.

**Action:** Environment Protection Authority to look into this and provide information back to the Committee.

- d) Danny Willmott sent a letter to the CEO on 18 December 2018 regarding the payment of court costs to Mangrove Mountain RSL Trustee's; however is yet to receive a response.

**Action:** Advisory Group Support Officer to follow up regarding a response to Danny Willmott's letter.

The meeting closed at 6.38pm

**Next Meeting:** TBC following 10 May 2019 Court proceedings



**Item No:** 4.6  
**Title:** Draft Code of Meeting Practice - Submissions and further information  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2004/07011 - D1355520

Author: Kathy Bragg, Senior Governance Officer

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

### **Report Purpose**

To consider submissions received regarding the draft Code of Meeting Practice placed on public exhibition and to consider adoption of the draft Code of Meeting Practice noting additional amendments and corrections to the draft placed on public exhibition.

At the Council Meeting of 27 May 2019, Council resolved:

*415/19 That Council defer consideration of the Draft Code of Meeting Practice – Submissions to the Ordinary Meeting to be held on 11 June 2019 and note that supplementary information will be provided for Council's consideration.*

### **Recommendation**

- 1 That Council note and consider the one submission that was received during the exhibition period as required by Section 362 of the Local Government Act.**
- 2 That in accordance with Section 360 of the Local Government Act 1993 Council adopt the draft Code of Meeting Practice as set out in Attachment 1 to this report.**
- 3 That Council advise the person who made a submission accordingly.**

### **Context**

On 14 December 2018, the Office of Local Government made a Model Code of Meeting Practice in accordance with the [Local Government \(General\) Regulation 2005](#) (the Regulation).

The Model Meeting Code is required to be adopted by all NSW councils six months from the date it was prescribed (that is by **14 June 2019**).

Council at its Ordinary Council Meeting on 11 March 2019 resolved:

*176/19 That Council include the Further Amendments Recommended set out in this report in the proposed Draft Code of Meeting Practice that is Attachment 1 to*

#### 4.6 Draft Code of Meeting Practice - Submissions and further information (contd)

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*this report with the inclusion of the following amendments to the Draft Code of Meeting Practice:*

- a. Amend clause 3.9 to remove the reference to 12 working days and change to 7 working days;*
- b. Remove clause 3.12; and*
- c. Remove clause 9.10.*

*177/19 That Council give public notice of the proposed Draft Code of Meeting Practice that is Attachment 1 to this report (which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the proposed amended Code is first publicly exhibited) and publicly exhibit that proposed amended Code for not less than 28 days in accordance with section 361 of the Local Government Act 1993.*

*178/19 That Council note that a further report will be provided to Council on 27 May 2019 setting out submissions received by Council following the public exhibition of the proposed Draft Code of Meeting Practice, with recommendations in respect to the adoption of a new Central Coast Council Code of Meeting Practice.*

The draft Code of Meeting Practice, including the amendments added at the Council meeting, is attached to this report.

Due to an administrative error, the Further Amendments Recommended as contained in the report to Council were not in the draft Code of Meeting Practice placed on public exhibition. This report outlines those omissions and recommends they be adopted. These omissions are now included in the Attachment to this report.

The draft Code of Meeting Practice was placed on public exhibition from 14 March 2019 to 26 April 2019, exceeding the 28 day exhibition requirements of Section 361(3) of the [Local Government Act](#) (the Act). Submissions were able to be made for a period of 42 days as required by Section 361(4) [the Act](#).

Section 362 of [the Act](#) provides that Council may adopt a new Code of Meeting Practice after it has considered any submissions received.

It is noted that the Model Code of Meeting Practice includes mandatory and non-mandatory provisions. The draft Code of Meeting Practice placed on public exhibition complied with the mandatory provisions and included some elements of the non-mandatory provisions as considered by Council on 11 March 2019.

The draft Code of Meeting Practice is Attachment 1 to this report and the mandatory provisions are indicated in **black font** and the non-mandatory provisions are indicated in **red**

font. Additions further to the draft Code of Meeting Practice as placed on public exhibition are indicated in ***bold italics- red font***.

#### **Further Amendments for Consideration by Council**

The following further seven amendments are proposed for consideration by Council and are included in the Attached draft Code of Meeting Practice.

It is noted that these additions were not in the draft placed on public exhibition, however it is considered appropriate for Council to consider the additions for the following reasons:

1. They are not substantive and incorporate changes that generally reflect current practice or are to correct errors; and
2. The Model Meeting Code would come into effect on 14 June 2019 should Council not have adopted its own compliant Code of Meeting Practice by that date.

As identified in the report to Council on 14 December 2018, the timeframe for implementation did not allow the opportunity for Council to re-exhibit should further changes be recommended.

##### *1. Requirement to stand during debate*

It is recommended that an addition be made to the draft Code of Meeting Practice to align to current practice at Central Coast Council that Councillors stand to address the meeting during debate.

The following is recommended at Part 7 – Mode of Address as an additional point. The clause is from the current Central Coast Council Code of Meeting Practice.

*Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor (as the case may be) and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking except when asking a question.*

This was highlighted at the recent training provided to Councillors on the Code of Meeting Practice and identified as best practice and is included in the Attached draft Code of Meeting Practice.

##### *2. Timing of Ordinary Council Meetings*

It is recommended to include the following as a new clause after Clause 3.1 under *Timing of Ordinary Council Meetings* to provide clarity as to what will happen when a Council Meeting

## 4.6 Draft Code of Meeting Practice - Submissions and further information (contd)

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date falls upon a public holiday and to specify our target with regard to provision of the Agenda:

*Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.*

*The Agenda Paper will be distributed by 5.00 PM six (6) business days before the meeting.*

This was identified for inclusion by Council when considering the draft Code of Meeting Practice in March 2018 however due to an administrative error, it was omitted from the public exhibition draft. This is included in the Attached draft Code of Meeting Practice.

It is not considered a substantive change and simply provides clarity as to the process for public holidays.

### 3. Extraordinary Meetings

It is recommended to add the following information at clause 3.3 under *Extraordinary Meetings*, to provide clarity as to where Extraordinary Meetings may be held:

*The location of Extraordinary Meetings will be those specified for the conduct of Ordinary Meetings.*

This was identified for inclusion by Council when considering the draft Code of Meeting Practice in March 2018 however due to an administrative error, it was omitted from the public exhibition draft. This is included in the Attached draft Code of Meeting Practice.

It is not considered a substantive change and simply provides clarity as to the location of extraordinary meetings.

### 4. Time Limit on Debate

It is recommended to include the following information in two new clauses after Clause 10.30 under *Limitation on Numbers and Duration of Speeches*, to provide clarity as to the length of time that an item can be debated:

*Debate on any item of business on the agenda or transaction without notice may not continue for more than 30 minutes. At the expiration of this time, the Chairperson will stop the Councillor speaking at the time and, after permitting the mover of the motion three minutes right of reply, put the put motion to Council to be voted on in the following form:*

## 4.6 Draft Code of Meeting Practice - Submissions and further information (contd)

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*Chairperson: "The time for debate has expired. Under Council's Code of Meeting Practice, I now invite the mover of the motion a three minutes right of reply, following which I will put the motion to Council for voting."*

*There will be rare occasions when an issue before Council is one of great importance to the whole of the Central Coast when limiting debate appears inappropriate. In these cases a Councillor must move, prior to the commencement of the debate, to remove the time limit on debate contained in Clause 10.31.*

This was identified for inclusion by Council when considering the draft Code of Meeting Practice in March 2018 however due to an administrative error, it was omitted from the public exhibition draft. This is included in the Attached draft Code of Meeting Practice.

It is not considered a substantive change as it sets out what is current practice at Central Coast Council.

### 5. Public Forum – Limitation on speakers

It is recommended that this provision be included in order to ensure that Public Forums remain a platform for affected persons and the community to raise concerns to be considered in Council's decision making process:

*Serving Councillors, Members of Federal and State Parliament, as well as nominated candidates at Federal, State or Local Government elections are not permitted to speak at a Public Forum.*

This was identified for inclusion by Council when considering the draft Code of Meeting Practice in March 2018 however due to an administrative error, it was omitted from the public exhibition draft. This is included in the Attached draft Code of Meeting Practice.

It is not considered a substantive change and simply articulates what is likely common expectation of Public Forum.

### 6. Order of Business

The Order of Business as provided in the draft Code of Meeting Practice placed on exhibition had some slight differences to current practice for Central Coast Council. It is noted that this is a non-mandatory provision and as such can be amended.

It is recommended to amend the Order of Business to make the following changes:

1. Revert to have the Confirmation of Minutes as the first order of business following the Disclosures of Interest. This is considered appropriate as it should take precedence as far as practicably over other matters for consideration; and

#### **4.6 Draft Code of Meeting Practice - Submissions and further information (contd)**

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2. Revert to have the Minutes of the Mayor considered after Items Considered by Exception. This is considered appropriate as to do so would provide for the efficient and effective operation of the meeting.
3. Revert to have the Notice of Motion considered prior to Questions on Notice. This is considered appropriate as Notices of Motion should take precedence over Questions on Notice.
4. Remove the Motions of Urgency provision. This is considered appropriate as there is a specific process for such Motions and they are not part of the ordinary business of Council.

These changes are included in the Attached draft Code of Meeting Practice.

The above changes are not considered substantive changes as they reflect current practice and relate to a non-mandatory provision.

#### *7. Internal referencing of clauses*

Some of the internal referencing of clauses in the draft Code of Meeting Practice placed on public exhibition was incorrect.

This has now been amended in the Attached draft Code of Meeting Practice..

As this was to rectify a typographical error, the changes have not been marked or highlighted.

#### **Consultation**

The draft Code of Meeting Practice was on public exhibition in accordance with the Act, which requires public exhibition for not less than 28 days and for submissions to be made for at least 42 days. One submission dated 20 March 2019 was received from Gary Blaschke OAM, President, Northern Lakes Disability Tourism Precinct.

An acknowledgement letter was sent to the author of the submission. A copy of this submission has been provided to Councillors under separate cover.

Most of the comments in the submission relate to Councillors generally and not the draft Code of Meeting Practice, however the points raised specifically to the draft Code of Meeting Practice are addressed below:

1. Questions over community representatives being limited to three minutes when addressing Council in Public Forum.

*Response* - Public Forums are a non-mandatory aspect contained in the Office of Local Government's Model Code of Meeting Practice. Council has determined to include a

## **4.6 Draft Code of Meeting Practice - Submissions and further information (contd)**

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provision to allow Public Forums in the draft Code of Meeting Practice. The applicable three minute limit is consistent with the three minute time limit placed on Councillors to speak on a motion or amendment during a Council Meeting.

2. Only being able to speak in Public Forum on issues on the Agenda.

*Response* – The Office of Local Government’s Model Code of Meeting Practice provides that Council may hold a Public Forum prior to each Ordinary Council Meeting for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Council’s draft Code of Meeting Practice replicates this requirement.

It is noted that should Council consider significant changes to the draft Code of Meeting Practice prior to its adoption, it may be appropriate to consider further consultation. However, the timeframes provided by the Office of Local Government would not allow for another consultation period as prescribed by the Act. Representations have been made to the Office of Local Government in this regard expressing Council’s disappointment in the time provided for the adoption of a compliant Code of Meeting Practice.

### **Financial Impact**

There is no financial impact to Council in adopting the draft Code of Meeting Practice.

### **Critical Dates or Timeframes**

Councils have until **14 June 2019** to adopt the Model Meeting Code. Should a Council fail to adopt an exhibited Code of Meeting Practice the Model provided by the Office of Local Government will apply to the conduct of meetings.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

### **Attachments**

- 1 Draft Code of Meeting Practice for 11 June Council Meeting D13556922



**POLICY NO: CCC001**

# CODE OF MEETING PRACTICE

27 May 2019

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Central Coast Council Code of Meeting Practice

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**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>Reason</b>	<b>TRIM Doc. #</b>
1	September 2016	Creation of CCC Code of Meeting Practice.	D12493821
2	26 July 2017	Minor amendments to update code and rectify.	D12761195
3	27 November 2017	Amendments re meeting frequency and times.	D12848633
4	12 February 2018	Amendments taking into consideration feedback received.	D13057229
5	24 September 2018	Additions to items resolved by exception, public Speakers and time limit.	D13247377
6	11 March 2019	Amended in accordance with the Model Code of Meeting Practice for Local Councils in NSW	D13466727
7	27 May 2019	Further amendment for Council report of 11 June 2019 and to correct administrative errors.	

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## 1 Introduction

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Council's Code of Meeting Practice is made in accordance with the *Model Code of Meeting Practice for Local Councils in NSW*, the *Local Government Act 1993 (NSW)* (the Act), the *Local Government (General) Regulation 2005 (NSW)*

This Code applies to all meetings of Council and Committees of Council of which the members are Councillors.

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## 2 Meeting Principles

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2.1 Council and committee meetings should be:

- (a) *Transparent* Decisions are made in a way that is open and accountable;
- (b) *Informed* Decisions are made based upon relevant, quality information;
- (c) *Inclusive* Decisions respect the diverse needs and interests of the Central Coast community;
- (d) *Principles* Decisions are informed by the principles prescribed under Chapter 3 of the Act
- (e) *Trusted* Our community has confidence that Councillors and Staff act ethically and make decisions in the interests of the whole community;
- (f) *Respectful* Councillors, Staff and meeting attendees treat each other with respect;
- (g) *Effective* Meetings are well organised, effectively run and skillfully chaired; and
- (h) *Orderly* Councillors, Staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

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### 3 Before the Meeting

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#### Timing of Ordinary Council Meetings

3.1 Ordinary Meetings of Council will be held on:

- (a) the second Monday of the months of February to December inclusive at 49 Mann Street, Gosford commencing at 6.30 PM.
- (b) the fourth Monday of the months of February to November inclusive at 2 Hely Street, Wyong, commencing at 6.30 PM.

**ADD** *Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.*

*The Agenda Paper will be distributed by 5.00 PM six (6) business days before the meeting.*

#### Extraordinary Meetings

3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary Meeting of Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting. *(Section 366 of the Act)*

#### Notice to the Public of Council Meetings

3.3 Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of Committees of Council. *(Section 9(1) of the Act)*

**ADD** *The location of extraordinary meetings will be those specified for the conduct of Ordinary Meetings.*

3.4 For the purposes of Clause 3.3, notice of a meeting of Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on [Council's website](#), and in such other manner that Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 For the purposes of Clause 3.3, notice of more than one (1) meeting may be given in the same notice.

#### Notice to Councillors of Ordinary Council Meetings

3.6 The Chief Executive Officer must send to each Councillor, at least three (3) business days before each meeting of Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. *(Section 367(1) of the Act)*

3.7 The notice and the agenda for, and the business papers relating to the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the

Central Coast Council Code of Meeting Practice

notice, agenda and business papers in that form. *(Section 367(3) of the Act)*

### **Notice to Councillors of Extraordinary Council Meetings**

- 3.8 Notice of less than three (3) business days may be given to Councillors of an Extraordinary Meeting of Council in cases of emergency. *(Section 367(2) of the Act)*

### **Giving Notice of Business to be Considered at Council Meetings**

- 3.9 A Councillor may give notice of any business they wish to be considered by Council at its next Ordinary Meeting by way of a Notice of Motion. To be included on the agenda of the meeting, the Notice of Motion must be in writing and must be submitted by **5.00 PM seven (7)** business days before the meeting is to be held.
- 3.10 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a Notice of Motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 **If the Chief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by Council.**

### **Questions With Notice**

- 3.12 A Councillor may, by way of a notice submitted under Clause 3.9, ask a question for response by the Chief Executive Officer about the performance or operations of Council.
- 3.13 A Councillor is not permitted to ask a Question with Notice under Clause 3.12 that comprises a complaint against the Chief Executive Officer or a member of Staff of Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of Staff of Council.
- 3.14 The Chief Executive Officer or their nominee may respond to a Question with Notice submitted under Clause 3.12 by way of a report included in the business papers for the relevant meeting of Council or orally at the meeting.

### **Agenda and Business Papers for Ordinary Meetings**

- 3.15 The Chief Executive Officer must cause the agenda for a meeting of Council or a Committee of Council to be prepared as soon as practicable before the meeting.
- 3.16 The Chief Executive Officer must ensure that the agenda for an Ordinary Meeting of Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of Council, and
  - (b) if the Mayor is the Chairperson – any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and

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- (c) all matters, including matters that are the subject of Staff reports and reports of Committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under Clause 3.9.
- 3.17 Nothing in Clause 3.16 limits the powers of the Mayor to put a Mayoral Minute to a meeting under Clause 9.6.
- 3.18 The Chief Executive Officer must not include in the agenda for a meeting of Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of Council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public); and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- (Section 9(2A)(a) of the Act)*
- 3.20 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

### **Availability of the Agenda and Business Papers to the Public**

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of Council and Committees of Council, are to be published on [Council's website](#), and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of Council, at the relevant meeting and at such other venues determined by Council. *(Section 9(2) and (4) of the Act)*
- 3.22 Clause 3.21 does not apply to the business papers for items of business that the Chief Executive Officer has identified under Clause 3.19 as being likely to be considered when the meeting is closed to the public. *(Section 9(2A)(b) of the Act)*
- 3.23 For the purposes of Clause 3.21, copies of agendas and business papers must be published on [Council's website](#) and made available to the public at a time that is as close as possible to the time they are available to Councillors. *(Section 9(3) of the Act)*
- 3.24 A copy of an agenda, or of an associated business paper made available under Clause 3.21, may in addition be given or made available in electronic form. *(Section 9(5) of the Act)*

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### **Agenda and Business Papers for Extraordinary Meetings**

- 3.25 The Chief Executive Officer must ensure that the agenda for an Extraordinary Meeting of Council deals only with the matters stated in the notice of the meeting.
- 3.26 Despite Clause 3.25, business may be considered at an Extraordinary Meeting of Council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.
- 3.27 A motion moved under Clause 3.26(a) can be moved without notice but only after the business notified in the agenda for the Extraordinary Meeting has been dealt with.
- 3.28 Despite Clauses 10.20–10.30, only the mover of a motion moved under Clause 3.27(a) can speak to the motion before it is put.
- 3.29 A Motion of Dissent cannot be moved against a ruling of the Chairperson under Clause 3.26(b) on whether a matter is of great urgency.

### **Pre-Meeting Briefing Sessions**

- 3.30 Prior to each Ordinary Meeting of Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of Council and meetings of Committees of Council.
- 3.31 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.32 The Chief Executive Officer or a member of Staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.
- 3.33 Councillors (including the Mayor) must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee meeting at which the item of business is to be considered.
- 3.34 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting. Council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

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## 4 Public Forums

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- 4.1 Council may hold a Public Forum prior to each Ordinary Meeting of Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to Extraordinary Council Meetings and meetings of Committees of the Council.
- 4.2 Public Forums are to be chaired by the Mayor or their nominee.
- 4.3 To speak at a Public Forum, a person must first make an application to Council in the approved form. Applications to speak at the Public Forum must be received by 10 AM on the day of the Council Meeting, and must identify the item of business on the Agenda of the Council Meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than two items of business on the Agenda of the Council Meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a Public Forum unless they identify their status as a legal representative when applying to speak at the Public Forum.
- 4.6 The Chief Executive Officer or their delegate may refuse an application to speak at a Public Forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the Agenda for the Council Meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the Chief Executive Officer or their delegate is to determine who will address the council at the Public Forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the Public Forum are to register with the Council any written, visual or

## Central Coast Council Code of Meeting Practice

audio material to be presented in support of their address to the Council at the Public Forum, and to identify any equipment needs no more than two days before the Public Forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.

- 4.11 The Chief Executive Officer or their delegate is to determine the order of speakers at the Public Forum.
- 4.12 Each speaker will be allowed three minutes to address the Council. This time is to be strictly enforced by the Chairperson.
- 4.13 Speakers at Public Forums must not digress from the item on the Agenda of the Council Meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
- 4.14 A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a Public Forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to one minute.
- 4.16 Speakers at Public Forums cannot ask questions of the Council, Councillors or Council Staff.
- 4.17 The Chief Executive Officer or their nominee may, with the concurrence of the Chairperson, address the Council for up to three minutes in response to an address to the Council at a Public Forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a Public Forum raises matters that require further consideration by Council Staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the Council, speakers at Public Forums must comply with this Code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.
- 4.20 If the Chairperson considers that a speaker at a Public Forum has engaged in conduct of the type referred to in Clause 4.19, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at Public Forums in accordance with the provisions of Part 15 of this Code.

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- 4.22 Where a speaker engages in conduct of the type referred to in Clause 4.19, the Chief Executive Officer or their delegate may refuse further applications from that person to speak at Public Forums for such a period as the Chief Executive Officer or their delegate considers appropriate.
- 4.23 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a Public Forum, in the same way that they are required to do so at a Council or Committee Meeting. The Council is to maintain a written record of all conflict of interest declarations made at Public Forums and how the conflict of interest was managed by the Councillor who made the declaration.

***ADD Serving Councillors, Members of Federal and State Parliament, as well as nominated candidates at Federal, State or Local Government elections are not permitted to speak at a Public Forum.***

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## 5 Coming Together

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### Attendance by Councillors at Meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of Council and of Committees of Council of which they are members.
- 5.2 A Councillor may not attend a meeting as a Councillor (other than the first meeting of Council after the Councillor is elected or a meeting at which the Councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.
- 5.3 A Councillor cannot participate in a meeting of Council or of a Committee of Council unless personally present at the meeting.
- 5.4 Where a Councillor is unable to attend one or more Ordinary Meetings of Council, the Councillor should request that Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a Council Meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.5 A Councillor's request for leave of absence from Council Meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary Meetings of Council without prior leave of Council, or leave granted by Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA. (*Section 234(1)(d) of the Act*)
- 5.8 A Councillor who intends to attend a meeting of Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two (2) business days' notice of their intention to attend.

### The Quorum for a Meeting

- 5.9 The quorum for a meeting of Council is a majority of the Councillors of Council who hold office at that time and who are not suspended from office. (*Section 368(1) of the Act*)
- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of Council. (*Section 368(2) of the Act*)
- 5.11 A meeting of Council must be adjourned if a quorum is not present:

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- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the Chairperson, or
- (b) in the Chairperson's absence, by the majority of the Councillors present, or
- (c) failing that, by the Chief Executive Officer.

5.13 The Chief Executive Officer must record in Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of Council, together with the names of the Councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council Staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on [Council's website](#) and in such other manner that Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under Clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of Council or at an Extraordinary Meeting called under Clause 3.2.

### **Entitlement of the Public to Attend Council Meetings**

5.16 Everyone is entitled to attend a meeting of Council, a Committees of Council or a Public Forum. Council must ensure that all meetings of Council, Committees of Council and Public Forums are open to the public. (*Section 10(1) of the Act*)

5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.18 A person (whether a Councillor or another person) is not entitled to be present at a meeting of Council or a Committee of Council or a Public Forum if expelled from the meeting (*Section 10(2) of the Act*):

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion.

### **Recording and Webcasting of Council Meetings**

5.19 The proceedings, including all debate, or all Ordinary and Extraordinary Meetings,

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**Committee of Council Meetings and Public Forums** held in the Council chamber shall be recorded and webcast only by Council Staff. Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly by way of [Council's website](#).

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being audio and audio visually recorded and may be broadcasted over the internet live or at any time after a meeting at the discretion of Council.
- 5.22 A recording of each meeting of Council and Committee of Council is to be retained on [Council's website](#) at the discretion of Council. Recordings of Council Meetings may be disposed of in accordance with the [State Records Act 1998 \(NSW\)](#).

### **Attendance of the Chief Executive Officer and Other Staff at Meetings**

- 5.23 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of Council or a meeting of a Committee of Council of which all of the members are Councillors. (*Section 376(1) of the Act*)
- 5.24 The Chief Executive Officer is entitled to attend a meeting of any other Committee of Council and may, if a member of the Committee, exercise a vote. (*Section 376(2) of the Act*)
- 5.25 The Chief Executive Officer may be excluded from a meeting of Council or a Committee while Council or the Committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer. (*Section 376(3) of the Act*)
- 5.26 The attendance of other Council Staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.

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## 6 The Chairperson

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### The Chairperson at Meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of Council. *(Section 369(1) of the Act)*
- 6.2 If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of Council. *(Section 369(2) of the Act)*

### Election of the Chairperson in the Absence of the Mayor and Deputy Mayor

- 6.3 If no Chairperson is present at a Meeting of Council at the time designated for the holding of the Council Meeting, the first business of the Council Meeting must be the election of a Chairperson to preside at the meeting.
- 6.4 The election of a Chairperson must be conducted:
- (a) by the Chief Executive Officer or, in their absence, an Staff of Council designated by the Chief Executive Officer to conduct the election; or
  - (b) by the person who called the meeting or a person acting on their behalf if neither Chief Executive Officer nor a designated Staff is present at the meeting, or if there is no Chief Executive Officer or designated Staff.
- 6.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of Clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips up and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- 6.8 Any election conducted under Clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the Council Meeting.

### Chairperson to have Precedence

- 6.9 When the Chairperson rises or speaks during a meeting of Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat; and
  - (b) every Councillor present must be silent to enable the Chairperson to be heard without interruption.

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## 7 Mode of Address

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7.1 If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

7.2 Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3 A Councillor is to be addressed as 'Councillor [surname]'.

7.4 A Council Officer is to be addressed by their official designation or as Mr/Ms[surname].

**ADD** *Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor (as the case may be) and with the exception of the Chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking except when asking a question.*

## 8 Order of Business for Ordinary Council Meetings

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8.1 The general Order of Business for an Ordinary Meeting of Council shall be:

- Opening the Meeting;
- Acknowledgement of Country;
- Apologies/Requests for Leave of Absence;
- Disclosures of Interest;
- **ADD Confirmation of Minutes**
- Notice of Intention to Deal with Matters in Confidential Session;
- ~~○ Confirmation of Council Meeting Minutes;~~
- ~~○ Minutes of the Mayor;~~
- Items Considered by Exception;
- **ADD Minutes of the Mayor**
- Reports of the Chief Executive Officer and the Executive Leadership Team
- **ADD Notice of Motion**
- Questions With Notice ;
- Answers to Questions With Notice;
- ~~○ Notices of Motion;~~
- ~~○ Motions of Urgency;~~
- Confidential Items; and
- Conclusion of the Meeting.

8.2 The Order of Business as fixed under Clause 8.1 may be altered for a particular meeting of Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

8.3 Despite Clauses 10.20–10.30, only the mover of a motion referred to in Clause 8.2 may speak to the motion before it is put.

## **9 Consideration of Business at Council Meetings**

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### **Business that can be Dealt with at a Council Meeting**

- 9.1 Council must not consider business at a meeting of Council:
- (a) unless a Councillor has given notice of the business, as required by Clause 3.9; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 3.6 in the case of an Ordinary meeting or Clause 3.8 in the case of an Extraordinary Meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before Council; or
  - (b) is the election of a Chairperson to preside at the meeting; or
  - (c) subject to Clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute; or
  - (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of Council.
- 9.3 Despite Clause 9.1, business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting; and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled Ordinary Meeting of Council.
- 9.4 A motion moved under Clause 9.3(a) can be moved without notice. Despite Clauses 10.20–10.30, only the mover of a motion referred to in Clause 9.3(a) can speak to the motion before it is put.
- 9.5 A Motion of Dissent cannot be moved against a ruling by the Chairperson under Clause 9.3(b).

### **Mayoral Minutes**

- 9.6 Subject to Clause 9.9, if the Mayor is the Chairperson at a meeting of Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of Council, or of which Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by Council, a resolution of Council.
- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For

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the purpose of this clause, a matter will be urgent where it requires a decision by Council before the next scheduled Ordinary Meeting of Council.

### **Staff Reports**

- 9.10 A recommendation made in a Council Staff report is, so far as it is adopted by Council, a resolution of Council.

### **Reports of Committees of Council**

- 9.11 The recommendations of a Committee of Council are, so far as they are adopted by Council, resolutions of Council.
- 9.12 If, in a report of a Committee of Council, distinct recommendations are made, Council may make separate decisions on each recommendation.

### **Questions**

- 9.13 A question must not be asked at a meeting of Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with Clauses 3.9 and 3.12.
- 9.14 A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda.
- 9.15 A Councillor may, through the Chief Executive Officer, put a question to Council Staff about a matter on the agenda. Council Staffs are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.
- 9.16 A Councillor or Council Staff to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council Staff to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next available meeting of Council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council Staff.

## **10 Rules of Debate**

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### **Motions to be Seconded**

- 10.1 Unless otherwise specified in this Code, a motion or an amendment cannot be debated unless or until it has been seconded.

### **Notices of Motion**

- 10.2 A Councillor who has submitted a notice of motion under Clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a notice of motion under Clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of Council:
- (a) any other Councillor may, with the leave of the Chairperson, move the motion at the meeting; or
  - (b) the Chairperson may defer consideration of the motion until the next meeting of Council.

### **Chairperson's Duties with Respect to Motions**

- 10.5 It is the duty of the Chairperson at a meeting of Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under Clause 10.6, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.

### **Motions Requiring the Expenditure of Funds**

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

**Amendments to Motions**

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the Councillor who moved the original motion.

**Foreshadowed Motions**

- 10.17 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

**Limitations on the Number and Duration of Speeches**

- 10.20 A Councillor who, during a debate at a meeting of Council, moves an original motion, has

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the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than **three (3)** minutes at any onetime.
- 10.23 Despite Clause 10.22, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite Clause 10.22, Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite Clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it; or
  - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The Chairperson must immediately put to the vote, without debate, a motion moved under Clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under Clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

***ADD Debate on any item of business on the agenda or transaction without notice may not continue for more than 30 minutes. At the expiration of this time, the Chairperson will stop the Councillor speaking at the time and, after permitting the mover of the motion three minutes right of reply, put the put motion to Council to be voted on in the following form:***

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***Chairperson: "The time for debate has expired. Under Council's Code of Meeting Practice, I now invite the mover of the motion a three minutes right of reply, following which I will put the motion to Council for voting."***

***There will be rare occasions when an issue before Council is one of great importance to the whole of the Central Coast when limiting debate appears inappropriate. In these cases a Councillor must move, prior to the commencement of the debate, to remove the time limit on debate contained in Clause ##.***

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## 11 Voting

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### Voting Entitlements of Councillors

- 11.1 Each Councillor is entitled to one (1) vote. *(Section 370(1) of the Act)*
- 11.2 The Chairperson of a meeting of Council has, in the event of an equality of votes, a second or casting vote. *(Section 370(2) of the Act)*
- 11.3 Where the Chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

### Voting at Council Meetings

- 11.4 A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 If a Councillor who has voted against a motion put at a Council Meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in Council's minutes.
- 11.6 The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) Councillors rise and call for a division.
- 11.7 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The Chief Executive Officer must ensure that the names of those who vote for the motion and those who vote against it are recorded in Council's minutes for the meeting.
- 11.8 When a division on a motion is called, any Councillor who fails to vote will be recorded as having voted against the motion in accordance with Clause 11.4 of this Code.
- 11.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
- 11.10 All voting at Council Meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

### Voting on Planning Decisions

- 11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of Council or a Council Committee (including, but not limited to a Committee of Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision. (The requirements of this Clause may be satisfied by maintaining a register of the minutes of each planning decision.)

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- 11.12 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of Council or a Council Committee.
- 11.13 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public. (*Section 375A of the Act*)

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## 12 Committee of the Whole

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- 12.1 Council may resolve itself into a Committee to consider any matter before Council. (*Section 373 of the Act*)
- 12.2 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council when in Committee of the Whole, except the provisions limiting the number and duration of speeches. (*Clauses 10.20–10.30 limit the number and duration of speeches*)
- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an Staff of Council designated by the Chief Executive Officer, is responsible for reporting to Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 12.4 Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.

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### 13 Dealing with Items by Exception

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- 13.1 Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before Council or a Committee resolves to adopt multiple items of business on the agenda together under Clause 13.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any of the individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the Business Paper or that they wish to speak on.
- 13.3 Council or a Committee must not resolve to adopt any item of business under Clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the Business Paper or speak on.
- 13.4 Where the consideration of multiple items of business together under Clause 13.1 involves a variation to the Order of Business for the Council Meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Clause 8.2.
- 13.5 A motion to adopt multiple items of business together under Clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under Clause 13.1 are to be taken as having been unanimously adopted.
- 13.7 Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under Clause 13.1 in accordance with the requirements of Council's Code of Conduct.

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## 14 Closure of Council Meetings to the Public

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### Grounds on which Meetings can be Closed to the Public

- 14.1 Council or a Committee of Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters (*Section 10A(1) and (2) of the Act*):
- (a) personnel matters concerning particular individuals (other than Councillors);
  - (b) the personal hardship of any resident or ratepayer;
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;
  - (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 Council, or
    - (iii) reveal a trade secret;
  - (e) information that would, if disclosed, prejudice the maintenance of law;
  - (f) matters affecting the security of the Council, Councillors, Council Staff or Council property;
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land;
  - (i) alleged contraventions of the Council's Code of Conduct.
- 14.2 Council or a Committee of Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public. (*Section 10A(3) of the Act*)

### Matters to be Considered when Closing Meetings to the Public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in Clause 14.1 (*Section 10B(1) of the Act*):
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security; and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in Clause 14.1(g) unless the advice concerns legal matters that (*Section 10B(2) of the Act*):
- (a) are substantial issues relating to a matter in which the Council or Committee is involved, and
  - (b) are clearly identified in the advice, and

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(c) are fully discussed in that advice.

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in Clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in Clause 14.1. *(Section 10B(3) of the Act)*
- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that *(Section 10B(4) of the Act)*:
- (a) a person may misinterpret or misunderstand the discussion; or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to Staffs of the Council, or
    - (ii) cause a loss of confidence in the Council or Committee.
- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government. *(Section 10B(5) of the Act)*

#### **Notice of Likelihood of Closure not Required in Urgent Cases**

- 14.8 Part of a meeting of Council, or of a Committee of Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under Clause 3.19 as a matter that is likely to be considered when the meeting is closed, but only if *(Section 10C of the Act)*:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 14.1, and
  - (b) Council or the Committee, after considering any representations made under Clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

#### **Representations by Members of the Public**

- 14.9 Council, or a Committee of Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. *(Section 10A(4) of the Act)*
- 14.10 A representation under Clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under Clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under Clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by **10 AM on the day of the Council Meeting** at which the matter is to be considered.
- 14.12 The Chief Executive Officer (or their delegate) may refuse an application made under Clause 14.11. ~~The Chief Executive Officer or their delegate must give reasons in writing for a~~

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decision to refuse an application.

- 14.13 No more than **two (2)** Speakers are to be permitted to make representations under Clause 14.9.
- 14.14 If more than the permitted number of Speakers apply to make representations under Clause 14.9, the Chief Executive Officer or their delegate may request the Speakers to nominate from among themselves the persons who are to make representations to the Council. If the Speakers are not able to agree on whom to nominate to make representations under Clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.15 The Chief Executive Officer (or their delegate) is to determine the order of Speakers.
- 14.16 Where Council or a Committee of Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under Clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under Clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than **two (2)** Speakers to make representations in such order as determined by the Chairperson.
- 14.17 Each Speaker will be allowed **three** minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a Speaker digresses to irrelevant matters, the Chairperson is to direct the Speaker not to do so. If a Speaker fails to observe a direction from the Chairperson, the Speaker will not be further heard.

#### **Expulsion of Non-Councillors from Meetings Closed to the Public**

- 14.18 If a meeting or part of a meeting of the Council or a Committee of the Council is closed to the public in accordance with section 10A of the Act and this Code, any person who is not a Councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

#### **Information to be Disclosed in Resolutions Closing Meetings to the Public**

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following (*Section 10D of the Act*):
- (a) the relevant provision of section 10A(2) of the Act;
  - (b) the matter that is to be discussed during the closed part of the meeting;
  - (c) the reasons why the part of the meeting is being closed, including (if the matter

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concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Resolutions Passed at Closed Meetings to be Made Public**

- 14.21 If Council passes a resolution during a Council Meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a Council Meeting, or a part of a meeting, that is closed to the public must be made public by the Chairperson under Clause 14.21 during a part of the meeting that is webcast.

## **15 Keeping Order at Meetings**

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### **Points of Order**

- 15.1 A Councillor may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in Clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The Chairperson must suspend the business before the meeting and permit the Councillor raising the point of order to state the provision of this Code they believe has been breached. The Chairperson must then rule on the point of order – either by upholding it or by overruling it.

### **Questions of Order**

- 15.4 The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
- 15.6 The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **Motions of Dissent**

- 15.8 A Councillor can, without notice, move to dissent from a ruling of the Chairperson on a point of order or a question of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this Code, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

### **Acts of Disorder**

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:

- (a) contravenes the Act or any regulation in force under the Act or this Code; or
- (b) assaults or threatens to assault another Councillor or person present at the meeting; or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter; or
- (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct; or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Committee into disrepute.

15.12 The Chairperson may require a Councillor:

- (a) to apologise without reservation for an act of disorder referred to in Clauses 15.11(a) or (b); or
- (b) to withdraw a motion or an amendment referred to in Clause 15.11(c) and, where appropriate, to apologise without reservation; or
- (c) to retract and apologise without reservation for an act of disorder referred to in Clauses 15.11(d) and (e).

#### **How Disorder at a Meeting may be Dealt With**

15.13 If disorder occurs at a meeting of Council, the Chairperson may adjourn the Council Meeting for a period of not more than fifteen (15) minutes and leave the Chair. Council, on reassembling, must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

#### **Expulsion from Meetings**

15.14 All Chairpersons of a Council Meeting and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee Meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of Council or the Committee of Council.

15.15 Clause 15.14 does not limit the ability of the Council or a Committee of the Council to resolve to expel a person, including a Councillor, from a Council or Committee meeting, under section 10(2)(a) of the Act.

15.16 A Councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for having failed to comply with a requirement under Clause 15.12. The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a Councillor or a member of the public is expelled from a meeting, the expulsion and

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the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

- 15.19 If a Councillor or a member of the public fails to leave the place where a meeting of the Council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member of the public from that place and, if necessary, restrain the Councillor or member of the public from re-entering that place for the remainder of the meeting.

#### **Use of Mobile Phones and the Unauthorised Recording of Meetings**

- 15.20 Councillors, Council Staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.
- 15.21 A person must not live stream or use an audio recorder, camera, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.
- 15.22 Any person who contravenes or attempts to contravene Clause 15.21, may be expelled from the Council Meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

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## 16 Conflicts of Interest

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- 16.1 All Councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the Council and Committees of the Council in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

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## 17 Decisions of the Council

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### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of the Council. *(Section 371 of the Act)*
- 17.2 Decisions made by the Council must be accurately recorded in the minutes of the meeting at which the decision is made.

### Rescinding or Altering Council Decisions

- 17.3 A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been given under Clause 3.9. *(Section 372(1) of the Act)*
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. *(Section 372(2) of the Act)*
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with Clause 3.9. *(Section 372(3) of the Act)*
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost. *(Section 372(4) of the Act)*
- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same. *(Section 372(5) of the Act)*
- 17.8 The provisions of Clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. *(Section 372(7) of the Act)*
- 17.9 A notice of motion submitted in accordance with Clause 17.6 may only be withdrawn under Clause 3.10 with the consent of all signatories to the notice of motion.

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- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the Chief Executive Officer no later than 9.30 AM on Friday after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. (*Section 372(6) of the Act*)
- 17.12 Subject to Clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three Councillors is submitted to the Chairperson; and
  - (b) a motion to have the motion considered at the meeting is passed; and
  - (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.
- 17.13 A motion moved under Clause 17.12(b) can be moved without notice. Despite Clauses 10.20–10.30, only the mover of a motion referred to in Clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.12(c).

#### **Recommitting Resolutions to Correct an Error**

- 17.15 Despite the provisions of this Part, a Councillor may, with the leave of the Chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the Council's resolution; or
  - (b) to confirm the voting on the resolution.
- 17.16 In seeking the leave of the Chairperson to move to recommit a resolution for the purposes of Clause 17.15(a), the Councillor is to propose alternative wording for the resolution.
- 17.17 The Chairperson must not grant leave to recommit a resolution for the purposes of Clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under Clause 17.15 can be moved without notice. Despite Clauses 10.20–10.30, only the mover of a motion referred to in Clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the Chairperson under Clause 17.15.
- 17.20 A motion moved under Clause 17.15 with the leave of the Chairperson cannot be voted on unless or until it has been seconded.

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## 18 Time Limits on Council Meetings

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- 18.1 Meetings of Council and Committees of the Council are to conclude no later than 10.30 PM on the night of the meeting.
- 18.2 If the business of the Meeting is unfinished at 10.30 PM, Council or the Committee may, by resolution, extend the time of the Ordinary Meetings of Council.
- 18.3 If the business of the Meetings is unfinished at 10.30 PM and Council does not resolve to extend the Meeting, the Chairperson must either:
- (a) defer consideration of the remaining items of business on the Agenda to the next Ordinary Meeting of Council; or
  - (b) adjourn the Meeting of Council to a time, date and place fixed by the Chairperson.
- 18.4 Clause 18.3 does not limit the ability of Council or a Committee of the Council to resolve to adjourn a Meeting at any time. Any such resolution adjourning the Meeting must fix the time, date and place that the Meeting is to be adjourned to.
- 18.5 Where an adjournment is made under Clause 18.3 or Clause 18.4, the Chief Executive Officer must:
- (a) individually notify each Councillor of the time, date and place at which the Meeting will reconvene, and
  - (b) publish the time, date and place at which the Meeting will reconvene on the Council's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the Reconvened Meeting to the attention of as many people as possible.

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## 19 After the Meeting

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### Minutes of Meetings

- 19.1 Council is to keep full and accurate minutes of the proceedings of meetings of the Council. *(Section 375(1) of the Act)*
- 19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:
- (a) details of each motion moved at a Council Meeting and of any amendments moved to it;
  - (b) the names of the mover and seconder of the motion or amendment;
  - (c) whether the motion or amendment was passed or lost; and
  - (d) such other matters specifically required under this Code.
- 19.3 The minutes of a Council Meeting must be confirmed at a subsequent meeting of the Council. *(Section 375(2) of the Act)*
- 19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting. *(Section 375(2) of the Act)*
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.7 The confirmed minutes of a Council Meeting must be published on the [Council's website](#). This clause does not prevent Council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

### Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

- 19.8 Council and Committees of Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. *(Section 11(1) of the Act)*
- 19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public. *(Section 11(2) of the Act)*
- 19.10 Clause 19.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act. *(Section 11(3) of the Act)*
- 19.11 Correspondence or reports to which Clauses 19.9 and 19.10 apply are to be marked with the

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relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

**Implementation of Decisions of the Council**

19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council. *(Section 335(b) of the Act)*

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## **20 Council Committees**

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### **Application of this Part**

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

### **Council Committees whose Members are all Councillors**

20.2 Council may, by resolution, establish such Committees as it considers necessary.

20.3 A Committee of Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a Committee of the Council is to be:

- (a) such number of members as the Council decides; or
- (b) if the Council has not decided a number – a majority of the members of the Committee.

### **Functions of Committees**

20.5 Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions.

### **Notice of Committee Meetings**

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:

- (a) the time, date and place of the meeting; and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a Committee meeting called in an emergency.

### **Attendance at Committee Meetings**

20.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:

- (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences; or
- (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the Council are members of the Committee.

### **Non-Members Entitled to Attend Committee Meetings**

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20.10 A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting; or
- (b) to move or second a motion at the meeting; or
- (c) to vote at the meeting.

### **Chairperson and Deputy Chairperson of Council Committees**

20.11 The Chairperson of each Committee of the Council must be:

- (a) the Mayor; or
- (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council; or
- (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.

20.12 Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a deputy chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

20.13 If neither the Chairperson nor the Deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

20.14 The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

### **Procedure in Committee meetings**

20.15 Subject to any specific requirements of this code, each Committee of Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of Council unless Council or the Committee determines otherwise in accordance with this clause.

20.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote unless Council or the Committee determines otherwise in accordance with Clause 20.15.

20.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

### **Closure of Committee Meetings to the Public**

20.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

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- 20.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under Clause 20.19 during a part of the meeting that is webcast.

### **Disorder in Committee Meetings**

- 20.21 The provisions of the Act and this Code relating to the maintenance of order in Council Meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

### **Minutes of Council Committee Meetings**

- 20.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it;
  - (b) the names of the mover and seconder of the motion or amendment;
  - (c) whether the motion or amendment was passed or lost; and
  - (d) such other matters specifically required under this Code.
- 20.23 All voting at meetings of Committees of the Council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.
- 20.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.28 The confirmed minutes of a meeting of a Committee of the Council must be published on the [Council's website](#). This clause does not prevent the Council from also publishing unconfirmed minutes of meetings of Committees of Council on its website prior to their confirmation.

## **21 Irregularities**

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21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of (*Section 374 of the Act*):

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the meeting to any Councillor or Committee member; or
- (c) any defect in the election or appointment of a Councillor or Committee member; or
- (d) a failure of a Councillor or a Committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's Code of Conduct; or
- (e) a failure to comply with this Code.

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## 22 Definitions

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<b>the Act:</b>	means the <i>Local Government Act 1993</i> .
<b>Act of Disorder:</b>	means an act of disorder as defined in Clause 15.11 of this Code.
<b>Amendment:</b>	in relation to an original motion, means a motion moving an amendment to that motion.
<b>Audio Recorder:</b>	any device capable of recording speech.
<b>Business Day:</b>	Means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.
<b>Chairperson:</b>	(a) in relation to a meeting of Council - means the person presiding at the meeting as provided by section 369 of the <i>Local Government Act 1993</i> ; and Clauses 6.1 and 6.2 of this Code; and  (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by Clause 20.11 of this Code.
<b>Chief Executive Officer (CEO):</b>	is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the <i>Local Government Act 1993</i> , or in the absence of that person, the Staff designated to act for the Chief Executive Officer. Where this Code refers to General Manager it represents Chief Executive Officer and simply reflects the legislation.
<b>this Code:</b>	means Council's Code of Meeting Practice adopted by Council pursuant to the <i>Local Government Act 1993</i> .
<b>Committee of the Council:</b>	means a Committee established by the Council in accordance with Clause 20.2 of this Code (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the Whole under Clause 12.1.
<b>Council Official:</b>	has the same meaning it has in Council's Code of Conduct.
<b>Day:</b>	means calendar day, unless otherwise stipulated by the Act, Regulations or this Code.
<b>Division:</b>	means a request by two Councillors under Clause 11.6 of this Code requiring the recording of the names of the Councillors who voted both for and against a motion
<b>Foreshadowed Amendment:</b>	means a proposed amendment foreshadowed by a Councillor under Clause 10.18 of this Code during debate on the first amendment
<b>Foreshadowed Motion:</b>	means a motion foreshadowed by a Councillor under Clause 10.17 of this Code during debate on an original motion
<b>Open Voting:</b>	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means.

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<b>Planning Decision:</b>	means a decision made in the exercise of a function of a Council under the <a href="#">Environmental Planning and Assessment Act 1979</a> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.
<b>Performance Improvement Order:</b>	means an order issued under section 438A of the Act.
<b>Quorum:</b>	means the minimum number of Councillors of Committee members necessary to conduct a Council Meeting.
<b>Regulation:</b>	means the <a href="#">Local Government (General) Regulation 2005</a> .
<b>Webcast:</b>	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later date
<b>Year:</b>	means the period beginning 1 July and ending the following 30 June

**Item No:** 4.7  
**Title:** Request for Memorial Seat  
**Department:** Environment and Planning

11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13527875

Author: Brett Sherar, Unit Manager, Open Space and Recreation

Executive: Scott Cox, Director, Environment and Planning

### Report Purpose

An application has been received by Mrs Ada Collier seeking approval by Council for a memorial seat to be placed in memory of her late husband, William James Collier.

This report recommends approval of the application by Mrs Collier for a memorial seat.

### Recommendation

***That Council approve the application by Mrs Collier for a memorial seat to be installed in memory of her late husband, William James Collier.***

### Context

Mrs Collier has submitted an application for the installation of a memorial seat to be placed at Hylton Moore Oval, Wattle Street East Gosford. A plan of the proposed site for the placement is contained in Mrs Collier’s attached application. A review of the application and attachments provided by Mrs Collier has determined that all requirements within the Policy have been met, including his confirmation that she will be responsible for the cost of purchase, installation and ongoing maintenance of the seat.



## 4.7 Request for Memorial Seat (contd)

*(Hylton Moore Oval) Proposed site for seat is shown in orange outline above*



*Style of seat to be used with the memorial plaque (150mm x 150mm) to be placed in the concrete base.*

### Relevant Policy

The application (Attachment 2) from Mrs Collier has been assessed and complies under The Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees (Policy No: CCC029).

### Criteria Assessment

An assessment of the application has been undertaken and considered to meet all requirements. The assessment is as follows:

<b>Policy Requirement</b>	<b>Assessed Criteria</b>
<i>Clause 8: A request for a commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy</i>	<i>William James Collier (The memorial nominee) has been deceased for over six months;</i>
<i>Clause 16: Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy.</i>	<i>Mrs Collier has provided a supporting statement for the nominee detailing how he meets the conditions as stated in the Policy;</i>
<i>Clause 17: All applications should include a site plan</i>	<i>A plan has been provided by Mrs Collier showing the proposed site for the memorial</i>

<b>Policy Requirement</b>	<b>Assessed Criteria</b>
<i>indicating the proposed location of the memorial plaque.</i>	<i>seat;</i>
<i>Clause 19: The documentation must be validated by Statutory Declaration.</i>	<i>The documentation attached to the application has been validated by a Statutory Declaration;</i>
<i>Clause 18: The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.</i>	<i>The memorial nominee is a widely known and respected member of the local community which is attested to by three third parties, one of which is a recognised community group;</i>
<i>Clause 46: The applicant is required to meet all costs associated with the purchase, advertisement, delivery, installation and maintenance of the approved park furniture, tree(s) and/or the Council approved plaque.</i>	<i>Mrs Collier has committed to payment for the purchase, installation of the memorial seat and ongoing maintenance;</i>

The site nominated by Mrs Collier is considered appropriate for the type of furniture, safe passage of pedestrians and will not damage the natural environment.

### **Consultation**

Council staff in the Open Space and Recreation Unit have been consulted in relation to the placement site of the seat and no concerns have been identified with the proposal.

### **Financial Impact**

There will be no financial cost to Council as Mrs Collier has agreed to pay all associated cost for the purchase placement and maintenance of the memorial.

### **Link to Community Strategic Plan**

Theme 1: Belonging

### **Choose Focus Area**

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

**Critical Dates or Timeframes**

There are no critical dates associated with this recommendation.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Policy for Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees | D13367915 |
| <b>2</b> | Application for a Memorial Seat - Ada Collier for her deceased husband William James Collier | D13529376 |



POLICY NO: CCC.029

# **POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES**

**March 2018**

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POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	NAME
<b>MANAGER</b>	NAME, Acting Senior Manager Property and Asset Management
<b>DIRECTOR</b>	Mike Dowling, Director Assets Infrastructure and Business
<b>CHIEF EXECUTIVE OFFICER</b>	Brian Glendenning, Acting Chief Executive Officer

**History of Revisions:**

VERSION	DATE	AMENDMENT DESCRIPTION	TRIM DOC. #
1	March 2018	Creation of Policy	

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

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## POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

**SUMMARY**

1. This Policy sets out the process to be followed when dealing with requests for memorials on Central Coast Council (Council) reserves, donation of park furniture and trees, or naming of Council owned facilities.

**POLICY STATEMENT**

2. Council will consider written applications for the placement of memorials on public reserves, including community, recreation and road reserves under the care, control and management of Central Coast Council.
3. Council will consider written applications for the donation of park furniture and trees in public reserves.
4. Council will consider written applications for the naming of Council owned facilities.
5. The contents of the written application are set out in the Procedures listed below.
6. Approval for any applications made under clauses 2, 3 and 4 can only be given by Council Resolution and in response to a completed written application.

**PURPOSE**

7. The purpose of this Policy is:
  - (a) To provide Council with a consistent approach to dealing with requests for memorials on Council reserves, requests to donate park furniture and trees, and naming facilities owned by Central Coast Council.
  - (b) To establish criterion against which to assess and respond to requests for the use of the Council reserves by individuals and community groups for the recognition of valued community members.
  - (c) To define conditions under which Council will accept donations and offers of park furniture, trees and/or other park infrastructure.
  - (d) To ensure that the naming of Council owned facilities is consistent with Central Coast community expectations, relevant legislation and the Geographical Names Board of NSW Guidelines where applicable.

## POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

**GENERAL**

8. A request for a commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy and:
  - (a) was widely known and respected within the local community; or
  - (b) had a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting and/or cultural development of the community.
9. Council will not approve requests to commemorate a living person, except in special circumstances, such as providing recognition to a local citizen who has made outstanding contributions to the community over a period of greater than 10 years.
10. Council will not approve requests for the naming of Council reserves, reserve infrastructure or facilities after a person still holding public office.
11. With the exception of historical persons of distant past, naming after a person shall only be approved with the written consent of their immediate family.
12. Names considered offensive or likely to give offence will not be considered.
13. Notwithstanding an approval by the Council under this Policy, Council reserves the right to alter or rescind such approval by resolution of the Council.
14. This Policy should be read in conjunction with Council's Code of Conduct.

**POLICY IMPLEMENTATION - PROCEDURES****Applications for memorials on Council land or land under the care and control of Council**

15. Applications must be in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
16. Applications must include a supporting statement for the nominee detailing how the nominee meets the conditions as stated in the Policy.
17. All applications should include a site plan indicating the proposed location of the memorial plaque.

## POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

18. The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.
19. The documentation must be validated by Statutory Declaration.
20. In circumstances as determined by Council's Property and Asset Management unit where an application for a memorial plaque is potentially controversial or questionable, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
21. For park furniture, plaque size will be limited to 150mm by 100mm and will be installed in the concrete base around the park furniture. Wording should follow a simple and standard format and avoid terminology used in the cemeteries. The wording will recognise the nominee and their qualities/attributes or an appropriate phrase outlined in the application.
22. The provision of memorial plaques at the base of trees will not be supported due to the potential trip hazard it presents on public reserves.
23. Evaluation of the appropriateness of the memorial plaque will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and the Governance Unit.
24. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

**Donation of Park Furniture and Trees**

25. Applications must be in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
26. Council will permit the donation of park furniture and trees subject to Council's direction with respect to appropriateness, location, standards of park furniture type and style, or tree species choice.
27. Consideration will need to be given to:
  - (a) infrastructure already at the location;
  - (b) maintaining safe passage for pedestrians and other park users;
  - (c) avoidance of any damage to the natural environment; and
  - (d) ensuring the donation meets with general community expectations for the area.

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POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

28. Due consideration of any Aboriginal connection with the site will also be required to be undertaken by Council.
29. Evaluation of the appropriateness of the donation will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and Governance.
30. In those circumstances where an application to donate park furniture or trees is potentially controversial or questionable as determined by Council's Property and Asset Management unit, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
31. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

**Application for naming facilities owned by Central Coast Council**

32. All proposals to name or re-name a facility must be submitted in writing and addressed to the Chief Executive Officer marked for the attention of Council's Property and Asset Management unit.
33. Applications must contain the following details:
  - (a) Name and address of the requester;
  - (b) Sufficient information to clearly identify the facility (description, maps, drawing and any other relevant details); and
  - (c) Reason for the choice of facility, including discussing the origin and significance of the current name to the facility.
34. If the proposal is to commemorate a person, then additional information is required:
  - (a) Dates of birth and death;
  - (b) Association of the person with the facility to be named;
  - (c) Person's association and contribution to the local community;
  - (d) Source of the above information; and
  - (e) Any other relevant supporting documentation.
35. Applications must include a supporting statement for the nominee which detail how the nominee meets the conditions as stated in the Policy.

## POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

36. The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.
37. The documentation must be validated by Statutory Declaration and signed by a Justice of the Peace, Legal Practitioner or Commissioner of Declarations.
38. Proposed use of Aboriginal names for a facility must demonstrate consultation with the Local Aboriginal Lands Council and Council's Indigenous Community Development Worker.
39. In circumstances as determined by Council's Property and Asset Management unit where an application to name or re-name a facility is potentially controversial or questionable, the application will be advertised for a period of 21 days to provide opportunity for community comment and feedback for consideration by Council.
40. Evaluation of the appropriateness of the naming or re-naming of a facility will be made by Council's Property and Asset Management unit in close consultation with the relevant Council asset user(s) and Governance.
41. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report.

**Naming of new facilities owned by Central Coast Council**

42. For the avoidance of doubt, any new Council facilities are required to be named in accordance with sections 35 to 44 of this Policy and will require a Council Resolution.

**Geographical Names Board**

43. When considering a name proposal, Council must assess whether the proposed name needs to be registered with the Geographical Names Board under the *Geographical Names Act 1966*.
44. If Council registers the name with the Geographical Names Board, it will follow the relevant guidelines of the Board and, prior to forwarding a request for naming determination, Council's Property and Asset Management unit will ensure that:
  - (a) The community was consulted on the proposed name;
  - (b) The proposed name is widely supported by the community; and
  - (c) The proposed name has been formally endorsed by Council.

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POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

45. All applications and any community feedback received will be given careful consideration by Council's Property and Asset Management unit prior to being presented to Council via a quarterly Council Report

**Cost**

46. The applicant is required to meet all costs associated with the purchase, advertisement, delivery, installation and maintenance of the approved park furniture, tree(s) and/or the Council approved plaque.
47. Council's Property and Asset Management unit will contact each applicant and provide an estimate of the costs, which will be also be included in the quarterly Council Report.
48. Works will only commence once:
- (a) a Council Resolution has approved the application; and
  - (b) the complete costs of the donation/memorial has been received by Council.
49. All works are to be carried out by Council employees or Council approved contractors.
50. Council's Property and Asset Management unit will co-ordinate the purchase of the park furniture, tree(s) and plaque, if required.

**Maintenance**

51. The donated park furniture or tree(s) will be subject to the same level of maintenance as other infrastructure located in the reserve.
52. The donation will remain in place as long as it remains in good working condition and complies with Council standards.
53. Council accepts no responsibility or obligation for repair of damage to, or theft of, the structure.
54. Applicants may re-apply should the park furniture or tree(s) need to be replaced.

**REPORT TO COUNCIL**

55. Any requests received under this policy will be subject to a quarterly report to Council.
56. Council's Property and Asset Management unit is responsible for the co-ordination of requests, actions under this Policy and for the preparation of the quarterly report to Council.

**REVIEW**

POLICY FOR MEMORIALS, NAMING OF COUNCIL FACILITIES AND DONATIONS OF PARK FURNITURE AND TREES

57. Council's Property and Asset Management unit will review this Policy every two years.

**SUPPORTING DOCUMENTS**

58. The following legislation and Council policies affect the operation of this Policy:

- (a) *Local Government Act 1993;*
- (b) *Local Government (General) Regulation 2005;*
- (c) *Geographical Names Act 1966.*
- (d) Council's adopted Code of Conduct.

Chief Executive Officer

Attention Council's Property and Asset Management unit

I Ada Collier of [REDACTED] wish to apply to Council for the installation of a seat and memorial plaque commemorating my late spouse William James Collier (Bill) of the same address. D. O. B. [REDACTED] Deceased [REDACTED] to be installed at Hylton Moore Oval Wattle St. East Gosford, adjacent to or in a similar position to canteen facilities at Councils discretion. This being the Terrigal Avoca AFL Club's home ground which Bill spent many hours assisting and volunteering his time along with other members to ensure the smooth running of home games and training sessions during his long association with the club.

Bill was a long standing member of the TAAFL Club and was honoured with Life membership in 2013. There is also a Bill Collier Volunteer of the Year Award presented annually at Junior Presentation. He played AFL with TA in the 80's. Then went on to hold a variety of positions with both the juniors and seniors including manager, coaching juniors, grounds manager, secretary and president of the Senior club from 2008 -2011 until ill health prevented him from volunteering.

Bill was a respected primary school teacher and taught at both Empire Bay PS and Copacabana PS on the Central Coast. He was always involved in sport both in and out of school. AFL was his passion and he promoted this at Copa PS where he coached at school and at PSSA level, managing and coaching Sydney North teams. He was honoured with a Brisbane Water Primary School Sports Association Life Membership prior to his medical retirement in 2006 due to deterioration in health.

Bill had spent the course of his teaching career from 1977 til 2006 promoting sport in school and took a most active role in ensuring that school children were armed with skills and always encouraged them to participate with enthusiasm and sportsmanship as he did with his own sons and the teams he coached after school.

Should this application be approved by Council, I will commit to the payment of the seat and plaque as well as the ongoing maintenance costs.

Suggested wording on the plaque

Dedicated to all the committed volunteers within the TAAFL Club in memory of Bill Collier President 2008-2011. Donated by the Collier Family

Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statutory Declaration
OATHS ACT 1900, NSW, NINTH SCHEDULE

I, [redacted] of [redacted] [redacted] 2251

do hereby solemnly declare and affirm that

The information in my submission for the installation of a memorial seat a plaque and supporting letters regarding my late spouse William James Collier to be true. (Bill's) statements included regarding William the teaching profession are correct.

[the facts to be stated according to the declarant's knowledge, belief, or information, severally]

And I make this solemn declaration, as to the matter (or matters) aforesaid, according to the law in this behalf made - and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at: GOSFORD on 16/4/2019 [signature of declarant]

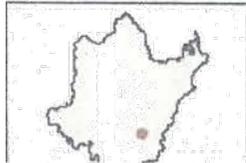
in the presence of an authorised witness, who states:

I, [redacted] Justice of the Peace - [redacted]

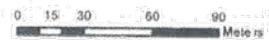
certify the following matters concerning the making of this statutory declaration by the person who made it:

- 1. \*I saw the face of the person OR \* I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
2. \*I have known the person for at least 12 months OR\* I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was Drivers Licence

[redacted] 16th April 2019



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Source: Central Coast Council





TERRIGAL-AVOCA  
AUSTRALIAN FOOTBALL CLUB

31.1.2019

To Whom it may concern

I, Chris Aitken, President of Terrigal-AvoCA AFL club am writing to help out with a character reference for Bill Collier whose wife Ada is wanting to put a seat at Hylton Moore Oval East Gosford in honour of Bill.

I personally knew Bill from 2007 through to his passing in 2018.

He was a very dedicated helper at our club doing a variety of roles during my time, most notably president from 2008-2011.

He also assisted wherever possible at a junior level for many years as well and never shirked a task asked of him.

He always took time to assist others and get to know people and make them feel part of the community.

He was also a well-respected teacher and continued to promote health and sport and well-being through his time as a teacher as well as when he was involved at our AFL club.

I see it fitting that a seat at Hylton Moore where he spent so much of his spare time on weekends and during the week fitting for a guy of his stature within our community.

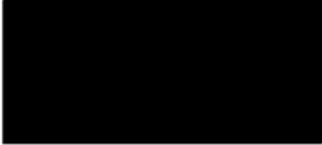
If there are any questions please don't hesitate to contact me

[Redacted signature]

Yours Sincerely

[Redacted name]

President



3 February 2019

To whom it may concern,

This letter is to endorse the character of William (Bill) Collier. It is in support of the Collier family requesting the installation of a seat & memorial plaque in his honour at Hylton Moore Oval, East Gosford.

I first met Bill in 1974 at Armidale Teachers College. We remained close friends since then & our families have enjoyed many years of friendship. He was a close mentor and friend to both of my sons during his life. I regarded him as one of my most supportive friends.

Bill began his teaching career at Balranald before moving to the Central Coast when he was appointed to Empire Bay Primary School and later to Copacabana Primary School. I was involved with him on Primary Schools Sports Association committees over many years.

Over a long period Bill was involved not only in school sport but also in community sport on the Central Coast. Initially as a player of baseball, cricket, basketball and AFL and then as a coach and administrator. He gave up generous amounts of time and energy in order that many children and adults would benefit from his sporting knowledge and organizational ability.

Bill was a dedicated, caring teacher and an enthusiastic and knowledgeable sports administrator within the community.

His contribution to Terrigal/Avoca Australian Rules Football Club is highly regarded by all. As Terrigal/Avoca Australian Rules Football Club use Hylton Moore Oval as their home ground it seems very fitting that this be the site of his Memorial Seat & Plaque.

Yours sincerely,





28<sup>th</sup> February, 2019.

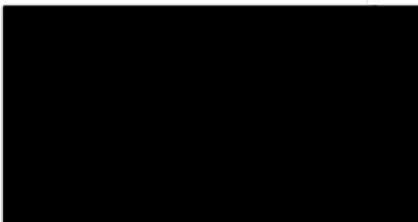
To Whom it may Concern,

It is with great pleasure that I submit my recommendation that the Central Coast Council approve and strongly support the request by Ada Collier to donate and erect a "Seat and Plaque" in memory of her late husband Bill Collier at Hyton Moore Oval, East Gosford.

I first met and taught with Bill in 1977 at Balranald. From his first days as a Teacher he was actively involved (as a Player, Coach, Umpire and Administrator) in many Sports for participants of all ages. From Soccer, Golf, Cricket and Basketball in Balranald in the 1970's through to Darts, Aussie Rules, Cricket, Golf and Rugby Union on the Central Coast till his sad death in May 2018 he has been an inspiration and example to all. Along with his Life Membership, to see the Guard of Honour at his Funeral from Sportspeople of all ages from varied Sports was testimony to the Man!

What a Man and I trust the Central Coast Council will approve Ada's proposed "Seat and Memorial Plaque" as a wonderful Testament to his memory.

Yours sincerely,





**Item No:** 4.8  
**Title:** Response to Motion of Urgency - Terrigal Water Quality  
**Department:** Environment and Planning

---

11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13555845

Author: Sara Foster, Senior Advisor Policy and Projects

Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

The purpose of this report is to provide a further response to the Urgency Motion – Terrigal Water Quality, specifically in relation to reported water quality issues at the ‘Seven Drains’ located at the southern end of Terrigal Beach.

### **Recommendation**

***That Council note the Response to Motion of Urgency – Terrigal Water Quality.***

### **Background**

During the month of April 2019, Council received a number of reports of a large volume of water overflowing from a stormwater outlet at the Southern end of Terrigal beach known as the ‘Seven Drains’. The discharge was malodorous and discoloured and as such triggered concerns that sewerage had infiltrated the stormwater system. Council immediately responded to these reports and conducted a preliminary investigation of the related infrastructure.

Results of the preliminary investigation were reported to Council at its Ordinary meeting held on 13 May 2019 where it was resolved:

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

386/19 *That Council seek a further report, including stormwater drainage maps, on the investigation into the possible source of the pollution including compliance relating to the ‘Seven Drains’ at the Southern end of Terrigal Beach.*

387/19 *That Council include timeframes in the report above.*

This report addresses resolution items 2 and 3.

**Investigation Time-frame for Reported Incident**

Council responded to a report of a potential sewer discharge from the 'Seven Drains' over the April long weekend. The timeframe of events and response from Council are detailed below:

**21/4/2019** – Two separate reports were made.

- The first report was in relation to a sewer discharge which was caused by a blockage on a private property. Crews responded to this and cleared the pipework. The overflow from the blockage was minor and no evidence of sewer discharge was found at the 'Seven Drains'. Council crews followed the appropriate environmental reporting procedures and called Council's environmental reporting hotline.

The other report made was regarding a large volume of water that was flowing out from the 'Seven Drains'. The water was malodorous and discoloured. These events were not related.

- The complaint regarding the large volume of water discharging at the 'Seven drains' was received directly by the EPA. The EPA then reported these concerns to Council who sent an Officer to inspect. The inspecting Officer did not observe any discharge or evidence of a sewer overflow. A video of this event was sent directly to a Councillor from a member of the community. The Councillor forwarded this video to staff. The Councillor advised that the video was taken over the April 2019 long weekend. The Councillor advised that the date was 21 April 2019 and the time was 5.00 pm.

**23/4/2019** – Council's Waterways staff conduct sampling at the 'Seven Drains' as part of the Terrigal Water Quality Audit.

**26/4/2019** – A further inspection of Council's water & sewer assets was carried out by Council staff in response to water quality concerns from the community. Council staff reported:

- Observed a lot of seaweed near the drains. The odour was consistent with rotting seaweed.
- The most southern drain had some water coming out of it which was clear. There was also some erosion around the most southern drain indicating higher flows had recently come out of the drain.

Council staff also investigated a number of other key assets around Terrigal as part of the wider audit.

**26/4/2019** – Council staff commenced CCTV inspections of the stormwater lines in Terrigal. This work is being carried as part of the Terrigal Water Quality Audit.

Council continues to investigate potential sources of pollution at Terrigal as part of the Terrigal Water Quality audit. Preliminary findings and an associated action plan will be presented to Council at the end of June.

### **Matters of Compliance**

#### Health and Safety Compliance

Council has a responsibility along with the NSW Office of Environment and Heritage (OEH) to monitor and report on recreational water quality at swimming sites across the Central Coast region. The testing conducted as part the Beachwatch program provides key information on the level of contaminants present which enables Council to determine whether water quality is safe for swimming. Testing of the bacteria and ammonia samples is done by Council's laboratories which operate under the ISM-Quality Assurance for Microbiology program.

In addition to the Beachwatch program, Council in partnership with OEH are also in the process of conducting a wider water quality audit on the Terrigal catchment area. The purpose of this audit is to locate sources of pollution within the catchment and better understand how these affect water quality in the Terrigal Bay area. The audit consists of both water sampling and asset inspections which together will detect possible contamination sources such as damaged infrastructure which may impact on water quality.

As part of the Beachwatch program and the wider audit, water quality testing was carried out at the 'Seven Drains' location a number of times throughout April specifically in the lead up to the long weekend. Results of the testing carried out were as follows:

12 April Testing - Results indicated the beach was considered good for swimming with low Enterococci levels (<41mpn/100ml) as per the Guidelines for Managing Risks in Recreational Water (NHMRC Guidelines).

23 April Testing - The beach was again considered good for swimming with all sites displaying low Enterococci levels (<41mpn/100ml) as per the NHMRC guidelines.

In addition to testing for Enterococci, Council also tested for ammonia at the 'Seven Drains' which is a key indication that sewage is likely to present. The results of the sample taken over the April long weekend came back with very low levels of ammonia which were not consistent with a sewerage discharge.

In summary, water quality over the April holiday period was assessed as being "Good" under the Guidelines for Managing Risks in Recreational Water (NHMRC Guidelines) and therefore, no precautionary measures were employed by Council.

### Environmental Compliance

The management of Councils sewage treatment system is licensed by the NSW Environment Protection Authority and regulated under the provisions of Environmental Protection License 1802 and as such Council has a responsibility to notify the EPA when an unauthorised sewer surcharge (incident) has the potential of causing "environmental harm".

To assess whether an incident has the potential of causing "environmental harm", Council has an internal environmental incident reporting system that supports suitable qualified Council staff in determining the impact and resulting response responsibilities and obligations. The purpose of the environment incident reporting tool is to ensure a timely response to pollution incidents by staff and external agencies (if required) to reduce or prevent material harm to the environment.

In response to the incidents at Terrigal over the April long weekend, Council staff were found to have acted in accordance with environmental incident reporting procedures. No concerns have been raised by the EPA.

### **Sources of Contamination**

Over the April long weekend members of the community noticed a large volume of water discharging from the seven drains. This was concerning because the area had not experienced a wet weather event for a considerable period of time. In addition to this, the discharge was malodorous and discoloured and as such triggered concerns that sewerage had infiltrated the stormwater system.

Council responded immediately to these reports and conducted a preliminary investigation of the associated infrastructure. In addition to the asset inspections, water quality testing was also carried out at the seven drains site. It should be noted that the two other incidents relating to sewer discharges occurred in the Terrigal area over this period. They were unrelated to the reported large volume of discharge which is the focus of this report.

Preliminary investigations of the seven drains coupled with the result from the water samples taken at the time of the event indicate that the discharge was not sewage.

*What else can cause these high volume discharges during periods of dry weather?*

There are a number of different sources of stormwater discharge particularly in dense urban areas such as Terrigal. Council are continuing to investigate but suspect that the discharge reported and videoed by the community was the result of an underground basement carpark drainage pit being emptied (dewatered) via a rising main out into Councils piped stormwater system. Terrigal has a number of these underground basement drainage pits and when these are dewatered a large volume of ground water, which is collected in these pits, is mechanically pumped out via trunk stormwater outlets such as the seven drains.

The majority of these pits are fitted with a float valve which triggers the pumps to activate once the pit hits its capacity.

The groundwater which is collected in these basement drainage systems can discharge from stormwater outlets for a considerable period of time depending upon the holding capacity of the pit and the rate at which the water is being pumped out into the stormwater system. It is important to note that these pits collect ground water over a period of time and as a result the water can sit stagnate and can produce a strong odour. Dewatering of these underground carpark drainage pits into the stormwater network is permissible as part of the development consent.

In addition to the dewatering of underground drainage pits, there are also other potential causes of discharge from stormwater outlets during periods of dry weather which can include activities such as washing down on a large construction site or a local resident emptying a pool - although these activities can be subject to regulatory action, they do occur on occasion.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal E: Environmental resources for the future**

G-E2: Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways.

### **Conclusion**

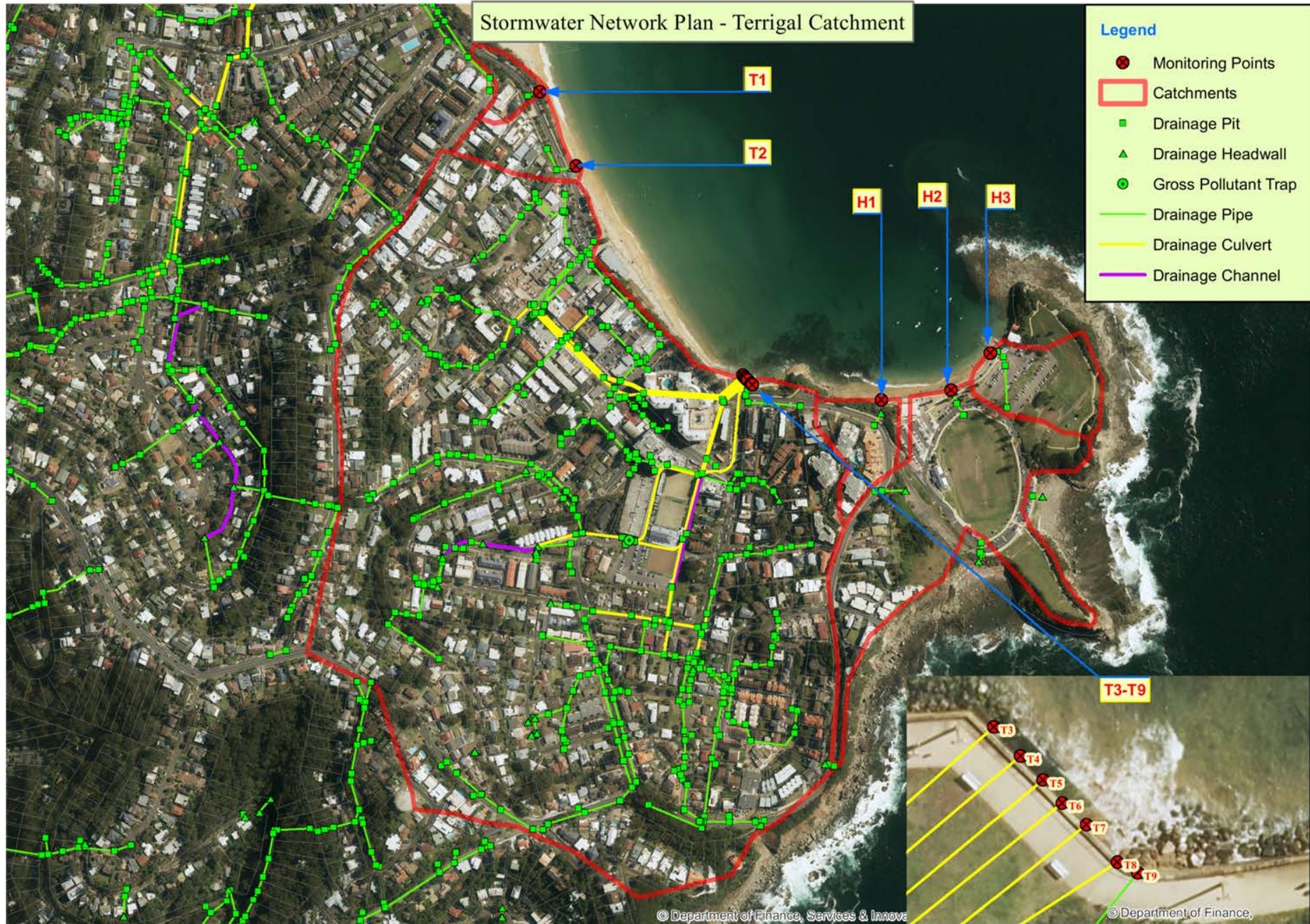
As mentioned in this report, Council is continuing to investigate the source and nature of these discharges and how they are affecting the local water quality at Terrigal. When the results from the audit are available, Council will have a better understanding of not only the sources & effect of the discharges but also what remediation action is required.

Notwithstanding this, the water quality at Terrigal Beach has consistently been rated as 'good' as per the guidelines used for the Beachwatch program and currently does not pose any health risk to beach users.

Preliminary results of the Terrigal Water Quality Audit will be presented in a report to Council at the end of June.

### **Attachments**

- |          |                               |           |
|----------|-------------------------------|-----------|
| <b>1</b> | Catchment Plan                | D13555418 |
| <b>2</b> | Report to Council 13 May 2019 | D13529052 |



**Item No:** 3.7  
**Title:** Response to Motion of Urgency - Terrigal Water Quality  
**Department:** Water and Sewer

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13 May 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13529052

Author: Emily Haines, Executive Assistant

Executive: Bileen Nel, Director Water and Sewer

### Report Purpose

The purpose of this report is to provide a response to Urgency Motion – Terrigal Water Quality.

### Summary

Council, at its meeting held on 29 April 2019 resolved:

- 347/19 *That Council notes the potentially significant public health issue that has arisen from reports of repeated discharge of malodorous and discoloured water from the 7 drains at the southern end of Terrigal Beach;*
- 348/19 *That Council notes with concern the possible illness to users of Terrigal Beach and potential issues of liability that may arise;*
- 349/19 *That Council notes that the issue of potentially hazardous water entering Terrigal Beach may negatively impact tourism which may cause economic loss to the businesses of Terrigal and the Central Coast generally;*
- 350/19 *That Council recognise that delaying action on this issue may pose reputational risk to Council;*
- 351/19 *That Council arrange for expeditious testing of water in and around the 7 drains at Terrigal Beach and, if appropriate, display signage in the area warning against entering the water and provide a report to Councillors on this aspect of the matter within 7 days;*
- 352/19 *That Council commence an urgent investigation into the possible source of the pollution including investigating matters of compliance, relating to discharging water into the stormwater system that leads to the drains at Terrigal Beach;*
- 353/19 *That Council liaise with appropriate agencies and authorities in undertaking the investigations;*

354/19      *That Council request that the Chief Executive Officer provide a report with at least the results of the water tests and preliminary investigations at the 13 May 2019 Ordinary Meeting.*

## **Recommendation**

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

## **Background**

Council has identified the need to conduct further investigations into water quality at Terrigal and initiated a Terrigal Catchment Audit which has been ongoing since January 2019. In the interim there have been several reports by community members during the month of April of the discharge of malodorous and discoloured water from the seven drains at the southern end of Terrigal Beach. Council immediately responded to all events and commenced an investigation into the source of these reported discharges. Results of the preliminary investigations as well as information regarding the Terrigal Catchment Audit is provided in this report.

In summary, the recent investigations undertaken to date show that:

- Council responded to the sewer blockages and overflows reported, in undertaking necessary sewer and stormwater drain inspections and resolving the matter in a timely manner. Council's standard operating procedures were followed, and the overflows were managed quickly and effectively.
- All reports of overflows were investigated and actioned as required. The seven drains at Terrigal beach and the drain at Terrigal Haven were also inspected after each event and no evidence of sewage was found. This is reflected by the water quality results collected as part of the Terrigal Catchment Audit. Beach water samples collected before and after the long weekend at Terrigal Beach and Terrigal Haven were considered "Good" under the Guidelines for Managing Risks in Recreational Water (2008, National Health and Medical Research Council (NHMRC) and therefore, no warning signs were required.
- An algae bloom was present at the time and was confirmed after testing was conducted and samples sent to external laboratories for verification. The algal bloom has since been identified as a naturally occurring, non-toxic, marine algal bloom.
- Water quality monitoring will continue as a part of the Terrigal Catchment Audit, which is comprehensively addressing water quality issues at Terrigal Beach in partnership with the NSW Government (former Office of Environment and Heritage).
- Council will continue to conduct CCTV inspections of stormwater drains and sewer infrastructure as more results are obtained from the Terrigal Catchment Audit.
- Council continues with its partnership with the NSW Government; Council in the Beachwatch program. Samples are collected by Council and tested for Enterococci - a

group of bacteria common to the faecal matter of warm-blooded animals and used as an indication if the water is safe to swim in.

## **Reported discharges from 17 April until 21 April**

### ***Initial response and investigation***

On receipt of three complaints of potential sewer discharge discharging from the "seven drains" onto Terrigal Beach for the period 17 April to 21 April, Council undertook an investigation. The investigation included possible sources of sewage entering the stormwater system at Terrigal Beach over this period. The investigation confirmed that all sewerage pumping stations were operating normally, and no signs of sewage was present at the drains.

Three reports were investigated: Two were of sewer discharges and crews were dispatched to attend to these events. Blockages were found in inspection pipework and cleared. Stormwater drains were then inspected and no evidence of sewer discharge from the drains were observed.

A third report was regarding a large volume of water overflowing from a stormwater drain on the Terrigal Esplanade. Council staff inspected the outlets of the seven drains at the southern end of Terrigal Beach and did not observe unusually high flows or evidence of a sewage discharge.

### ***Follow up inspections***

Several further complaints regarding water quality at Terrigal received by Council during the week commencing 22 April. In response Council staff undertook several inspections of the outlets of the stormwater drains discharging to Terrigal Beach, Terrigal Haven and the sewage pumping stations within the area. During these inspections there was no evidence of sewer overflows.

Inspections on 24 April and 26 April found there was no sewage odour or any visual evidence of a sewage discharge from any drains at Terrigal. However, there was a significant amount of seaweed detritus observed on the beach. Refer to Figure 1 below for a photo of "seven drains" which was the reported location of the high flows on Sunday 21 April.

During inspections, discoloured water around the boat ramp at The Haven was observed on the morning of 26 April. No discharge of water was observed from the stormwater drains at The Haven at this time. A significant amount of seaweed detritus was also observed on the beach during this inspection. Refer to Figure 2 below.



**Figure 1** Seven drains outlet onto the southern end of Terrigal Beach on 24 April, location of the drainage outlets indicated by red rectangle.



**Figure 2** Stormwater outlet (indicated by a red circle) at The Haven on 26 April 2019

During a follow up inspection in the afternoon of the 26 April, the discolouration around the boat ramp appeared to have increased in area and density (refer to Figure 3 below). A sample of water exhibiting discolouration in The Haven was taken and tested for ammonia (ammonia is a reliable indicator of the presence of sewage), this returned a very low result of less than 0.03mg/L, indicating that sewage was unlikely to be present. This is consistent with the Guidelines for managing Risks in Recreational Water 2008 (National Health and Medical Research Council (NHMRC)). This sample was further referred to Sydney Water Analytical

Laboratories and tested for the presence of algae and returned a positive result for non-toxic algae on 3 May 2019.



**Figure 3** Discoloured water at The Haven near the boat ramp on 26 April 2019 was confirmed to be a natural marine algal colony with no presence of sewage

The marine algal bloom has the appearance of a brownish slick in the water. The life cycle for these blooms is approximately 2 weeks. They can typically be seen at many beaches up and down the coast at any one time. Marine algal blooms are a natural occurrence and can appear from time to time in response to water and climatic conditions. Council advises against swimming in locations where the bloom has been observed as skin and eye irritation could occur following contact with the water. Algal blooms dissipate with changes in tide and wind conditions.

### ***Results of Recent Inspection and Testing***

As a part of an on-going water quality investigation, *Terrigal Catchment Audit*, Council undertook inspections and water quality testing at Terrigal Beach and the outlet of the stormwater drains at Terrigal and The Haven on 12 April. This is in addition to the BeachWatch program developed jointly with Council and NSW Office of Environment and Heritage (OEH).

#### Swimming safety results prior to and after the Easter weekend

Results indicated the beach was considered good for swimming with low Enterococci levels (<41mpn/100ml) as per the Guidelines for Managing Risks in Recreational Water (NHMRC Guidelines). A further inspection and water quality testing were undertaken on 23 April. This found the beach was again considered good for swimming with all sites low Enterococci levels (<41mpn/100ml) as per the NHMRC guidelines. Before and after the long weekend,

water quality in the rock pool adjacent to the seven drains was also considered good for swimming with low Enterococci levels (<41mpn/100ml as per the NHMRC guidelines).

#### Sampling stormwater pipes prior to and after the Easter weekend

Council does not recommend direct contact with stormwater in any location, as stormwater can be affected by pollution from several different sources. Sample results at the seven drains (the northern drain and the second southern-most drain) found levels of Enterococci but low levels of ammonia indicating that sewage was unlikely to be present. These stormwater pipes are under further investigation as a part of the Terrigal Catchment Audit and investigations are ongoing. Once the data has been gathered, Council will consider the best options to resolve any potential problems. The outcome of the audit will be made public. More information on the Terrigal Catchment Audit is explained further in this report.

### **Ongoing investigations**

#### ***Terrigal Catchment Audit***

Council is aware of and is investigating the issue of recreational water quality at Terrigal Beach and The Haven. A water quality catchment audit at Terrigal commenced in January 2019 (refer to details listed below) to investigate potential sources of poor-quality water that may emanate from the stormwater drainage system on some occasions.

It is important to note that coastal water quality is complex, and many anthropogenic and natural factors affect the quality of water from catchments, in waterways, estuaries, lagoons and the ocean. Poor water quality in urban areas is not a new phenomenon and any program to address water quality holistically must consider a range of different impacts and set reasonable expectations for what such a program can achieve in the short and long term.

Since 2002, Gosford City Council and Wyong Shire Council have undertaken the Beachwatch program in partnership with the New South Wales Office of Environment and Heritage (OEH). As part of the Beachwatch program, water samples are collected by Council and tested for Enterococci - a group of bacteria common to the faecal matter of warm-blooded animals. These bacteria indicate potential sources of contamination from stormwater, sewage and/or animal faecal matter. The results of the Enterococci tests can be used to determine if a designated swimming site is recommended for swimming and provide the community with information to make informed decisions about where and when to swim. Through this program, Council reports on the water quality of 32 swimming sites. Sampling occurs once a week during the swimming season from September to April, and fortnightly outside of the swimming season.

During periods of poor water quality where Enterococci is equal to or exceeds 201mpn/100ml (rating of Poor – see Table 1), Council installs additional temporary swimming advisory signs or closes the site until water quality improves. Due to the low levels of bacteria in the ocean and rockpool in recent weeks (<41mpn/100ml), beach warning signs are not presently considered appropriate under the Beachwatch program procedures.

**Table 1:** Star rating and swim safety rating for bacteria sampling from the Office of Environment and Heritages [Beachwatch](https://www.environment.nsw.gov.au/topics/water/beaches/reporting-beach-water-quality/about-weekly-star-ratings) website:

<https://www.environment.nsw.gov.au/topics/water/beaches/reporting-beach-water-quality/about-weekly-star-ratings>

Rating	Enterococci category(colony forming units per 100ml)	Category	Description
****	<41	Good	<b>Good:</b> bacterial levels are safe for bathing according to NHMRC guidelines.
***	41–200	Fair	<b>Fair:</b> bacterial levels indicate an increased risk of illness to bathers, particularly those with lower immune function such as the elderly and young children.
**	201–500	Poor	<b>Poor</b> and <b>Bad:</b> bacterial levels indicate a substantially increased risk of illness to bathers. Temporary swimming advisory signs installed or closes the site until water quality improves.
*	>500	Bad	

The process of an audit and water quality improvement program is complex and requires clear steps and processes to track changes in water quality, which in this case includes:

1. Establishing a robust water quality monitoring program to provide a comprehensive understanding of conditions and hotspots for further interrogation - the current single weekly/fortnightly sample collected at Terrigal under the Beachwatch Program is designed to "flag the issue", but is insufficient to describe broader trends in water quality and identify the scale of the problem or the causes of contamination;
2. Developing an understanding of the factors driving poor water quality and then identifying appropriate actions to address these;
3. Implementing priority actions to address poor water quality; and
4. Undertaking follow-up monitoring to determine if priority actions have improved water quality.

Currently, Central Coast Council is progressing in through Stages 1 and 2 which are crucial to monitoring progress long-term.

Details of the Terrigal Catchment Audit are as follows:

- In response to poor Enterococci results from Council's Beachwatch Program, the Terrigal Catchment Audit was conceptualised in the 2017-2018 financial year;
- Funding allocation was made in the 2018-2019 financial year, for staff to undertake the Terrigal Catchment Audit to detect possible source/s of microbial contamination;

- A staff member was allocated to continue the Beachwatch program, refine the scope of work for the catchment audit/s and undertake sampling as required;
- In January 2019, audit sampling commenced to assess the presence of Enterococci from stormwater pipes for dry, wet and first flush stormwater pipe discharges. Sampling will continue over the coming months, to ensure a sufficient sample size is reached to adequately understand the issue and make informed decisions.
- Bacterial contamination can arise from a variety of sources - Council is working closely with expert scientists, both local and international, and using cutting edge technology including DNA analysis to determine the source of contamination - these techniques should be able to distinguish microbes associated with human faeces from dog, cow, duck and seagull, whilst working towards developing indicators for pig, cat, marsupial and rabbit faeces - the results of these tests will help us understand the sources of contamination, and guide future management.
- Council is concurrently undertaking pharmaceutical and ammonia testing to determine if these contaminants exist in the stormwater discharge.
- Sampling and asset inspections will continue systematically up into the catchment to detect possible contaminant sources, such as illegal connections to sewer and stormwater or damaged infrastructure that may impact on water quality.
- Based on the water quality and asset inspection information, Council will consider the best options to resolve the problem, which may include a suite of actions such as compliance and works solutions, and a monitoring program to assess the success of the program. The speed at which these issues are resolved will depend on the scale of the problems identified throughout this catchment audit process.

### ***Current status of the Terrigal Catchment Audit***

Sampling is continuing throughout the Terrigal Catchment, including Terrigal Haven, for Enterococci (bacteria), ammonia (potential sewage input) and trace pharmaceutical (confirmed input of sewage) run by Central Coast Council and DNA testing run by the Office of Environment and Heritage (to detect if bacteria is due to human or other animal sources).

CCTV inspection of the stormwater drains at The Haven is complete. CCTV of the sewer mains at The Haven is starting this month (May 2019). CCTV of the stormwater and sewer mains is planned for Terrigal pending the Terrigal Catchment Audit results.

### **Link to Community Strategic Plan**

Theme 5: Liveable

### **Goal L: Healthy lifestyle for a growing community**

L-L2: Invest in health care solutions including infrastructure, services and preventative programs to keep people well for longer.



**Item No:** 4.9  
**Title:** Heritage Grant Program Round 2 2018-19  
**Department:** Connected Communities

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13538789

Author: Stuart Slough, Team Leader, Community Planning and Funding

Manager: Glenn Cannard, Unit Manager, Community Partnerships

Executive: Julie Vaughan, Director Connected Communities

## Summary

This report considers the applications and recommendations for the Heritage Grant Program. The Heritage Grant Program supports and celebrates local history, culture and diversity across the region. It aims to encourage the retention, conservation and promotion of the material and social heritage of the Central Coast.

## Recommendation

- 1 That Council allocate \$26,766.00 from the 2018-19 Heritage Grant Program budget to the community grant programs as outlined in the following report and Attachment 1.***
- 2 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.***

## Context

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community .

The Heritage Grant program aims to support local heritage of the Central Coast region.

Legally constituted not for profits can apply for up to \$10,000 per financial year per activity in combined funding and in-kind Council services.

Private owners and operators can apply for matched funds on a dollar-for-dollar (1:1) basis up to \$10,000 per financial year per activity in combined funding and in-kind Council services.

## 4.9 Heritage Grant Program Round 2 2018-19 (contd)

The Heritage Grant program provides a combined budget of \$130,000 annually as detailed in table 1 below.

**Table 1: Heritage Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2018/2019 allocation to date</b>	<b>Recommendation allocation within this report</b>	<b>Allocation to date + Recommendation within report</b>
Heritage Grant Program	\$130,000	Ongoing	\$102,779.65	\$26,766.00	\$129,545.65
<b>TOTAL</b>				\$26,766.00	\$129,545.65

### **Submissions**

The Heritage Grant Program is currently closed for 2018/2019. Round two, the final round, closed 28 February 2019. The Heritage Grant Program provides a maximum allocation of \$10,000 per application, with individual, private and commercial entities required to match funds.

### **Assessment**

Nineteen applications were received in Round 2 of 2018-19 program. Ten applications are recommended for funding in this Council report with a combined value of \$26,766.00. One application was withdrawn and three, Central Coast Poets 40th Anniversary Special Anthology, Umina - The First Fifty Years 1914-1964 and Wyoming Public School 50th Anniversary Book/Webpage, have been redirected to Council's Community Support Grants program.

The Heritage Grant Program Assessment Panel included:

- Heritage Officer
- Strategic Planner, Land Use and Policy
- Strategic Planner, Urban Growth Strategies
- Unit Manager Community Partnerships
- Grants Officer

### **Consultation**

The availability of grant funding is provided on Council's website and promoted through Council's Social Media platforms.

An email with relevant information was provided to the community grants database

Council staff also provided information and individual appointments for the period that the grants were open.

General grant information sessions and drop-in sessions were held during February 2019

- Council's Wyong office
- Smart Work Hub, Gosford
- The Hub, Erina
- Charmhaven Community Centre

### **Options**

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

### **Financial Impact**

Council's 2018/2019 Council Operational Expenditure budget allocates \$130,000 to the Heritage Grant Program. The \$26,766.00 recommended to be allocated by this report plus the total allocated to date represents 99% of the annual budget. There are no further Heritage Grant program funding rounds this financial year.

Expenditure is approved until the end of the 2018-19 financial year. Unspent funds will lapse on 30 June 2019.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal I: Balanced and sustainable development**

R-I1: Preserve local character and protect our heritage and rural areas including concentration of development along transport corridors and around town centres and east of the M1.

### **Risk Management**

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to advise Council on completion of the works and organise a suitable time for an inspection by Heritage Staff. Applicants are required submit a

final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

**Critical Dates or Timeframes**

This Grant Program is open all year and assessed on a monthly basis with the intention to allow applicants to apply for funding support which has a quicker response time.

**Attachments**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | Attachment 1 Heritage Grant Program Round 2 2018-2019 - Recommended. | D13545775 |
| <b>2</b> | Attachment 2 Heritage Grant Program Round 2 - Not Recommended        | D13545776 |

**Recommended for Funding**

<b>Applicant Number</b>	<b>Project</b>	<b>Staff Funding Recommendation:</b>	<b>Staff Comment</b>
18HGP R2 1819	Point Clare Cemetery	\$1,000.00	Recommended for part funding as project fills a gap in potential heritage cultural tourism programs for the Central Coast. Part Funding of \$1,000 towards 'Launch' component of project only, condition to the applicant providing a detailed Event Plan to Council's Heritage Officer prior to the project launch.
02HGP R2 1819.	Convict Footprints comes to The Coast [working title]	\$4,000.00	Recommended for part funding as project fills a gap in potential heritage cultural tourism programs for the Central Coast. Part funding towards the Writer/Researcher and Director component of project only. Funding is conditional to Council Heritage Officer approving script prior to commencement of any promotion or performance.
01HGP R2 1819	All Saints Anglican Church	\$3,500.00	Recommended for part funding for the feature items on the roofing and the detailing, to reinstate and maintain the character of the church. The project has merit and all appropriate information is provided. The proposed work constitutes adequate reconstruction work which will prevent water damage to the building. Funding is conditional to Council Heritage Staff site inspection being carried out prior to commencement of works.

Applicant	Project	Staff Funding Recommendation:	Staff Comment
20HGP R2 1819	"Fenton" Blackwall NSW	\$2,600.00	Recommended for part funding as per Heritage Grant Program Guidelines requirement that 'funding for private owners/operators and or businesses is required to be matched on a dollar for dollar basis'. The project has merit and all appropriate information is provided. The work conserves the identified heritage significance of the item.
16HGP R2 1819	Central Coast Conservatorium	\$3,476.00	Recommended for part funding as per Heritage Grant Program Guidelines requirement that 'funding for private owners/operators and or businesses is required to be matched on a dollar for dollar basis'. The project has merit and all appropriate information is provided. The proposed work conserves the identified heritage significance of the building and is highly visible to the public. Part funding is recommended on the condition that the full scope of works and conservation mitigation measures are supplied to Council for approval prior to works, including tree removal permits and Heritage Consents.
06HGP R2 1819	Village Cafe Noraville	\$650.00	Recommended for funding. The project has merit and all appropriate information is provided. Proposed work is highly visible to the public and encourages positive attitudes to heritage conservation.
03HGP R2 1819	Norfolk Island Pine Trees, Booker Bay Cemetery	\$220.00	Recommended for part funding for Tree Impact Assessment; amount equivalent to the recommended funding amount for another heritage application with similar requirements also for the Norfolk pines. The project has merit and all appropriate information is provided. The proposed work conserves the identified heritage significance of the Norfolk Pine Tree and part funding is recommended on the condition a copy of Arborist Report is provided to Council Heritage Staff.

Applicant	Project	Staff Funding Recommendation:	Staff Comment
10HGP R2 1819	Norfolk Island Pine Trees, Booker Bay Cemetery	\$220.00	Recommended for part funding as per Heritage Grant Program Guidelines requirement that 'funding for private owners/operators and or businesses is required to be matched on a dollar for dollar basis'. The project has merit and all appropriate information is provided. Part funding is recommended on the condition a copy of Arborist Report is provided to Council Heritage Staff.
07HGP R2 1819	Central Coast Poets 40th Anniversary Special Anthology	\$0.00	Recommended for funding of \$1,509.11. The project has merit and all appropriate information is provided. Due to limited funds it is recommended that this application be redirected to the Community Support Grant Program for consideration in March 2019.
08HGP R2 1819	Former Grafting Shed/Admin Building	\$10,000.00	Recommended for funding. The project has merit and all appropriate information is provided. The proposed Heritage Management Strategy will identify actions required to conserve the heritage significance of the building.
04HGP R2 1819	Umina - The First Fifty Years 1914-1964	\$0.00	Recommended for part funding of \$2,420.00 towards the printing of 20 hard copies as per application due to limited funding available in this grants round. The project has merit and all appropriate information is provided. The history promotes and celebrates local history and demonstrates broad community benefit. Part funding is conditional to three (3) copies of the history document being provided to Council Library Services. Due to limited funds it is recommended that this application be redirected to the Community Support Grant Program for consideration in March 2019.
21HGP R2 1819	Patonga Project Exhibition	\$1,100.00	Recommended for funding. The project has merit and all appropriate information is provided. The project will promote and celebrate the local history of the area, as well as complement significant restorations works to the Patonga War memorial.

Applicant	Project	Staff Funding Recommendation:	Staff Comment
22HGP R2 1819	Wyoming Public School 50th Anniversary Book/Webpage	\$0.00	Recommended for part funding of \$2,015.00 towards editing, graphic design and printing items as per application budget. The project has merit and all appropriate information is provided. The proposed works encourage promotion and education of our local heritage. Due to limited funds it is recommended that this application be redirected to the Community Support Grant Program for consideration in March 2019.
<b>TOTAL:</b>		<b>\$26,766.00</b>	

### Not Recommended for Funding

Applicant	Project	Staff Funding Recommendation:
13HGP R2 1819	Streets Ahead: bringing the street names of Gosford to life	Not recommended for funding due to limited funds available. The applicant is encouraged to reapply in a subsequent funding round.
09HGP R2 1819	'Seville'	Not recommended for funding due to limited funds available. The applicant is encouraged to reapply in a subsequent funding round.
12HGP R2 1819	Waterview Gardens	Not recommended for funding due to insufficient information and required approvals. Applicant is encouraged to contact Council Heritage Staff and consider applying in a subsequent round.
23HGP R2 1819	White Gates	Not recommended for funding due to limited funds available. The applicant is encouraged to reapply in a subsequent funding round.
15HGP R2 1819	Operations Jaywick 1943 Rimau 1945 Memorial Garden	Not recommended for funding due to insufficient information. Recommend applicant liaise with Council Heritage Staff before resubmitting in a subsequent round.



**Item No:** 4.10  
**Title:** Grants and Sponsorship Program Round 2 - 2018-19  
 - Community Development Grant  
**Department:** Connected Communities

11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13538837  
 Author: Stuart Slough, Team Leader, Community Planning and Funding  
 Manager: Glenn Cannard, Unit Manager, Community Partnerships  
 Executive: Julie Vaughan, Director Connected Communities

**Summary**

This report outlines the recommendations of the Grants and Sponsorship Review Panel – Community Development Grant for Round 2 of the Grant and Sponsorship Program 2018-19.

**Recommendation**

- 1 That Council allocate \$105,061.00 from the 2018-19 grants budget to the Community Development Grant Program as outlined in the following report and Attachment 1.**
- 2 That Council decline the Community Development Grant Program applications for the reasons indicated in Attachment 2 and the applicants be advised and where relevant, directed to alternate funding.**

**Context**

*Community Development Grant Program*

Aims to support projects that enhance the quality of life of residents, provide community capacity building and protect and enhance the natural qualities of the Central Coast.

The Community Development Grant Program provides a total budget of \$300,000 annually as detailed in table 1 below.

**Table 1: Community Development Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2018/2019 allocation to date</b>	<b>Recommended allocation within this report</b>	<b>Allocation to date + Recommendation within report</b>
Community Development	\$300,000	October 2018, February 2019	\$187,959.70	\$105,061.00	\$293,020.70

## **4.10 Grants and Sponsorship Program Round 2 - 2018-19 - Community Development Grant (contd)**

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### **Submissions**

Round 2 of the Grants and Sponsorship Program 2018-19 – Community Development opened for applications on 14 January 2019 and closed on 28 February 2019

The Community Development Grant applications were assessed by the Central Coast Council Grants and Sponsorship Review Panel on 4 April 2019.

Five Community Development applications are recommended for funding totalling \$105,061.00. (Attachment 1)

### **Consultation**

Council's Community Grants and Sponsorship funding programs were open for applications from 14 January 2019 throughout the open period the following Consultation was conducted:

- Promoted on Council's web site and social media
- Print advertised in the Central Coast Express Advocate, Coast Community News, Peninsular News and Wyong Regional Chronicle
- Radio advertising on three Central Coast radio stations
- Six emails were sent to Council's databases of previous Grant and Sponsorship applicants as well advising of the Programs and application period.
- Emails were also sent to identified event organisers and various sporting bodies (via the Sports Development Officer) across NSW to encourage them to apply for Awarding Sponsorship funding to move major events or State titles to the Central Coast region.
- In addition, over-the-phone support was offered throughout the application period with over 60 enquiries.

In addition, General Grant and Sponsorship information sessions and drop-in sessions were held during February 2019 at:

- Council's Wyong office
- Smart Work Hub, Gosford
- The Hub, Erina
- Blue Haven Community Centre

Consultation was also undertaken with applicants to clarify various aspects of their application.

### **Options**

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.

## **4.10 Grants and Sponsorship Program Round 2 - 2018-19 - Community Development Grant (contd)**

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- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

### **Financial Impact**

Council's 2018/2019 Council Operational Expenditure budget allocates \$300,000 to the Community Development Grants Program. The \$105,061.00 recommended to be allocated by this report combined with previous funds granted by Council, represents 97.6% of the total annual budget.

Expenditure is approved until the end of the 2018-19 financial years. Unspent funds will lapse on 30 June 2019.

### **Link to Community Strategic Plan**

Theme 1: Belonging

### **Goal A: Our community spirit is our strength**

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

### **Risk Management**

All successful grant applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

### **Critical Dates or Timeframes**

Many of these Grant and Sponsorship applications are dependent upon support via Council's Grants and Sponsorship Programs. Should decisions be delayed or not supported, projects may not be undertaken.

### **Attachments**

- |   |           |
|---|-----------|
| <b>1</b> Attachment 1 - Community Development Grant Program Round 2 2018-2019 - Recommended for funding     | D13545664 |
| <b>2</b> Attachment 2 - Community Development Grant Program Round 2 2018-2019 - Not Recommended for Funding | D13545667 |

## Recommended for Funding

<b>Applicant</b>	<b>Title</b>	<b>Staff Funding Recommendation</b>	<b>Reason for Recommendation</b>
Community Environment Network	Connecting and Caring for our Coastal Lagoons	\$29,582.00	Recommended for funding as community benefit is demonstrated and required information is provided.
Road Safety Education Limited	RYDA road safety education program	\$8,800.00	Recommended for funding as community benefit is demonstrated, required information is provided and all required approvals are confirmed.
Symphony Central Coast Incorporated	Telling stories through music.	\$30,000.00	Recommended for funding as community benefit is demonstrated and required information is provided.
Lifeline Direct T/A Lifeline Hunter Central Coast	Inter-generational Community Outreach - training the next generation to help others in our community	\$27,200.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Pacific Link Housing	Copnor Garden Transformation	\$9,479.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
	<b>TOTAL RECOMMENDED</b>	<b>\$105,061.00</b>	

## Not Recommended for Funding

Organisation	Title	Staff Funding Recommendation	Reason Not Recommended
Rotary Club of Gosford North Inc.	SOKS (Save Our Kids) - MYSM (Mind Your Sports Mates)	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round
Child Abuse Prevention Service (Sydney) Inc	Preventing Abuse in Your Community Program	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round.
Miracle Babies Foundation	Gosford NurtureTime and NurtureGroup	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round
CareFlight	Patient Monitor/Defibrillator for CareFlight Rescue Helicopter	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round
St Vincent de Paul Society NSW	Gorokan Community - Fresh Ideas to learn, live and grow	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round
Wyong Preschool Kindergarten Incorporated	Deck for Community Garden	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round.
Kincumber Neighbourhood Centre	The Yirang Creation Station	\$0.00	Not recommended for funding. Project has merit but limited funds available. Recommend the applicant consider re-applying in a subsequent round
Australian Kookaburra Kids Foundation Limited	Psycho-education and recreation program for children living in families affected by mental illness	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent Community Support round.
Berkley Vale Neighbourhood Centre Association Inc	Afternoon study sessions	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.

Organisation	Title	Staff Funding Recommendation	Reason Not Recommended
Central Coast Mentoring Network Incorporated	Community Mentoring Convenor/Facilitator Project	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round. The application does not provide any information on budget items.
Deepwater Dragon Boat Club	New Dragon Boat and Trolley	\$0.00	Not recommended for funding as community benefit is not demonstrated and insufficient information is provided.
Gosford and District Tennis Association Incorporated	Recycling and Waste Bin	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Kamira Alcohol and Other Drug Treatment Services Incorporated	Indigenous Women's Yarning Circle	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Learning Links	Reading for Life-Supporting Disadvantaged Children with their Literacy	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent Club Grants round.
Meals on Wheels Central Coast Limited	More Than a Meal	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Volunteering Central Coast Inc.	Central Coast Primed for Events	\$0.00	Not recommended for funding as required information is not provided. The application does not provide any program to support
Youth Off The Streets Limited	"Central Coast Stars" - Youth Off The Streets (YOTS) Lakes College High Quality Project Based Learning	\$0.00	Not recommended for funding as insufficient information is provided.
FADISS Ltd T/A Family Drug Support	Stepping Forward Central Coast 2019	\$0.00	Not recommended for funding as insufficient information is provided.

<b>Organisation</b>	<b>Title</b>	<b>Staff Funding Recommendation</b>	<b>Reason Not Recommended</b>
The Wheeleasy Foundation	Developing the WheelEasy Access Information Website	\$0.00	Not recommended for funding as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Central Coast Plateau Chamber of Commerce	Employ Facilitator for the Central Coast Plateau Harvest Trail Project	\$0.00	Not recommended as currently proposed. Recommend applicant liaise with CCC grants staff and resubmit in a subsequent round.
Mummy's Wish	Support Program for Central Coast Mums with Cancer	\$0.00	Not recommended for funding as insufficient information is provided and lack of required approvals.
Niagara Park Ourimbah Dockers AFL Club	Safety & training equipment	\$0.00	Not recommended for funding as application is deemed ineligible due to lack of quotes and information.



**Item No:** 4.11  
**Title:** CCC Liquid Trade Waste Policy  
**Department:** Water and Sewer

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2004/00167 - D13539303

Author: Melissa Greer, Team Leader Compliance

Manager: Jamie Loader, Unit Manager, Water Planning and Development

Executive: Bileen Nel, Director Water and Sewer

## **Report Purpose**

This report seeks Council's adoption of the attached Central Coast Council (CCC) Liquid Trade Waste (LTW) Policy. The Policy will facilitate the implementation of harmonised trade waste charges that are set to be implemented from 1 July 2019. These charges are consistent with Central Coast Council's first IPART pricing determination.

Council is responsible for providing and regulating water supply, sewerage and liquid trade waste services for the community. Council must provide these services in accordance with the *New South Wales Best Practice Management of Water Supply and Sewerage Guidelines, 2011*. The Guidelines and associated framework prescribes sound pricing, including appropriate trade waste regulation policy and approvals.

## **Summary**

The former Gosford City Council and Wyong Shire Councils had separate LTW Policy documents prior to amalgamation. Work to align the Policies commenced ahead of the current IPART pricing submission to allow the calculation of the required pricing structure to support the Policy and to ensure a common approach to LTW management. The proposed policy supports the Council's IPART submission and allows harmonisation of LTW management practices across the Central Coast.

## **Recommendation**

- 1 That Council exhibit the Liquid Trade Waste Policy for public comment.**
- 2 That Council adopt the policy subject to no significant objections as a result of the exhibition.**
- 3 That Council consider a further report if there are significant objections.**

### **Context**

LTW is all liquid waste other than sewage of a domestic nature. LTW can contain high strength wastes such as grease, solids and other pollutants at concentrations not normally contained in typical domestic sewage. It has been a common practice that fees and charges are applied to LTW dischargers based on a user pays system, guided by a LTW Policy which follows guidance provided by the NSW Department of Industry.

A LTW Policy is required to regulate commercial, public and industrial businesses to ensure compliance with Council's discharge quality acceptance limits and conditions of approval.

### **Current Status**

A consolidated LTW Policy for Central Coast Council, that aligns with contemporary standards, practices and regulations, has been completed in consultation with the NSW Department of Industry and Council's Office of General Counsel. The Department of Industry has provided written confirmation in their letter dated 13 May 2019 that 'the Draft Policy has been reviewed and is considered satisfactory, subject to minor amendments.' The changes requested by the Department of Industry have been incorporated into the draft Policy.

### **Consultation**

Public consultation is required for a period of 28 days. Council will review all submissions from the public exhibition process and provide a report to Council if there are any significant objections and/or reasonable requests for consideration.

The adopted Policy will then be forwarded to the Department of Industry for consent in accordance with section 3.9.3 of the *Liquid Trade Waste Regulations 2009*.

### **Link to Community Strategic Plan**

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

R-G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

R-G4: Serve the community by providing great customer experience, value for money and quality services.

**Attachments**

- |   |  |           |
|---|--|-----------|
| 1 | CCC Liquid Trade Waste Policy comments by Dept of Industry | D13539287 |
| 2 | CCC Liquid Trade Waste Policy Final Draft                  | D13557099 |



Mr Gary Murphy  
General Manager  
Central Coast Council  
PO Box 20  
Wyong, NSW 2259

Contact: Bill Ho  
Phone: 02 9842 8495  
Email: bill.ho@dpi.nsw.gov.au  
Our Ref. No: OUT19/6180

Attention: Mr Bala Vigneswaran

13 May 2019

Dear Mr Murphy

**Liquid Trade Waste Policy**

I refer to Council's email of 8 May 2019 regarding Council's draft Liquid Trade Waste Policy (Policy).

The draft Policy has been reviewed and is considered satisfactory subject to some amendments shown in Attachment 1.

In accordance with section 3.9.3 of the Liquid Trade Waste Regulation Guidelines 2009, Council should provide its final Policy to the Department of Industry Water for consent after publicly exhibiting the Policy for not less than 28 days and addressing any issues raised in public submissions.

Please continue to liaise with Padmini Vitharana on 9842 8484 on this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Blackmore', written over a horizontal line.

Michael Blackmore  
Director Water Utilities

## Attachment 1

**Appendix: Fees, Charges, Actions and assessments****List of prohibited substances on p.18**

Please add the following to the above list:

- “disposable products, including wet wipes, cleaning wipes, colostomy bags, cat litter and any other products marketed as flushable
- per and poly-fluoroalkyl substances (PFAS)”.

**Section 1.5 Trade waste usage charge, p 19****Examples 1 and 2**

Replace in the definition of U- volume charge rate “\$/kg” with “\$/kL”

**Section 1.7 Excess mass charges**

Explanation for **Equation 1** on page 21.

In the example (4st paragraph on this page), there is a reference to Table 1 in regard to Suspended Solids (SS) acceptance limit of 500 mg/L. The limit for SS in this Table is 600 mg/L. Please correct the acceptance limit.

Explanation for **Equation 2** in the 1<sup>st</sup> sentence should read:

“Equation 2 is applicable where Council approves the acceptance limit for BOD higher than 600 mg/L”. Note that it’s important to say that it’s Council **approved** limit.

**Equation 2, page 22**

The definitions of symbols in this equation are incorrect. The equation should be as below:

$$U_e = 2C \times \frac{(S - D)}{600\text{mg/L}} \times 1.05 \frac{(S - 600\text{mg/L})}{600\text{mg/L}}$$

S = Concentration (mg/L) of BOD in sample. (Please note that **S** is **Actual** concentration of BOD as reported in a sample, so you need to delete the text in brackets.)

D = Deemed concentration (mg) L of BOD to be present in domestic sewage

Alternatively, you may define A in your equation as A = 600 mg/L

Example 4 on page 23 is incorrect for equation 2. If BOD exceeds the acceptance limit, non-compliance excess mass charges should be applied. You need to say that Council approved BOD limit for this discharger is 1200 mg/L.

**Equation 5 page 26**

Definition of symbol A should be clarified. This is because Council’ limit for BOD in Table 1 says 300 mg/L up to 600 mg/L. You should define as A = 600 mg/L.

**Section 2, page 28**

In the 1<sup>st</sup> sentence, replace the words “penalty charges” with “non-compliance charges”.

POLICY NO: CCC041

# Liquid Trade Waste Policy

May, 2019

<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	Andrew Passafaro, Trade Waste Supervisor and Melissa Greer, Acting Team Leader Compliance
<b>MANAGER</b>	Bala Vigneswaran, Section Manager Compliance
<b>DIRECTOR</b>	Bileen Nel, Director Water and Sewer
<b>CHIEF EXECUTIVE OFFICER</b>	Gary Murphy, Chief Executive Officer

### History of Revisions:

<b>Version</b>	<b>Date</b>	<b>Reason</b>	<b>TRIM Doc. #</b>
1	24 October 2017	Policy consolidation (former WSC & GCC)	D1288501
2	26 March 2019	Internal review	
3	17 April 2019	External review by Concurrence Authority	
4	8 May 2019	Internal review	
5	13 May 2019	External review by Concurrence Authority	
6	27 May 2019	Finalisation with review by Director Water and Sewer	

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## POLICY SUMMARY

1. Liquid Trade Waste (LTW) is defined as all liquid waste other than sewage of a domestic nature. LTW can be produced by business, commercial, and industrial activities, by community/public facilities, and by institutions such as hospitals, schools and TAFEs. It excludes domestic waste from a hand washbasin, shower, bath or toilet.

Central Coast Council (Council) is responsible and committed to regulating, managing and monitoring LTW discharge into the Council's sewerage system.

Council provides regulatory services in accordance with the *Liquid Trade Waste Regulation Guidelines* (Department of Water and Energy, April 2009) as in force from time to time. Key requirements of the Guidelines include full cost recovery for water supply, sewerage and trade waste services, assessment of Approvals and/or Agreements, monitoring of LTW Dischargers, sewerage system licence compliance, waste minimisation and water conservation.

## PURPOSE OF THE POLICY

2. Council will enforce proper controls and sound regulation that is essential for protecting sewerage infrastructure, the environment, and both public and worker health and safety.

## POLICY BACKGROUND

3. This Policy has been prepared in accordance with Part 3, Chapter 7 of the *Local Government Act 1993* (the LG Act) and sets out all matters in relation to Approvals and/or Agreements under section 68 of the LG Act for discharge of LTW into Council's sewerage system.
4. The Policy has been developed to ensure compliance with the *Liquid Trade Waste Regulation Guidelines* (the Guidelines), which are overseen by the New South Wales Department of Industry. The Guidelines are driven by the *NSW Best-Practice Management of Water Supply and Sewerage Framework* and are consistent with the *Sewage Quality Management Framework* (August 2007), the *Australian Sewage Quality Management Guidelines* (June 2012) (Water Services Association of Australia, WSAA) and the *Local Government Act (NSW) 1993*.
5. The procedure for Approval and/or Agreement of LTW discharge into Council's sewerage system is governed by Chapter 7 of the LG Act, and is subject to the *Local Government (General) Regulation 2005* (The LG Regulation).
6. All charges and charging methodologies for the discharge of sewage and the LTW component of the sewage are applied in accordance with the requirements of the Independent Pricing and Regulatory Tribunal (IPART), with reference to the *Liquid Trade Waste Regulation Guidelines*.

7. Fees applicable for the discharge of LTW into Council's sewerage system are located in Council's schedule of fees and charges, available on Council's website and can be obtained from Council.
8. Under clause 28 of the LG Regulation, Council must not grant an Approval and/or Agreement under section 68 of the LG Act to discharge LTW (whether treated or not) into Council's sewerage system unless the Secretary, NSW Department of Industry (or the Secretary's nominee) has issued their concurrence.
9. Under subsection 90(2) of the LG Act, the Secretary, NSW Department of Industry (or the Secretary's nominee) may give Council notice that concurrence may be assumed, with such qualifications or conditions as are specified in the notice.
10. Sections 560 and 561 of the LG Act stipulate that the Property Owner is liable for payment of fees and charges to Council. If the Property Owner deems that the fees and charges are the responsibility of the lessee, then that is a private matter between the Property Owner and the lessee.

## DEFINITIONS

11. The following definition are used in this Policy:

<b>Agreement</b>	The signed document of conditions relating to large volume and/or high risk discharge of LTW
<b>Applicant</b>	The person, business or company who makes formal application to discharge LTW
<b>Approval</b>	The document of conditions relating to discharge of LTW
<b>Assumed Concurrence</b>	Council's authorisation by the Secretary Department of Industry to assume concurrence for Classification A, Classification B or Classification S activities
<b>Category 1</b>	Dischargers with well-characterised effluent, requiring nil or minimal pre-treatment
<b>Category 2</b>	Dischargers with well-characterised effluent, requiring prescribed pre-treatment
<b>Category 3</b>	Large (more than 20 kL/d) and industrial Dischargers
<b>Category S</b>	Dischargers transporting or discharging septic tank, pan, private pump stations (non-residential) and ship-to-shore waste
<b>Classification A</b>	Low risk Dischargers with trade waste volumes up to 5 kL per day, except for commercial retail food preparation where up to 16 kL per day is permitted with standard, non-complex pre-treatment requirements
<b>Classification B</b>	Medium risk Dischargers with trade waste volume up to 20 kL per day with prescribed pre-treatment requirements (some discharges in this Classification may be less than 5 kL/d, e.g.

<b>Classification C</b>	radiator repairer, but this activity is not in Classification A)
<b>Classification S</b>	High risk and large volume Dischargers (flow generated by high risk activities may be less than 20kL/d, e.g. electroplating)
<b>Concurrence Authority</b>	Septic tank waste, pan waste, private pump stations (non-residential) and ship-to-shore waste Dischargers
<b>Council</b>	The Secretary, Department of Industry
<b>Discharger Exemption</b>	Central Coast Council, being the organisation responsible for the administration of Council operations and the implementation of Council policy and strategies
<b>Food disposal units</b>	Premises that discharges LTW into Council's Sewerage System
<b>IPART</b>	An exclusion granted by Council from the requirement to apply for Approval and/or Agreement to discharge LTW
<b>Liquid Trade Waste (LTW)</b>	The equipment used to break down solid food into finer particles
<b>Macerator</b>	Independent Pricing and Regulatory Tribunal
<b>National Association of Testing Authorities (NATA)</b>	All liquid waste other than sewage of a domestic nature
<b>Premises</b>	A machine that reduces solids into smaller pieces
<b>Pre-treatment</b>	A national accreditation body responsible for ensuring that organisations are competent to provide consistently reliable testing, calibration, measurement and inspection data
<b>Property Owner</b>	Premises can be:
<b>Pulverise</b>	(a) a building of any description or any part of it and the appurtenances to it
<b>The Guidelines</b>	(b) land, whether built on or not
<b>The LG Act</b>	(c) a shed or other structure
<b>The LG Regulation</b>	(d) a tent
	(e) a swimming pool
	(f) a ship or vessel of any description (including a houseboat)
	(g) a van
	The process used for the initial treatment of LTW
	The person, business or company with legal ownership of a property
	The process of reducing solids to fine particles
	Liquid Trade Waste Guidelines (Department of Water and Energy) April 2009
	<i>Local Government Act (NSW) 1993</i>
	<i>Local Government (General) Regulation 2005</i>

## GENERAL

### Part 1 - Business activities that are exempt from the requirement to obtain an approval under Section 68 of the Local Government Act

12. Exemptions are determined by Council under the LG Act, eligible activities must meet the standard requirements specified in *Part 1 Exemptions* of the *Liquid Trade Waste Regulation Guidelines* (Department of Water and Energy) as in force from time to time.
13. Annual trade waste fees and charges do not apply to Dischargers of LTW into Council's sewerage system that are classified as exempt.

### Part 2 – Approval Process

14. Any person, business or company wishing to discharge LTW into Council's sewerage system must obtain prior approval from Council, in accordance with section 68 of the LG Act.
15. An individual or entity that wishes to make an application to discharge LTW from their Premises to the sewerage system, but is not the Property Owner, must obtain the Property Owner's written consent to the application. Property Owner's authorisation to make a LTW application is mandatory as per section 78 of the LG Act.
16. Clause 25 of the LG Regulation states the matters to accompany applications relating to discharge into sewers. Council's technical assessment and Approval or refusal of an application is performed in accordance with information provided under clause 25 of the LG Regulation.
17. Council issues a determination letter advising of Approval or refusal to the Applicant/Property Owner. The Approval and/or Agreement sets out the circumstances and conditions of discharge. Should Council refuse an application, the Applicant/Property Owner will be notified in writing of the grounds for refusal in accordance with section 100 of the LG Act.
18. The Applicant/Property Owner may subsequently seek a review of the determination by applying to Council in writing in accordance with section 176 of the LG Act.
19. Council's LTW Acceptance Limits are specified in the Appendix of the Policy and in the fact sheet "Acceptance Limits and prohibited substances" located on Council's website.
20. LTW Dischargers are divided into four risk or volume-related classifications:
  - Classification A,
  - Classification B,
  - Classification C, and

- Classification S.

Council's Approval and/or Agreement and concurrence processes vary according to the type of classification. In addition to the risk-related classifications, all LTW Dischargers are allocated to one of four categories for LTW charging purposes (Category 1, Category 2, Category 3 or Category S). Categorisation is based on the nature, volume and degree of pre-treatment required.

21. Council has the assumed concurrence to approve Classification A, Classification B and Classification S Dischargers. If a Premises is deemed to be a Classification C (high risk), Council will seek concurrence from the Secretary, Department of Industry in accordance with the requirements of subsection 90 (1) of the LG Act.
22. Council will not accept prohibited substances to be discharged into the Sewerage System (refer to section 3.5.4 Table 4 of the Guidelines or the Appendix of the Policy for a list of prohibited substances).
23. The discharge of roof, rain, surface or seepage water or groundwater into Council's sewerage system is prohibited under clause 137A of the LG Regulation, unless specifically permitted.
24. Council will not accept any discharges from Macerators, or any other similar devices, used for Pulverising solid waste, as they are not authorised to connect to Council's sewerage system. Solid waste is not to be discharged to Council's sewerage system (refer to section 4.4.6 of the Guidelines).
25. Premises that discharge into Council's sewerage system are required to install and maintain pre-treatment equipment in accordance with the Guidelines and to satisfy Council's requirements.
26. Any administrative processes in relation to changes of Property Owner or Applicant will be carried out in accordance with section 3.4.2 of the Guidelines.
27. It is the Property Owner's responsibility to notify Council if the business has ceased trading, to finalise approvals and associated fees and charges.
28. Council will use a risk-based approach to monitoring LTW Dischargers into Council's sewerage system, by performing a minimum of one inspection per annum. Sampling and testing may occur at the discretion of Council Officers at the time of inspection.
29. Testing of all LTW samples is undertaken by an independent laboratory that holds National Association of Testing Authorities (NATA) accreditation for the water quality parameters being tested. Where Dischargers are required to sample as indicated in Approval conditions, Council may take duplicate samples to confirm water quality characteristics. If testing is an Approval condition, it is at the cost of the Property Owner.

### Part 3 – Related matters

30. This Policy covers all Premises that discharge liquid trade waste to the Council's sewerage system.

31. This Policy also covers all tankers that transport liquid waste for direct discharge at Council's sewerage treatment facilities.
32. Council provides sewage and LTW services on a commercial (user pays) basis, subject to IPART pricing determinations. Council administers appropriate levies in accordance with charging methodologies stated in the Guidelines or the Appendix of the Policy.

## BREACHES

33. Council are routinely monitoring and engaging with Dischargers to achieve compliant LTW discharges for the protection of sewerage infrastructure, the environment, and both public and worker health and safety.
34. Council will take action, in the form of written correspondence, if an inspection of a LTW Premises identifies a non-compliance issue or breach of Approval and/or Agreement condition.
35. If, in the opinion of Council, the LTW being discharged does not comply with the conditions of Approval and/or Agreement or are adversely affecting the environment and performance of the treatment process, the Discharger must take the necessary remediation actions as specified by Council. Council reserves the right to terminate and/or Agreement in the event of persistent failure to comply with Council's clean up notices and remediation strategies.
36. Excess mass and non-compliant fees and charges will apply to Premises in excess of deemed and acceptance discharge limits. Details of discharge limits are specified in the Appendix.
37. Pollution of any waters is an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. Orders may also be issued and penalties imposed for offences under sections 626, 627 and 628 of the LG Act and Schedule 12 of the LG Regulation.
38. It is an offence to discharge LTW into Council's sewerage system without an Approval and/or Agreement under the LG Act.

## REVIEW

39. This Policy will be reviewed every five years or as required.
40. The Appendix of this Policy will be reviewed and revised every year or as required.

## RELATED RESOURCES

- Australian Standards AS/NZS 3500.2:2018 Plumbing and drainage – Sanitary plumbing and drainage
- NSW Best Practice Management of Water Supply and Sewerage Guidelines, 2004 (revised 2007)
- *Water Management Act 2000*
- Liquid Trade Waste Regulation Guidelines April 2009 (Department of Water and Energy)
- Liquid Trade Waste Regulation Guidelines (Department of Water and Energy) *Part 1 Exemptions*
- Central Coast Council - 1 July 2019 – 30 June 2022 Water - IPART Determination (Draft April 2019)
- National Construction Code 2016 Volume Three – Plumbing Code of Australia
- *Protection of the Environment Operations Act 1997*
- Sewage Pumping Station Code of Australia (Version 2.1) (WSA 04-2005)
- *The Local Government Act 1993* and *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*
- Fact Sheets that have been developed to specifically reference topics covered by the Department of Water and Energy Liquid Trade Waste Regulation Guidelines April 2009. Fact sheets can be accessed on CCC website

## APPENDIX: FEES, CHARGES, ACTIONS AND ASSESSMENTS

### 1. Liquid Trade Waste Fees, Charges and Action

Rates, charges and fees are determined by the Independent Pricing and Regulatory Tribunal (IPART) and adopted by Central Coast Council (Council) in its annual Management Plan. An up to date schedule of fees and charges is available on the Council website and can be obtained from Council.

Council provides sewerage and liquid trade waste (LTW) services on a commercial (user pays) basis, subject to IPART pricing determinations.

Subject to IPART pricing determinations, Council's LTW fees and charges will include the following:

- Application fee,
- Annual trade waste fee,
- Re-inspection fee (where applicable),
- Trade waste usage charge (where applicable),
- Excess Mass Charges (where applicable),
- Non-compliance Excess Mass Charges (where applicable), and
- Septic Tank and Pan Waste disposal charges (where applicable).

Details of the process to calculate fees and charges for LTW discharges are described in this section.

#### 1.1 Application Fee

The application fee covers the cost of administration and technical services provided by Council in processing an application, on a scale related to the classification into which the Discharger is classified, and reflects the complexity of processing the application. It includes processing change of ownership of the Discharger, and renewal of existing Approvals and/or Agreement.

#### 1.2 Annual Liquid Trade Waste Fee

The annual trade waste fee recovers the cost incurred by Council for administration and the scheduled inspections each year to ensure a LTW Discharger's ongoing compliance with the conditions and agreement of their Approval and/or Agreement.

- As part of an inspection, Council or its agents may undertake monitoring of the LTW discharges from a premises or business. Such monitoring may include, but is not limited to, flow measurement and the sampling and analysis of the LTW.
- Annual LTW fees are determined by IPART based on the category of the Discharger, and are proportionate to the complexity of their inspection and administration requirements. Where the Discharger is required to pay for monitoring of LTW quality, this will be detailed in the Approval and/or Agreement and charged based on full cost recovery.
- In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council will carry out inspections of commercial

Premises preparing hot food. The cost of these scheduled inspections is included in the annual trade waste fee for such Premises.

### **1.3 Re-inspection Fee**

Where non-compliance with the conditions of an Approval and/or Agreement has been detected and the Discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented. Council will charge a fee for each re-inspection. A re-inspection may include the analysis of LTW discharges, the cost of which may be recovered from the Discharger.

### **1.4 Limit of Acceptance and Prohibition of Substances into Sewerage Systems**

Based on the industry best practice and the Guidelines, Council regulates and restricts quantity and quality of liquid trade waste into Councils sewerage system.

Table 1 shows the general Acceptance Limit for LTW into sewerage systems (the Guidelines, section 3.5.3). Acceptance Limits for organic and inorganic compounds are presented in Table 2 and Table 3. Table 4 shows the Acceptance Limits for metals (the Guidelines, section 3.5.3).

TABLE 1 – General Acceptance Limits of liquid trade waste into sewerage systems \*

Parameter	Limits
Flow rate	The maximum daily and instantaneous rate of discharge (kL/h, kL/d or L/s) is set on the available capacity of the sewer. Large dischargers are required to provide a balancing tank to manage the load on the sewage treatment works.
BOD <sub>5</sub>	Normally, approved at 300 mg/L. Concentration up to 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
Total suspended solids	Normally, approved at 300 mg/L. Concentration up to 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
COD	Normally, not to exceed BOD <sub>5</sub> by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total dissolved solids	Up to 4000 mg/L may be accepted. However, the Acceptance Limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
Temperature	Less than 38°C.
pH	Within the range 7.0 to 9.0.
Oil and Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.
Detergents	All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
Colour	No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
Radioactive substances	The discharge must comply with the <i>Radiation Control Act 1990</i> (NSW).

\* Subject to change by the Department of Industry (stakeholders are advised to refer to the Council website or to contact Council for any updates)

TABLE 2 – Acceptance Limits for LTW inorganic compounds into sewerage systems \*

Parameter	Maximum concentration (mg/L)
Ammonia (as N)	50
Boron	5
Bromine	5
Chlorine	10
Cyanide	1
Fluoride	20
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO <sub>4</sub> )	500
Sulphide (as S)	1
Sulphite (as SO <sub>3</sub> )	15

\* Subject to change by the Department of Industry (Council website or contact Council for updates)

TABLE 3 – Acceptance Limits for LTW organic compounds into sewerage systems \*

Parameter	Maximum concentration (mg/L)
Benzene	0.04
Toluene	0.5
Ethylbenzene	1
Xylene	1
Formaldehyde	30
Phenolic compounds (except pentachlorophenol)	5
Petroleum hydrocarbons (non-flammable)*	30
Pesticides general (except organochlorine and organophosphorus)	0.1
Polynuclear Aromatic Hydrocarbons (PAHs)	5

\* Subject to change by the Department of Industry (Council website or contact Council for updates)

TABLE 4 – Acceptance Limits for LTW metals into sewerage systems \*

Parameter	Maximum Concentration (mg/L)	Allowed daily mass limit (g/d)
Aluminium	100	-
Arsenic	1	2
Cadmium	1	6
Chromium*	3	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	6
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	30
Nickel	3	15
Selenium	1	15
Silver <sup>#</sup>	2	6
Tin	5	15
Zinc	5	15
Total metals excluding aluminium, iron, manganese and molybdenum	less than 30 mg/L and subject to total mass loading requirements	

\* Subject to change by the Department of Industry (refer to Council website or contact Council for any updates)

Council prohibits certain compounds except by specific written application and subsequent Approval and/or Agreement, including:

- organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances
- organophosphorus pesticides and/or waste arising from the preparation of these substances
- any substances liable to produce noxious or poisonous vapours in the sewerage system
- organic solvents and mineral oil
- per- and poly-fluoroalkyl substances (PFAS)
- any flammable or explosive substance
- discharges from "Bulk Fuel Depots"
- chromate from cooling towers
- natural or synthetic resins, plastic monomers, synthetic adhesive, rubber or plastic emulsions
- rain, surface, seepage or subsoil water (unless specifically permitted)

- solid matter
- disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and any other products marketed as flushable
- any substance assessed as not suitable to be discharged into the sewerage system
- waste that contains pollutants at concentrations which inhibit the sewage treatment process
- any other substance listed in a relevant regulation

Council does not allow solvents, enzymes, bio-additives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment), except by specific written application and subsequent approval.

### 1.5 Trade Waste Usage Charge

This volumetric charge is applicable to Category 2 Dischargers. This charge is in addition to the Sewerage Usage Charge. Certain Category S Dischargers (see section 1.6) are also charged according to the volume of their discharges.

Trade Waste Usage Charge (\$) = Q x U

Q = Volume (kL) of LTW discharged to sewer

U = Trade Waste Charging Rate (\$/kL)

A base trade waste usage charge will apply to Category 2 Dischargers with appropriate pre-treatment equipment that has been properly maintained. An increased trade waste usage charge will be applied to Category 2 Dischargers where pre-treatment is non-compliant because it has not been provided or the pre-treatment equipment is not properly maintained.

#### **Example 1:** Trade Waste Usage Charge – Compliant pre-treatment equipment

A reported liquid trade waste volume of 300 kL was released by a Discharger with a compliant pre-treatment facility.

Trade Waste Usage Charge (\$) = Q x U

Q = 300 kL (volume discharged)

U = \$/kL (liquid waste volume charge rate from IPART determination;

in this Example \$1.77/kL is assumed)

Trade Waste Usage Charge (\$) = 300 kL x \$1.77 \$/kL  
= \$531.00

#### **Example 2:** Trade Waste Usage Charge – Non-compliant or no pre-treatment equipment

A reported liquid trade waste volume of 300 kL was released by a Discharger with a non-compliant pre-treatment facility.

Trade Waste Usage Charge (\$) = Q x U

Q = 300 kL (volume discharged)

U = \$/kL (liquid waste volume charge rate from IPART determination;

in this Example \$15.13/kL is assumed)

$$\begin{aligned} \text{Trade Waste Usage Charge (\$)} &= 300 \text{ kL} \times \$15.13 \text{ \$/kL} \\ &= \$4,539.00 \end{aligned}$$

### 1.6 Septage, Septic Effluent and Chemical Toilet Disposal

Septage, septic effluent and chemical toilet waste disposal charges are determined with respect to the volume of the discharged waste.

Septage, Septic Effluent or Chemical Toilet Disposal Charge (\$) = Q x S

Q = Volume (kL) of waste discharged to sewer.

S = \$/kL (Septage, Septic effluent or Chemical Toilet Waste Charge Rate as indicated in IPART determination)

### 1.7 Excess Mass Charges

This charge is applicable to Category 3 Dischargers only.

Excess Mass Charges will apply for substances discharged in excess of the Deemed Concentrations in domestic sewage, as specified in Table 5. For instance, a Discharger releases a waste stream with Total Oil and Grease of 140 mg/L. As the Deemed Concentration of Total Oil and Grease is 50 mg/L (Table 5) and the Acceptance Limit is for 100 mg/L (Table 1). Excess Mass Charges will apply for the mass calculated between 50-100 mg/L. Non-Compliant Excess Mass Charges (see Appendix D section 3.7.7 of the Guidelines) will apply for the mass above 100 mg/L.

TABLE 5 – Deemed concentration of substances in domestic sewage\*

SUBSTANCE	DEEMED CONCENTRATION (mg/L)
Biochemical Oxygen Demand (BOD)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
pH	7-9
Total Kjeldahl Nitrogen	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate (SO <sub>4</sub> )	50 <sup>#</sup>

\* Subject to change by the Department of Industry (Council website or contact Council for updates)

# SO<sub>4</sub> concentration: the higher of 50 mg/L or the concentration in the potable water supply

In charging for discharging excess mass, the following methodology applies:

**EQUATION 1** is applicable for all substances as specified in Tables 1, 2, 3, 4 and 5, except where qualified by Equation 2, Equation 3, Equation 4 and Equation 5.

Note 1: For those substances specified in Tables 2, 3 and 4, the Excess Mass Charge is calculated based on the total mass i.e. zero mass deemed to be present in domestic sewage.

Note 2: For those substances specified in Table 5, the Excess Mass Charge is calculated based on exceedance of the Deemed Concentration, up to the Acceptance Limit.

For example, consider a discharge with a reported analytical result of 700 mg/L of Suspended Solids. The Deemed Concentration for Suspended Solids of 300 mg/L (Table 5), and the acceptance limit is 600 mg/L (Table 1) The Excess Mass Charge is applied for the mass between 300 and 500 mg/L and the Non-Compliant Excess Mass Charge (see Appendix D section 3.7.7 of the Guidelines) is applied for the remaining 200 mg/L.

**EQUATION 2** is applicable where Council approves the acceptance limit for BOD higher than 600 mg/L. A modified BOD excess mass charge rate is determined by Equation 2, and this new excess mass charge rate is used in Equation 1 to calculate the liquid trade waste charge.

Where the Acceptance Limit is exceeded by the Discharger and failed to meet their approved BOD limit on two or more instances in a financial year, a Non-Compliant Excess Mass Charge applies (Equation 5), as detailed in Appendix D section 3.7.7 of the Guidelines.

**EQUATION 3** is applicable where pH of discharged trade waste lies outside Deemed Limits (Non-Compliant pH Charge).

**EQUATION 4** is applicable for Non-Compliant Excess Mass Charges (for substances other than BOD) in excess of the Acceptance Limit.

**EQUATION 5** is applicable for BOD Non-Compliant Excess Mass Charges in excess of the Acceptance Limit and failed to meet their approved BOD limit on two or more instances in a financial year.

#### **EQUATION 1**

$$\text{Liquid Trade Waste Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U}{1000}$$

S = Concentration (mg/L) of substance in sample

D = Deemed Concentration (mg/L) of substance considered to be present in domestic sewage

Q = Volume (kL) of LTW discharged to the sewerage system

U = Unit price (\$/kg) for disposal of substance to the sewerage system

**Example 3:** Total Oil and Grease above Deemed Concentration

S = 100 mg/L Oil and Grease – from analysis of discharge

D = 50 mg/L (from Table 5)

Q = 300 kL of volume discharged

U = \$/kg (from IPART determination; in this example \$1.41/kg is assumed)

$$\text{Excess Mass Charge (\$)} = \frac{(100 - 50) \times 300 \times 1.41}{1000} = \$21.15$$

**EQUATION 2**

$$\text{Excess Mass Charge Rate for BOD (\$/kg)} U_e = 2 \times U \times \frac{(S - D)}{A} \times 1.05^{\frac{(S - A)}{A}}$$

S = Concentration (mg/L) of BOD in sample

A = 600 mg/L

D = Deemed concentration (mg/L) of BOD to be present in domestic sewage

U = Unit price (\$/kg) for BOD up to 600 mg/L

$U_e$  = Unit price (\$/kg) for disposal of Excess Mass Charge BOD to the sewerage system

Excess mass charge rate for BOD determined from Equation 2 can be used in Equation 1 to calculate the liquid trade waste Excess Mass Charge for a discharge not to exceed the Council Approved Limit.

**Example 4:** BOD above Acceptance Limit but not above Council Approved BOD Limit

A Discharger with a Council Approved limit of 700 mg/L BOD disposes a quantity of 300 kL.

Q = 300 kL of volume discharged

S = 700 mg/L BOD - from analysis of discharge

D = 300 mg/L (from Table 5)

A = 600 mg/L

U = \$/kg (from IPART determination; in this example \$0.78/kg is assumed)

$$\begin{aligned} \text{Excess Mass Charge Rate for BOD (\$/kg)} U_e &= 2 \times 0.78 \times \frac{(700 - 300)}{600} \times 1.05^{\frac{(700 - 600)}{600}} \\ &= \$1.56 \times 0.667 \times 1.008 = \$1.049/\text{kg} \end{aligned}$$

The total applicable charge can be calculated from Equation 1.

$$\text{Excess Mass Charge (\$)} = \frac{(700 - 300) \times 300 \times 1.049}{1000} = \$125.82$$

### 1.8 Non-compliance Excess Mass Charge

Where a discharge exceeds the acceptance concentration limits of substances specified in Tables 1, 2 and 3, a non-compliance Excess Mass Charge will apply.

Council will continue applying the above non-compliance Excess Mass Charge until the quality of discharge complies with Council's LTW Policy limits, within the time frame determined by Council for remedying the problem. If the Discharger fails to rectify the problem within this time frame, the Discharger may be required to cease discharging LTW into Council's sewerage system and may be subject to legal action for costs associated with the non-complying discharge.

In order to recover Council's costs for Non-Compliant excess mass discharges, Equations 3, 4 and 5 will apply.

**EQUATION 3** is applicable where pH of discharged trade waste lies outside Deemed Limits (Non-Compliant pH Charge).

**EQUATION 4** is applicable for Non-Compliant Excess Mass Charges (for substances other than BOD) in excess of the Acceptance Limit.

**EQUATION 5** is applicable for BOD Non-Compliant Excess Mass Charges in excess of the Acceptance Limit and failed to meet their approved BOD limit on two or more instances in a financial year.

#### **EQUATION 3**

$$\text{Charge for pH (\$/kL)} = K \times |(S - D)| \times 2^{|(S - D)|}$$

K = pH cost coefficient

S = pH reading in sample

D = pH lower or higher limit of Deemed Limits as applicable

|S - D| = net difference between S and D

**Example 5:** Discharge of liquid trade waste at pH below 7

K = pH cost coefficient (from IPART determination; in this example \$0.43 is assumed)

S = pH 6.0 reading in sample (from analysis)

D = pH 7.0 (lower limit of Deemed Limits Table 5)

Q = 300 kL of volume discharged

$$\begin{aligned} \text{Charge for pH (\$/kL)} &= \$0.43 \times |(6.0-7.0)| \times 2^{|(6-7)|} \\ &= \$0.43 \times 1 \times 2 \\ &= \$0.86/\text{kL} \end{aligned}$$

For 300 kL of LTW discharge with a pH of 6, the total applicable charge can be determined.

$$\begin{aligned} \text{Charge for pH (\$/kL)} &= 300 \text{ kL} \times \$0.86/\text{kL} \\ &= \$258.00 \end{aligned}$$

**Example 6:** Discharge of liquid trade waste at pH above 7

K = pH cost coefficient (from IPART determination; in this example \$0.43 is assumed)

S = pH 9.0 reading in sample (from analysis)

D = pH 7.0 (lower limit of Deemed Limits Table 5)

Q = 300 kL of volume discharged

$$\begin{aligned} \text{Charge for pH (\$/kL)} &= \$0.43 \times |(11.0-9.0)| \times 2^{|(11-9)|} \\ &= \$0.43 \times 2 \times 4 \\ &= \$3.44/\text{kL} \end{aligned}$$

For 300 kL of LTW discharge with a pH of 9, the total applicable charge can be determined.

$$\begin{aligned} \text{Charge for pH (\$/kL)} &= 300 \text{ kL} \times \$3.44/\text{kL} \\ &= \$1,032.00 \end{aligned}$$

#### EQUATION 4

$$\text{Non-Compliance Excess Mass Charges (\$)} = \frac{(S-A) \times Q \times 2 U}{1000} + \frac{(S-D) \times Q \times U}{1000}$$

S = Concentration (mg/L) of substance in sample.

A = Concentration (mg/L) of substance as specified in Acceptance Limits

Q = Volume (kL) of LTW discharged for the period of non-compliance

U = Unit price (\\$/kg) for disposal of substance to sewerage system

D = Deemed Concentration (mg/L) of substance deemed to be present in domestic sewage

**Example 7:** Total Oil and Grease above Acceptance Limit

S = 600 mg/L of substance in sample (from analysis)

A = 100 mg/L of substance as specified in Council's Acceptance Limit (Table 1)

Q = 500 kL of LTW discharged for the period of non-compliance

U = \$/kg for disposal (from IPART determination; in this example \$1.41/kg is assumed)

D = 50 mg/L of substance deemed to be present in domestic sewage (from Table 5)

$$\begin{aligned} \text{Non-Compliance Excess Mass Charges (\$)} &= \frac{(600 - 100) \times 500 \times 2 \times 1.41}{1000} + \frac{(600 - 50) \times 500 \times 1.41}{1000} \\ &= \$1,092.75 \end{aligned}$$

#### EQUATION 5

BOD Non-Compliance Excess Mass Charge (\$/kg)  $U_n$  =

$$2 \times U \times \frac{(M - D)}{A} \times 1.05 \frac{(M - A)}{A} + 4 \times U \times \frac{(S - M)}{A} \times 1.05 \frac{(S - M)}{A}$$

S = Concentration (mg/L) of BOD in sample

A = 600 mg/L

M = Maximum concentration (mg/L) of substance agreed in Council's Approval/Agreement

D = Deemed concentration (mg/L) of BOD to be present in domestic sewage

U = Unit price (\$/kg) for BOD up to 600 mg/L

$U_n$  = Unit price (\$/kg) for disposal of Excess Mass Charge BOD to the sewerage system

Using calculated Non-Compliance Excess Mass Charge ( $U_n$ ) total applicable charge can be calculated from Equation 1.

**Example 8:** BOD above Acceptance Limit and failed to meet their Council approved BOD

S = 2400 mg/L of substance in sample (from analysis)

A = 600 mg/L

M = 600 mg/L as specified

D = 300 mg/L (from Table 5)

U = \$/kg for disposal (from IPART determination; in this example \$0.78/kg is assumed)

BOD non-compliance excess mass charging rate  $U_n$  (\$/kg) =

$$2 \times 0.78 \times \frac{(600 - 300)}{600} \times 1.05^{\frac{(600 - 600)}{600}} + 4 \times 0.78 \times \frac{(2400 - 600)}{600} \times 1.05^{\frac{(2400 - 600)}{600}}$$

$$\begin{aligned} \text{BOD non-compliance excess mass charging rate} &= \$1.56 \times 0.5 \times 1 + \$3.12 \times 3 \times 1.05^3 \\ &= \$0.78 + \$10.83 \\ &= \$11.61/\text{kg} \end{aligned}$$

For the discharge of 300 kL of LTW at a concentration of 2400 mg/L of BOD, total applicable charge can be calculated from Equation 1.

$$\text{Excess Mass Charge (\$)} = \frac{(2400 - 300) \times 300 \times 11.61}{1000} = \$7314.30$$

### 1.9 Non-compliance action

Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved LTW discharged to the sewerage system. This compensation may be pursued by legal action.

Also included are fines under the following provisions:

- Pollution of any waters is an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. Orders may also be issued and penalties imposed for offences under sections 626, 627 and 628 of the LG Act and Schedule 12 of the LG Regulation.
- *Local Government Act, 1993*, section 627 (*Failure to comply with an Approval*) section 628 (*Failure to comply with an order*). Non-compliance penalties may be pursued by legal action

## 2. Assessment of discharge volumes and charges

For the purposes of calculating usage and non-compliance charges, discharged volumes will be assessed by one of the following methods:

- installation of a flow measuring device on the discharge,
- estimation based on pumping time where the discharge is pumped to sewer, or
- estimation based on metered water usage.

Estimations based on metered water usage will be determined by applying appropriate discharge factors. Standard factors established for typical businesses are set out in Table 7. A discharge factor represents a percentage of the metered water consumption at the Premises, which is deemed to be the estimated volume of sewage and LTW discharged to the sewerage system from a specific business function.

These factors will be applied unless considered inappropriate for the type of Discharger's business operation at the premises, in which case the Discharger may seek a review of the factors by Council's Rates Section. Any determination will only apply while the nature of the operation remains

The sewer and trade waste discharge-factors listed below in Table 7 represent generic industry standards. Please note that these factors may be varied by Council to reflect local conditions.

Discharger's Premises / Facility	Discharge Factor %	
	Sewer	Trade Waste
Bakery	95	25
With a residence attached <sup>1</sup>	70	18
Bed and Breakfast / Guesthouse (max. 10 persons)	75	N/A <sup>2</sup>
Boarding House	90	20
Butcher	95	90
With a residence attached <sup>1</sup>	70	65
Cakes, Patisserie, Hot Bread	95	50
Car Detailing	95	90
Car Wash – small hand wash only	75	70 <sup>5</sup>
Car/Vehicle Wash – Robo, Carlovers, Gerni type and auto etc	95	90 <sup>5</sup>
Caravan Park – with commercial kitchen	75	25
Caravan Park – no commercial kitchen	57	N/A <sup>2</sup>
Chicken / poultry shop (retail fresh, no cooking)	95	90
Chicken cooking (e.g. Charcoal Chicken)	95	80
Club – Direct service to club	95	30
Club – Bowling, Jockey, Racing, Golf	50	45
Coal Mine	25	25
Cold Store	7	N/A <sup>2</sup>
Community hall (minimal food only)	95	N/A <sup>2</sup>

TABLE 7 – SEWER AND TRADE WASTE DISCHARGE FACTORS		
Discharger's Premises / Facility	Discharge Factor %	
	Sewer	Trade Waste
Concrete Batching Plant (process water to stormwater)	2	1
Correctional Centre (with laundry)	90	15 <sup>5</sup>
Craft / Stonemason	95	80
Day Care Centre	95	N/A <sup>2</sup>
Delicatessen, mixed business (no hot food)	95	N/A <sup>2</sup>
With a residence attached <sup>1</sup>	70	N/A <sup>2</sup>
Delicatessen, mixed business (with hot food)	95	50
With a residence attached <sup>1</sup>	70	50
Dental Surgery with X-ray	95	80
With a residence attached <sup>1</sup>	70	60
Fast Food (e.g. McDonalds, Burger King, Pizza Hut)	95	62
Fast food (e.g. KFC, Red Rooster)	95	80
Fresh Fish Outlet	95	90
Hairdresser	95	N/A <sup>2</sup>
High School	95	25 <sup>5</sup>
Hospital (public and private)	95	60
Hostel	90	20
Hotel	100	25
Joinery	95	10
Laundry	95	92 <sup>5</sup>
Marina	90	70
Mechanical Workshop / Garage / lawn mower repairer / equipment hire etc <sup>3</sup>	95	70
Mechanical Workshop with car yard / car wash	85	70
Medical Centre	95	25 <sup>5</sup>
Motel – small less than 15-25 rooms (no hot food)	90	N/A <sup>2</sup>
Motel with hot food	90	20
Nursery	25	5
Nursing Home	85	50
Office Building	95	N/A
Optical Service	95	N/A <sup>2</sup>
Panel Beater / Spray Painter	95	70
Primary School	95	10 <sup>5</sup>
Photo-Processing	85	85
Printer	95	85
Radiator Repair	90	85
Restaurant <sup>4</sup>	95	50
Self Storage	90	N/A
Seafood – Co-ops and Fresh	95	90

TABLE 7 – SEWER AND TRADE WASTE DISCHARGE FACTORS		
Discharger's Premises / Facility	Discharge Factor %	
	Sewer	Trade Waste
Service Station	90	70
Service Station (with car washing)	95	85
Shopping Centre	85	50
Supermarket	95	70
Sporting Ovals - Amenities Blocks	25	20
Swimming Pool (commercial)	85	N/A <sup>2</sup>
Take Away Food	95	50
Technical College or University	95	Note 6
Veterinary Surgeon (no X-ray), Kennels, Animal wash	80	N/A <sup>2</sup>
Wreckers	85	85

<sup>1</sup> If a residence is attached that has garden watering, the residential Sewer Discharge Factor is applied

<sup>2</sup> A trade waste usage charge is not applicable for this activity

<sup>3</sup> Includes lawn mower repairs

<sup>4</sup> Includes Café, Canteen, Bistro, etc.

<sup>5</sup> A trade waste usage charge applies, if appropriate pre-treatment equipment has not been installed or has not been properly operated or maintained

<sup>6</sup> A discharge factor to be applied on the basis of the relevant activity, e.g. takeaway food, mechanical workshop, optical services, etc.

### 3. Liquid trade waste agreements

In addition to its Approval under the Local Government Act, Council may require certain Dischargers, including those who wish to discharge LTW in large volumes (discharge larger than 20 kL/d) or industrial waste (Concurrence Classification C type discharges) or Classification S into its sewerage system, to enter into a LTW agreement with Council. The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the Approval issued by Council (refer to section 3.3 of the Guidelines). The conditions will be binding on the applicant and Council. The agreement will be for a period of up to five years. No discharge is to be made to Council's sewerage system until the agreement or an interim agreement has been executed.

In addition to Council's Approval and/or Agreement conditions, provision can be made in the agreement for:

- additional conditions for discharge of LTW,
- fees and charges,
- cancellation of the agreement and/or order to cease the discharge if the Discharger is found to be in breach of the agreement or the LTW Approval or, in the opinion of Council, the LTW is adversely affecting the sewerage system or the environment,

- entry by Council officers to inspect the LTW collection, treatment, monitoring and disposal systems,
- the applicant to notify Council in advance of any changes that may affect the quality and quantity of the LTW, and
- the amount of bond/security to be lodged with Council prior to discharging LTW to the sewerage system.



**Item No:** 4.12  
**Title:** Consideration of Submissions and Adoption of the Operational Plan 2019-20  
**Department:** Innovation and Futures

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00464 - D13541111

Author: Sharon McLaren, Senior Project and Research Officer  
Mellissa McKee, Financial Controller  
Michelle Best, Financial Controller

Manager: Vivienne Louie, Unit Manager, Financial Performance - Responsible Accounting Officer

Executive: Matthew Prendergast, Acting Executive Manager, Innovation and Futures

Due notice is given of this matter in accordance with Council's Code of Meeting Practice.

The report and any relevant attachments will be provided prior to the Council Meeting.



**Item No:** 5.1  
**Title:** Deferred Item - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13557685

Author: Stephen Dignam, Unit Manager

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

### **Report Purpose**

At the Council Meeting of 27 May 2019, Council resolved:

*468/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017.**
- 2 That Council note the report Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017.**

### **Attachments**

- 1** Deferred Item 5.2 - Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017 D13557684



**Item No:** 5.2  
**Title:** Removal of Potential Asbestos Containing Material at Wamberal Beach on 22 July 2017  
**Department:** Roads Transport Drainage and Waste

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27 May 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13462654

Author: Stephen Dignam, Unit Manager

Executive: Boris Bolgoff, Director, Roads Transport Drainage and Waste

### Report Purpose

To address the activity suggested by Councillor Pilon, which relates to action carried out by Council staff on 22 June 2017 at Wamberal, involving the removal of potential asbestos by hand and the movement of sand using an excavator adjacent to 31 Ocean View Drive, Wamberal.

### Recommendation

***That information contained in this report is noted.***

### Background

At its meeting of 29 January 2019, Council resolved:

39/19      *That Council request the Chief Executive Officer to provide a report on the activity suggested by Councillor Pilon.*

### Context

Council staff, in accordance with appropriate safety and operational procedures, removed potential asbestos containing material (ACM) by hand along the toe of the embankment in the vicinity of 31-33 Ocean Beach Road, Wamberal, on 22 June 2017 as it was not clear if there was potential ACM present the appropriate safety and precautionary method was adopted as if there was potential ACM present. Upon completion of the hand removal of all surface potential ACM staff placed sand from the surrounding beach around the toe of the embankment using an excavator, which is the subject of a short video circulating on the internet, to improve public safety adjacent to 31 Ocean Beach Road, Wamberal.

All visible surface material was removed and disposed of in accordance with standard procedures at Council's waste facility prior to the placement of sand. The placement of sand was not meant to be a permanent solution to stabilise the bank from further erosion.

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**5.2 Removal of Potential Asbestos Containing Material at Wamberal Beach on  
22 July 2017 (contd)**

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**Current Status**

Following on from the removal of the potential ACM on 22 July 2017, additional works including the installation of fencing and erosion controls in order to maintain public safety in the area have been undertaken. Council Officers inspect and monitor the area on a regular basis to ensure the ongoing effectiveness of these controls.

Council engaged a qualified Environmental Consultant to inspect the Wamberal and Terrigal Beach area for potential ACM and provide advice to Council on the risk to public health, and recommendations for future management which was the subject of the Council report of 29 January 2019 (Management Activities at Wamberal and Terrigal Beaches – D13316622).

**Link to Community Strategic Plan**

Theme 3: Green

**Goal G: Good governance and great partnerships**

G-E2: Improve water quality for beaches, lakes and waterways by minimising pollutants and preventing litter entering our waterways.

**Attachments**

*Nil.*



**Item No:** 5.2  
**Title:** Councillor Expenses and Facilities Report as at 30 April 2019  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13527268

Author: Sonia Witt, Meeting Support Coordinator  
Sarah Georgiou, Section Manager, Councillor Support

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

## **Report Purpose**

To table the provision of expenses and facilities to Councillors for the period October 2018 to April 2019 as required under clause 122 of the *Councillor Expenses and Facilities Policy*.

## **Recommendation**

***That Council receive the report on Councillor Expenses and Facilities Report as at 30 April 2019.***

## **Background**

Central Coast Council (Council) adopted a *Councillors Expenses and Facilities Policy (the Policy)* on 27 August 2018 to enable the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors, to help them undertake their civic duties.

The policy was drafted in accordance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005* and complies with the Office of Local Government's *Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW*.

To ensure accountability and transparency, and to align the costs incurred with community expectations, the Policy provides at clause 122:

*122 Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

The following report is provided to Council to satisfy the requirements of clause 122 of the Policy for the six month period up to and including April 2019.

## 5.2 Councillor Expenses and Facilities Report as at 30 April 2019 (contd)

Reports to Council will be provided every six months. The last report was provided to the Council Meeting of 26 November 2018 for the period up to 28 September 2018.

### Current Status:

Attachment 1 provided the expenditure for a seven month period as at 30 April 2019 for each Councillor against each provision of the Councillor Expenses and Facilities Policy.

### Financial Impact

The attached spend is within the budgeted parameters and in accordance with the adopted Policy.

The following table from the adopted policy sets out the financial provisions to each Councillor:

Expense or facility	Maximum amount	Frequency
Corporate Uniform	\$1,000 per Councillor \$500 per Councillor	Upon election Per full twelve months there after
General travel expenses	\$12,500 per Councillor	Per year
Interstate, overseas and long distance intrastate travel expenses	\$15,000 per Councillor	Per year
Accommodation and meals	\$500 per Councillor	Per night
Provision for Partners	\$1000 per Councillor	Per year
Professional development	\$12,000 per Councillor	Per year
ICT expenses	\$4,000 per Councillor \$3,000 per Councillor (equipment)	Per year Upon election
Carer expenses	\$8,000 per Councillor	Per year
Home office expenses	\$300 per Councillor	Per year
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant

### Link to Community Strategic Plan

Theme 4: Responsible

**Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

**Attachments**

- 1 Councillor Expenses and Facilities - 1 October 2018 to 30 April 2019 D13531917

<b>Councillor Expenses Report 1 October to 30 April 2019</b>								
<b>Councillor</b>	<b>General Travel Expenses</b>	<b>Interstate, Overseas and long distance travel expenses</b>	<b>Accommodation and Meals</b>	<b>Professional Development</b>	<b>ICT Expenses</b>	<b>ICT Services</b>	<b>Carer Expenses</b>	<b>Home Office Expenses</b>
Best	\$2,501.53	\$668.97	0	\$1,683.56	0	0	0	0
Burke	\$1,491.92	0	\$696.99	\$1,084.55	0	0	0	0
Gale Collins	\$1,829.76	\$429.10	0	\$2,425.09	\$1,006.81	\$696.50	\$1,769.87	\$209.59
Greenaway	0	0	0	0	0	0	0	0
Hogan	0	0	0	0	0	0	0	0
Holstein	\$2,928.08	0	0	\$220.00	0	0	0	0
MacGregor	0	0	0	\$978.65	0	0	0	0
Marquart	0	0	0	0	0	0	0	0
Matthews	\$1,423.03	0	0	0	0	0	0	0
McLachlan	0	0	0	\$913.64	0	0	0	0
Mehrtens	0	0	0	0	0	0	0	0
Pilon	0	0	0	\$248.00	0	0	0	0
Smith (Mayor)	0	0	0	\$993.64	0	0	0	0
Sundstrom	\$714.00	0	0	\$913.64	0	0	0	0
Vincent	0	0	0	\$763.64	0	0	0	0
<b>TOTAL</b>	<b>\$10,888.32</b>	<b>\$1098.07</b>	<b>\$696.99</b>	<b>\$10,224.41</b>	<b>\$1,006.81</b>	<b>\$696.50</b>	<b>\$1,769.87</b>	<b>\$209.59</b>



**Item No:** 5.3  
**Title:** Rocket Ship Park - Lions Park Long Jetty  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13531083  
Author: Katherine Simmons, Open Space and Recreation Planner  
Manager: Brett Sherar, Unit Manager, Open Space and Recreation  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

This report provides information requested by Council in relation to the rocket ship play equipment at Lions Park Long Jetty and amendments to any place spaces within the Region since the amalgamation of the *former Wyong Shire Council and Gosford City Council* to February 2019.

### **Recommendation**

***That Council receive and note the report on Rocket Ship Park - Lions Park Long Jetty.***

### **Background**

At its meeting on 11 March 2019, Council resolved as follows:

- 196/19 Council notes that the rocket ship in Lions Park Long Jetty is an essential piece of community infrastructure that many past, present and future generations of Central Coast residents can enjoy as a site of recreation with their families and friends for free in our community.*
- 197/19 Council notes with concern suggestions in local media outlets that the rocket ship is set to be removed and notes that a petition is being collected to save the rocket ship at Lions Park Long Jetty.*
- 198/19 Council notes community concern over the alteration and removal of many parks, play equipment and associated infrastructure across the Central Coast since amalgamation.*
- 199/19 Council provide councillors with a briefing and report back to council on alterations, amendments, additions or removals of play equipment and associated structures at public parks and recreation areas across the Central Coast LGA since amalgamation to February 2019. That this briefing and report come back to council within the next 3 months, ie by the final council meeting in May 2019.*

### 5.3 Rocket Ship Park - Lions Park Long Jetty (contd)

200/19 *Subsequent to the briefing and report back to council that council re-establish a playground committee (comprised of interested community members and councillors) such as the one that existed in the former Gosford Council and exists in other Councils across the state and nation.*

In response to Item 199/19 above, and in particular, alterations, amendments, additions or removal of play equipment and associated structures at public parks and recreation areas across the Central Coast LGA since amalgamation to February 2019 the following infrastructure is provided:

<b>New Playspaces</b>	<b>Suburb</b>	<b>Comments</b>
Xavier Park - Sorrento Way	Hamlyn Terrace	New park & playspace 2018/19
Isaac park - Sorrento Way	Hamlyn Terrace	New park & playspace 2018/19
Fairmont Boulevard Park	Hamlyn Terrace	New park & playspace 2018/19
Matron Simpson Reserve	The Entrance North	New play space
Walter & Edith Denniss Park Playspace	The Entrance North	New play space

<b>Local Playspaces replaced</b>	<b>Suburb</b>	<b>Comments</b>
Rysdyk Parade	Wamberal	Replaced 2016/17
Pangari Close Playspace	Wyoming	Replaced 2016/17
Mulloway Road Foreshore Playspace	Chain Valley Bay Nth	Replaced 2016/17
Sullens Avenue	East Gosford	Replaced 2016/17
Bayside Drive Play Space	Green Point	Replaced 2016/17
Dean Avenue Reserve Playspace	Kanwal	Replaced 2016/17
Parry Park Playspace	Kariong	Replaced 2016/17
Avery Street Reserve Playspace	Killarney Vale	Replaced 2016/17
Long Jetty Foreshore, Opposite Archbold St	Long Jetty	Replaced 2016/17
Earl Street Play Space	Shelly Beach	Replaced 2016/17
Tuesday Street Park Playspace	Tuggerawong	Replaced 2016/17
Trafalgar Ave Play Space (Runway Park)	Woy Woy	Replaced 2016/17
Cheero Point Park Playspace	Cheero Point	Replaced 2016/17
Jarra Park Playspace	Kariong	Replaced 2016/17
Nullawa Park Playspace	Kariong	Replaced 2016/17
Couche Park Playspace	Koolewong	Replaced 2016/17
Cambourn Drive Park Playspace	Lisarow	Replaced 2016/17
Pearl Beach Tennis Playspace	Pearl Beach	Replaced 2016/17
Mahogany Close Park Playspace	Springfield	Replaced 2016/17

## 5.3

## Rocket Ship Park - Lions Park Long Jetty (contd)

<b>New Playspaces</b>	<b>Suburb</b>	<b>Comments</b>
Cowper Road Park Playspace	Umina Beach	Replaced 2016/17
Lioness Park	Gwandalan	Replaced 2016/17
Lake Haven Rec Centre	Lake Haven	Replaced 2016/17
Wallaby Street Playspace	Blackwall	Replaced 2017/18
Lady Laurel Drive Playspace	Blue Haven	Replaced 2017/18
Mootay Close Reserve Playspace	Buff Point	Replaced 2017/18
Lions Park Chittaway Bay Playspace	Chittaway Bay	Replaced 2017/18
Skyhawk Close Reserve Playspace	Hamlyn Terrace	Replaced 2017/18
Cutrock Park Playspace	Ourimbah	Replaced 2017/18
Drummer Parry Park Playspace	Terrigal	Replaced 2017/18
Owen Avenue Reserve Playspace	Wyong	Replaced 2017/18
The Cottage Park Playspace	Bateau Bay	Replaced 2017/18
The Entrance Memorial Park Playspace	The Entrance	Replaced 2017/18
Terrigal Rotary Park Playspace	Terrigal	Replaced 2017/18
Alan Davidson Park Playspace	Wyoming	Replaced 2017/18
Gosford Lions Park Playspace	Gosford	Replaced 2018/19
Saratoga Oval	Saratoga	Replaced 2018/19
Heazlett Park Playspace	Avoca Beach	Being replaced 2018/19
Bateau Bay Mini Park Playspace	Bateau Bay	Replaced 2018/19
Marsden Road Reserve	Blue Haven	Replaced 2018/19
Joshua Porter Reserve Playspace	Chain Valley Bay Sth	Replaced 2018/19
Shaun Brinklow Park Playspace	Copacabana	Being replaced 2018/19
Bronzewing Drive Reserve Playspace	Erina	Replaced 2018/19
Ashwood Reserve Playspace	Glenning Valley	Replaced 2018/19
Killarney Vale Foreshore Reserve Playspace	Killarney Vale	Being replaced 2018/19
James Vale Reserve Playspace	Mannering Park	Replaced 2018/19
Irene Parade Reserve Playspace	Noraville	Being replaced 2018/19
Lara Close Reserve Playspace	Ourimbah	Replaced 2018/19
Wendy Drive Bush Reserve Playspace	Point Clare	Replaced 2018/19
W L Lloyd Park Playspace	Umina Beach	Being replaced 2018/19
Goondari Reserve Playspace	Green Point	Replaced 2018/19
Long Jetty Foreshore, Opposite Pacific St	Long Jetty	Replaced/relocated 2018/19
Benavie Reserve Playspace	Macmasters Beach	Being replaced 2018/19

### 5.3 Rocket Ship Park - Lions Park Long Jetty (contd)

<b>New Playspaces</b>	<b>Suburb</b>	<b>Comments</b>
Patonga Beach Foreshore	Patonga	Being replaced 2018/19
Toukley Village Green Playspace	Toukley	Being replaced 2019/20
Gavenlock Avenue	Narara	Being replaced 2019/20
Pinyary Close Playspace	Kincumber	Being replaced 2019/20
Goonak Parade	Narara	Being replaced 2019/20
Lentara Road Playspace	Umina Beach	Being replaced 2019/20
Brisbane Avenue Playspace	Umina Beach	Being replaced 2019/20

<b>Partial Replacements or Additions</b>	<b>Suburb</b>	<b>Comments</b>
Turo Reserve Playspace	Pretty Beach	Gym equipment installed 2017/18
Maidens Brush Oval Playspace	Wyoming	New swings installed 2016/17
Swadling Park Recreation Facilities	Blue Bay	Picnic Facilities 2017/18
Myrtle Brush Park Playspace	Berkeley Vale	Rubber Replaced 2018/19
Canton Beach Foreshore Reserve (1) Regional	Canton Beach	Rubber being replaced 2018/19
Jarrett Street Reserve Playspace	Gosford	Rubber Replaced 2018/19
Baker Park Playspace	Wyong	Rubber being replaced 2018/19
Patonga Camping Ground	Patonga	Replaced climbing net and shade sail 2017/18
Woy Woy Lions Park	Woy Woy	Shade shelter only 2017/18
Terilbah Reserve Playspace	The Entrance North	Installed new nest swing 2017/18
Woodward Ave	Wyong	New path for Playspace 2017/18
Sea Breeze Ave / Broadwater Park	Kincumber	Installed fitness equipment 2016/17 Being replaced - Rubber and See Saw 2018/19

<b>Playspaces replaced as outdoor Gym</b>	<b>SUBURB</b>	<b>Comments</b>
Ross Park Playspace	Avoca Beach	New outdoor Gym
EDSACC Oval	Bateau Bay	New outdoor Gym
Killcare Surf Club	Killcare	New outdoor Gym
Willari Ave and Apará Close	Narara	Relocated - outdoor Gym
Peninsula Recreation Precinct	Umina Beach	New outdoor Gym 2016/17

<b>District Playspaces Replaced</b>	<b>Suburb</b>	<b>Comments</b>
Greenvale Road Park Playspace	Green Point	Replaced 2016/17
Yarram Road Play Space	Bensville	Replaced 2017/18

### 5.3 Rocket Ship Park - Lions Park Long Jetty (contd)

<b>New Playspaces</b>	<b>Suburb</b>	<b>Comments</b>
Mitchell Park Playspace	Narara	Replaced 2017/18

<b>Playspaces Upgraded to District</b>	<b>Suburb</b>	<b>Comments</b>
Kurraba Oval Playspace	Berkeley Vale	Upgraded 2016/17
Campbell Parade Park Playspace	Mannering Park	Upgraded 2017/18

<b>Playspaces Removed</b>	<b>Suburb</b>	<b>Comments</b>
Bundilla Parade	Berkeley Vale	Equipment Removed - Nature Play installed
Solstice Pl	St Huberts Island	Equipment Removed - Nature Play installed
Wamberal Memorial Hall Playspace	Wamberal	Proposed removal – Miracle Swing Only
Walder Crescent Playspace	Avoca Beach	Removed – Miracle Swing Only
Delaware Avenue	Niagara Park	Removed – Miracle and Jnr Swing Only
Orange Parade	Wyoming	Removed – Miracle Swing Only
Bellbird Park	Terrigal	Removed – Move to Drummer Parry
Australia Avenue Park Playspace	Umina Beach	Removed
Long Jetty Foreshore, Opposite Surf Street	Long Jetty	Replaced with new one opposite Elsiemer St

A briefing on this matter was provided to Councillors on 8 April 2019.

In response to Item 200/19 above, the Committee will be re-established as the Councillor Briefing and Report have now been provided.

#### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal L: Healthy lifestyle for a growing community**

L1: promote healthy living and ensure sport, leisure, recreation and aquatic facilities and open spaces are well maintained and activated.

#### **Attachments**

*Nil.*



**Item No:** 6.1  
**Title:** QON - Q44/19 - Electronic slow down traffic signs on Walker Avenue Kanwal  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13548917

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## **6.1 QON - Q44/19 - Electronic slow down traffic signs on Walker Avenue Kanwal**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 11 March 2019:

*Has Council identified additional sites or plans to implement these electronic slow down speed signs in other streets in Kanwal or nearby suburbs particularly streets that have previously been raised as streets that some motorists are speeding excessively and been referred to the Traffic Committee in the past?*

The illuminated advisory signs currently installed in Walker Avenue adjacent to the pedestrian refuge and in the vicinity of the Wallarah Road intersection have been installed on a trial basis as an alert to motorists of pedestrians in the area.

Also on a trial basis is the provision of vehicle activated speed signage in local roads where excessive speed has been identified and other measures such as standard static traffic signage and linemarking have not improved the adherence to the posted speed limit and/or limited opportunity is available to provide other traffic calming measures. The trial of this vehicle activated speed signage will see the signage temporarily installed and then rotated throughout identified local roads in the Central Coast Region with an aim to reduce speed and improve safety for all road users. Traffic volumes and speed data is collected through the use of this signage and allows for further analysis of traffic data to be undertaken whilst also assisting in measuring the trial's success.

Vehicle activated speed signage is currently in place in Hiawatha, Hakone and Mataram Roads, Warnervale with additional sites currently identified at Walker Avenue, Kanwal, Hillview Street and Dunban Road, Woy Woy and Lakedge Avenue, Berkeley Vale. It is anticipated that additional locations will be added to the trial program as they are identified.

### **Attachments**

*Nil.*



**Item No:** 6.2  
**Title:** QON - Q55/19 - Gwandalan and Summerland Point Peninsula Improvement Group  
**Department:** Connected Communities

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13538781

Author: Teresa Walters, Section Manager, Communication and Engagement

Manager: Sue Ledingham, Unit Manager Community Engagement

Executive: Julie Vaughan, Director Connected Communities

## **6.2 QON - Q55/19 - Gwandalan and Summerland Point Peninsula Improvement Group**

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 25 March 2019:

*Could staff please advise if a response will be provided, in the near future, to the Gwandalan and Summerland Point Peninsula Improvement Group (GASPPIG) Executive (Tony Kirby, President and Bill Symington, Secretary) addressing the groups 15 questions that were emailed to Council regarding statutory obligations under the Local Government Act to publicly notify residents and ratepayers of specific Council matters.*

Council staff met with Gwandalan and Summerland Point Peninsula Improvement Group (GASPPIG) in April 2019 and responded to the groups' fifteen questions. The meeting addressed and explained Council's statutory obligations around public notification of specific Council matters. Council provided meeting notes to GASPPIG which notes three actions for Council to help improve communication of Council matters. Council has commenced 12 of 15 actions and has communicated again with the group via email on 20 May 2019 to keep them informed of the progress of the actions.

### **Attachments**

*Nil.*



**Item No:** 6.3  
**Title:** QON - Q59/19 - Empire Bay  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13548812

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

### **6.3 QON - Q59/19 - Empire Bay**

The following question was asked by Councillor Jilly Pilon at the Ordinary Meeting on 25 March 2019:

*Can Council assess the extent of drainage issue at Boongala Ave in Empire Bay?*

Boongala Avenue has flat natural topography and is a low lying area. During periods of heavy rainfall and tidal fluctuations, nuisance flooding can occur. This localised flooding (ponding water) can be slow to drain due to the minimal natural fall in either direction. In addition, the drains may become charged with water at high tide which further reduces the capacity of the existing drainage system.

Due to the low lying nature of the area, installation of a piped drainage system is unlikely to improve the drainage of the area. Therefore, the existing roadside table drains are considered to be the most effective means of drainage in Boongala Avenue.

Council's Maintenance staff carry out routine maintenance inspections, including a review of the table drains, as part of the area maintenance program. Any works identified are prioritised on a risk basis with the highest priority works undertaken and the remainder monitored or scheduled for future maintenance or repairs.

The localised flooding being experienced predominantly occurs within the road reserve and does not enter habitable residences. Should any resident experience issues at their property due to the stormwater, they are invited to contact Council via our customer service platforms to make a report for investigation and action.

#### **Attachments**

*Nil.*



**Item No:** 6.4  
**Title:** QON - Q63/19 - Gosford Hospital Parking Arrangements  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13551406

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

#### **6.4 QON - Q63/19 - Gosford Hospital Parking Arrangements**

The following question was asked by Councillor Jeff Sundstrom at the Ordinary Meeting on 25 March 2019:

*New parking arrangements at Gosford Hospital have upset quite a number of staff and they are currently boycotting the location. They had questions about whether paid or timed parking was going to be introduced on Racecourse Road. Do we have plans or investigations going into either paid or timed parking on Racecourse Road or in the vicinity of the Hospital?*

Council currently has no plans to install parking meters or timed parking in Racecourse Road, Gosford or in the vicinity of the Gosford Hospital.

As part of the development of an overall parking strategy across the local government region, investigations are underway for various options to address growing demand for parking in key centres, such as the Gosford CBD. A report presented to Council on 29 October 2018 on the Central Coast Parking Strategy - Part 1: Short Term Gosford CBD Strategy identified the introduction of metered on-street parking within the Gosford commercial core as one option to improve parking availability. In relation to this report it was identified that this option requires further analysis and community consultation. A medium to long timeframe was assigned to this option.

Should metered or timed parking be considered an option in the long term parking strategy, the community will have the opportunity to provide feedback during public exhibition prior to Council's consideration for adoption of the strategy.

#### **Attachments**

*Nil.*



**Item No:** 6.5  
**Title:** QON - Q67/19 - Dredging  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13525602

Author: Peter Sheath, Section Manager, Waterways

Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection

Executive: Scott Cox, Director, Environment and Planning

## **6.5 QON - Q67/19 - Dredging**

The following question was asked by Councillor Marquart at the Ordinary Meeting on 8 April, 2019 :

*It was resolved during the 8 October 2018 Council Meeting that the Chief Executive Officer would develop a business case in regards to the Central Coast Council owning or leasing a suitable dredge that could meet the waterway dredging needs of the Central Coast and could also be leased to alternate entities. When will this business case be tabled to Councillors?*

A report in response to the *Notice of Motion – Central Coast Dredging* adopted by Council on 8 October 2018 is being prepared and will provide information regarding the feasibility of dredging across the entire LGA.

To supplement this report, Council has commissioned GHD consultants, to provide a report to assess the feasibility of dredging at The Entrance and review methods, machinery and costs. GHD are aiming to provide the draft report to Council by late May 2019.

A report, with the consultant's report attached, will be submitted to Council once the consultant's report has been received and finalised. At this stage it is anticipated that the report will be presented to Council in June 2019.

### **Attachments**

*Nil.*



**Item No:** 6.6  
**Title:** QON - Q74/19 - Tuggerah Lakes  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13525608

Author: Peter Sheath, Section Manager, Waterways

Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection

Executive: Scott Cox, Director, Environment and Planning

## **6.6 QON - Q74/19 - Tuggerah Lakes**

The following question was asked by Councillor McLachlan at the Ordinary Meeting on 8 April, 2019 :

*There is a federal election coming up. Just wondering what funding arrangement have we requested for the Tuggerah Lakes management? I understand our funding arrangement is running out in the next 12 months. What do we have in place for current submissions?*

Prior to the recent Federal Election, both the Liberal and Labor parties committed \$4.7 million towards funding for Tuggerah Lakes. The details of this proposed funding following the election result are not available at the time of writing.

Since the completion of the Tuggerah Lakes Estuary Management Plan in 2006, Council has received \$26.25 million in Federal grant funding to support implementation of various aspects of the Plan. The majority of this funding has been directed to the Federal electorate of Dobell only.

This includes the current \$3m Improving your Local Parks and Environment grant, which is in Year 2 of the 3 year program. This is in addition to the internal Council budget of around \$5 million per year for estuary improvement works across the Central Coast.

The NSW State Coast and Estuary Grant Program provides matched funding to implement actions identified in a certified Coastal Zone Management Plan (CZMP) / Coastal Management Program (CMP). This includes \$9.5 million under their planning stream to formulate new CMPs and to transition CZMPs to CMPs. There is also a further \$63.2 million available to implement actions coming out of certified CMPs and CZMPs. Coast and Estuary Grants are open throughout the year.

The Tuggerah Lakes Estuary Management Plan (EMP) is 13 years old and is due for review - this will be completed through transitioning the EMP to the new CMP model. The Tuggerah Lakes Estuary Management Plan has been significantly implemented with good results, and it is time now to review and redefine management objectives and actions for the future. Council has a budget for development of a Scoping Study (step 1 in the CMP process) and will be seeking matched funding through the Coast and Estuary Grants Program as required to complete the CMP process.

In addition, in February this year the Environment Minister announced \$200,000 to be provided to the NSW Government (formerly the Office of Environment and Heritage) to fund a committee to assist with managing the estuary. Council will work with the NSW Government as required to implement this commitment.

**Attachments**

*Nil.*



**Item No:** 6.7  
**Title:** QON - Q75/19 - Warnervale Leisure and Aquatic Centre  
**Department:** Connected Communities

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13538861

Author: Phil Cantillon, Unit Manager, Leisure and Lifestyle

Executive: Julie Vaughan, Director Connected Communities

## **6.7 QON - Q75/19 - Warnervale Leisure and Aquatic Centre**

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 8 April 2019:

*Council is progressing a new leisure and aquatic centre for Warnervale. Would staff please identify the potential site locations that are being investigated?*

A new leisure and aquatic centre has been proposed for the northern part of the Central Coast since 2004, following an initial feasibility study. In 2018 a strategic analysis was completed of the current leisure and aquatic provision in the northern region, including identifying what future provision would be needed considering the forecasted population growth.

Currently no site location is confirmed for the facility. A detailed briefing on the current status and future opportunities for the development and construction of a leisure and aquatic facility in the northern region of the Central Coast with Councillors is planned for July 2019.

### **Attachments**

*Nil.*



**Item No:** 6.8  
**Title:** QON - Q76/19 - Gosford Chambers  
**Department:** Governance

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13545608

Author: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Evan Hutchings, Director Governance

## **6.8 QON - Q76/19 - Gosford Chambers**

The following question was asked by Councillor Greenaway at the Ordinary Meeting on 8 April 2019:

*Council is progressing changes to the work environment in Gosford Chambers in order to meet its OHS obligations. Is there estimate available as to when meetings will resume there?*

It is expected that work would have commenced by the beginning of June.

This is work that has been identified as necessary that is unrelated to the original resolution of Council to undertake a Security Audit. This unrelated work has impacted the timeframe for having meetings at Gosford as work has not been able to progress on the elements required to meet the Work Health and Safety improvements identified through the Security Audit.

If the works required progresses without delay or issues, it should take no more than three weeks to complete.

### **Attachments**

*Nil.*



**Item No:** 6.9  
**Title:** QON - Q77/19 - Sparks Road  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13548868

Author: Jeanette Williams, Unit Manager, Roads Business Development  
and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## **6.9 QON - Q77/19 - Sparks Road**

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 8 April 2019:

*Residents at Bruce Crescent, Wallarah have been experiencing long delays and great difficulty in making right hand turns onto Sparks Road due to heavy vehicle conditions on Sparks Road. Could staff please advise if the Council or RMS can remedy the situation with signage or traffic lights?*

Council Officers have had recent discussions with residents of Bruce Crescent regarding their concerns with making right turn movements onto Sparks Road, Wallarah from Bruce Crescent.

In particular, the residents are concerned with the wait time during peak periods for motorists making right hand turn movements from Bruce Crescent onto Sparks Road. Deceleration lanes are provided on Sparks Road for traffic exiting Sparks Road into Bruce Crescent, however it is noted that there is no provision for vehicle storage bays on Sparks Road for motorists exiting Bruce Crescent. Therefore turning movements from Bruce Crescent onto Sparks Road must be made in one manoeuvre when travel lanes are clear in both directions. Sparks Road is classified as a State Road and therefore comes under the care and control of the Roads and Maritime Services. Any request for improvements to this intersection is a matter for consideration of the Roads and Maritime Services. To assist in this matter, Council Officers have written to the local office of the Roads and Maritime Services seeking the matter be investigated with a response provided directly to the residents.

Additionally, the matter was raised at the Local Traffic Committee meeting held on 10 April 2019. Roads and Maritime Services representatives have been requested to provide an update on the progress of this matter at the next Local Traffic Committee meeting to be held in June 2019.

### **Attachments**

*Nil.*



**Item No:** 6.10  
**Title:** QON - Q82/19 - Wrack Harvester  
**Department:** Environment and Planning

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00042 - D13536516  
Author: Peter Sheath, Section Manager, Waterways  
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection  
Executive: Scott Cox, Director Environment and Planning

## **6.10 QON - Q82/19 - Wrack Harvester**

The following question was asked by Councillor Doug Vincent at the Ordinary Meeting on 29 April 2019:

*Council currently has an aged wrack harvester (in excess of 20 years old ) that requires replacing as it breaks down regularly and has high maintenance costs. Could staff please advise when a report will come to the chamber outlining the most cost effective and efficient technologies for approved wrack harvesting in the Tuggerah Lakes Estuaries?*

Council has commissioned GHD consultants, to provide a report on wrack and algae collection in Tuggerah Lakes and review methods, machinery and costs. GHD are aiming to provide the draft report to Council by late May 2019.

A report will be submitted to Council once the consultant's report has been received and finalised. At this stage it is anticipated that the report will be presented to Council in June 2019.

### **Attachments**

*Nil.*



**Item No:** 6.11  
**Title:** QON - Q84/19 - Wyoming Road Footpath  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13552175

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## **6.11 QON - Q84/19 - Wyoming Road Footpath**

The following question was asked by Councillor Kyle MacGregor at the Ordinary Meeting on 29 April 2019:

*Does Council have any plans for the construction of a footpath along Wyoming Road, Wyoming? I have been informed by residents that this street has been in need of a footpath for multiple decades and plans have previously been made but not implemented by the former Gosford City Council. In the event that we do not presently have plans for the construction of a footpath on Wyoming Road, what needs to occur to address the lack of this footpath that residents are requesting in their area?*

Requests for infrastructure, including footpath, are listed for consideration of funding through Council's Capital Works Program. All works are prioritised against technical criteria which results in a ranking of projects. As funding is limited, budget allocations are made to projects with the highest ranking.

The provision of footpath in local streets is generally provided as part of a road reconstruction project which also includes street drainage, kerb and gutter and new road pavement. The topography and need to adjust private accesses to facilitate a footpath in Wyoming Road dictates that the provision of this footpath be provided as part of a larger road reconstruction project.

This project has been assessed and listed for consideration of funding in line with the abovementioned process. Based on its current ranking, the project is not currently identified within the forward ten year capital works program and may not be undertaken for many years.

### **Attachments**

*Nil.*



**Item No:** 6.12  
**Title:** QON - Q88/19 - Wards Hill Road, Empire Bay  
**Department:** Roads Transport Drainage and Waste

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13548837

Author: Jeanette Williams, Unit Manager, Roads Business Development and Technical Services

Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## **6.12 QON - Q88/19 - Wards Hill Road, Empire Bay**

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on 29 April 2019:

*Can Council advise when the final surface and lane markers be painted on Wards Hill Road in Empire Bay?*

As part of Council's 2018/19 Operational Plan, funding has been allocated to carry out work on Wards Hill Road, Empire Bay which consists of reconstruction of the road pavement followed by resurfacing of the road. Council Officers have completed the reconstruction of the road pavement in preparation for the resurfacing of the road.

This project has been selected to use a road surfacing product called 'Reconophalt', which is made from recycled soft plastic, glass, material from toner cartridges and recycled asphalt. This resurfacing work is scheduled to be undertaken on 2 and 3 June 2019, weather permitting.

Following the completion of the resurfacing works, it is anticipated that the line marking will be installed within the next four weeks.

### **Attachments**

*Nil.*



**Item No:** 7.1  
**Title:** Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations  
**Department:** Councillor

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13557850

Author: Jillian Hogan, Councillor

### Summary

At the Council Meeting of 27 May 2019, Council resolved:

*471/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### Recommendation

- 1 That Council receive the report on Deferred Item – Notice of Motion – San Remo BMX Park – Congratulations.**
- 2 That Council notes the ‘signature’ sports facility located at Highview Avenue San Remo; commonly known as the Extreme Sports Park and its transformation to the San Remo BMX Park.**
- 3 That Council is to be congratulated for the work undertaken, against all adversity from previous Councils, in successfully providing a state of the art facility for not just the region, but the state.**
- 4 That Council acknowledge staff for their vision, determination, expertise and sheer hard work in progressing the track and working closely with the community to develop the track and club.**
- 5 That Council notes with appreciation that this facility has been designed as a state level track where riders at all levels from novice to professionals can ride, compete and succeed.**
- 6 That Council acknowledges the significant contribution made by local community organisation’s and residents who have helped to make the park a reality.**
- 7 That Council recognises that investing in community projects such as the San Remo BMX Park, builds stronger and safer communities, contributes to the local economy, highlights the strength of the Coast, boosts tourism and creates stronger**

**7.1 Deferred Item - Notice of Motion - San Remo BMX Park - Congratulations  
(contd)**

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*families.*

- 8** *That Council recognises this model as a fantastic example of best practice and what can be achieved when Council and community truly work together for the greater good and into the future.*

**Attachments**

- 1** Deferred Item 7.1 - Notice of Motion - San Remo BMX Park -  
Congratulations

D13557868



**Item No:** 7.1  
**Title:** Notice of Motion - San Remo BMX Park - Congratulations  
**Department:** Councillor

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27 May 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13540436

Author: Jillian Hogan, Councillor

Councillor Hogan has given notice that at the Ordinary Meeting to be held on 27 May 2019 she will move the following motion:

- 1** *That Council notes the 'signature' sports facility located at Highview Avenue San Remo; commonly known as the Extreme Sports Park and its transformation to the San Remo BMX Park.*
- 2** *That Council is to be congratulated for the work undertaken, against all adversity from previous Councils, in successfully providing a state of the art facility for not just the region, but the state.*
- 3** *That Council acknowledge staff for their vision, determination, expertise and sheer hard work in progressing the track and working closely with the community to develop the track and club.*
- 4** *That Council notes with appreciation that this facility has been designed as a state level track where riders at all levels from novice to professionals can ride, compete and succeed.*
- 5** *That Council acknowledges the significant contribution made by local community organisation's and residents who have helped to make the park a reality.*
- 6** *That Council recognises that investing in community projects such as the San Remo BMX Park, builds stronger and safer communities, contributes to the local economy, highlights the strength of the Coast, boosts tourism and creates stronger families.*
- 7** *That Council recognises this model as a fantastic example of best practice and what can be achieved when Council and community truly work together for the greater good and into the future.*

#### Attachments

Nil.



**Item No:** 7.2  
**Title:** Deferred Item - Notice of Motion - Innovation and Futures Reference Group  
**Department:** Councillor

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13557885

Author: Jane Smith, Mayor

### **Summary**

At the Council Meeting of 27 May 2019, Council resolved:

*472/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item – Notice of Motion – Innovation and Futures Reference Group.**
- 2 That Council establish an Innovation and Futures Reference Group to provide input and advice to the newly created Innovation and Futures Directorate.**
- 3 The Innovation and Futures Reference Group will be responsible for providing advice and feedback on strategic matters such as:**
  - i. development of a long term Strategy for the Coast with a ten year plus time horizon.**
  - ii. building a sustainable and innovative economy on the Central Coast.**
  - iii. helping develop new and innovative technologies and businesses to create jobs for the future.**
  - iv. delivering the objectives of the Community Strategic Plan (CSP)'s green and smart themes.**
  - v. ensuring Council leads the way and by example in sustainable practices including energy efficiency measures in Council facilities.**
- 4 Membership of the Reference Group is to include the Mayor, nominated Councillors, Chief Executive Officer, expert members invited from academic**

**7.2 Deferred Item - Notice of Motion - Innovation and Futures Reference Group (contd)**

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*institutions and others with relevant knowledge, skills and / or experience.*

**5** *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and a process to determine membership of the Reference Group.*

**6** *The Chief Executive Officer provide a further report to Council by the first Ordinary meeting in August, 2019.*

**Attachments**

**1** Deferred Item 7.2 - Notice of Motion - Innovation and Futures Reference Group D13557888

**Item No:** 7.2  
**Title:** Notice of Motion - Innovation and Futures Reference Group  
**Department:** Councillor

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27 May 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13540691

Author: Jane Smith, Mayor

Mayor Jane Smith has given notice that at the Ordinary Meeting to be held on 27 May 2019 she will move the following motion:

### **Recommendation**

- 1** *That Council establish an Innovation and Futures Reference Group to provide input and advice to the newly created Innovation and Futures Directorate.*
- 2** *The Innovation and Futures Reference Group will be responsible for providing advice and feedback on strategic matters such as:*
  - i.** *development of a long term Strategy for the Coast with a ten year plus time horizon.*
  - ii.** *building a sustainable and innovative economy on the Central Coast.*
  - iii.** *helping develop new and innovative technologies and businesses to create jobs for the future.*
  - iv.** *delivering the objectives of the Community Strategic Plan (CSP)'s green and smart themes.*
  - v.** *ensuring Council leads the way and by example in sustainable practices including energy efficiency measures in Council facilities.*
- 3** *Membership of the Reference Group is to include the Mayor, nominated Councillors, Chief Executive Officer, expert members invited from academic institutions and others with relevant knowledge, skills and / or experience.*
- 4** *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and a process to determine membership of the Reference Group.*
- 5** *The Chief Executive Officer provide a further report to Council by the first Ordinary meeting in August, 2019.*

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**7.2 Notice of Motion - Innovation and Futures Reference Group (contd)**

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**Background**

On 10 September, 2018 Council adopted an organisation structure that included the establishment of an Innovation and Futures Directorate. It was noted in the Council report that the proposed new department will ensure that Central Coast Council is clearly focusing on the future of the Coast with a 10+ year time horizon guiding their work.

Australia's population, particularly in the cities and regions is growing at a rapid rate. On the Central Coast, the population is projected to increase by approximately 75,000 by 2035. The need to accommodate more people with appropriate housing, infrastructure and local employment is driving research and investment in smart and sustainable city strategies.

There is now significant Government funding for 'Smart Cities' with the Australian Government establishing the Smart Cities and Suburbs Program in 2016 with an initial investment of \$50 million. This initiative aims to support projects applying smart technology, people-focused designs, and data to improve liveability of metropolitan and regional areas.

There is also a great deal of interest, research and investment in innovation and future/smart cities in Australia at this time. It is recommended that Council utilise the expertise available from a range of organisations via a formal reference group. It is anticipated that this Group may be flexible in its membership as expertise in different areas will be required at different times. Membership of the Reference Group will be via direct invitation or an Expression of Interest process.

**Attachments**

*Nil.*



**Item No:** 7.3  
**Title:** Deferred Item - Notice of Motion - Water Management Committee  
**Department:** Councillor

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13557901

Author: Jane Smith, Mayor

### **Summary**

At the Council Meeting of 27 May 2019, Council resolved:

*473/19 It is noted that Council resolved to defer this item as follows:*

*That Council defer the consideration of items 4.10, 4.11, 4.12, 5.2, 7.1, 7.2 7.3 and 8.1 to the Ordinary Meeting to be held on 11 June 2019.*

### **Recommendation**

- 1 That Council receive the report on Deferred Item – Notice of Motion – Water Management Committee.**
- 2 That Council establish a Central Coast Water Management Advisory Committee (CCWMAC).**
- 3 The Advisory Committee will be responsible for providing advice and feedback to Council on the management of the water supply and related matters including, but not limited to:**
  - i. promoting the efficient delivery of the water supply, sewerage and drainage services for the long-term interests of consumers with respect to price, quality, safety, reliability and security of supply.***
  - ii. maximising water conservation, demand management and the use of recycled water.***
  - iii. total catchment management and consideration of the entire water cycle.***
  - iv. community education on the sustainable use of water.***
  - v. implementation of Water Sharing Plans relevant to the Central Coast.***
  - vi. development of the Integrated Water Management Plan with a long term focus.***

**7.3 Deferred Item - Notice of Motion - Water Management Committee  
(contd)**

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- 4** *Membership of the Committee is to comprise the Mayor, nominated Councillors, the CEO and committee members with knowledge, skills and / or experience that can contribute to the functions and deliberations of the committee including social, economic and environmental considerations.*
- 5** *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and an Expression of Interest Process for the Water Management Advisory Committee.*
- 6** *A further report come back to Council no later than the last Ordinary meeting of July, 2019.*

**Attachments**

- 1** Deferred Item 7.3 - Notice of Motion - Water Management Committee      D13557894

**Item No:** 7.3  
**Title:** Notice of Motion - Water Management Committee  
**Department:** Councillor

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27 May 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13540710

Author: Jane Smith, Mayor

Mayor Jane Smith has given notice that at the Ordinary Meeting to be held on 27 May 2019 she will move the following motion:

#### **Recommendation**

- 1** *That Council establish a Central Coast Water Management Advisory Committee (CCWMAC).*
- 2** *The Advisory Committee will be responsible for providing advice and feedback to Council on the management of the water supply and related matters including, but not limited to:*
  - i. promoting the efficient delivery of the water supply, sewerage and drainage services for the long-term interests of consumers with respect to price, quality, safety, reliability and security of supply.*
  - ii. maximising water conservation, demand management and the use of recycled water.*
  - iii. total catchment management and consideration of the entire water cycle.*
  - iv. community education on the sustainable use of water.*
  - v. implementation of Water Sharing Plans relevant to the Central Coast.*
  - vi. development of the Integrated Water Management Plan with a long term focus.*
- 3** *Membership of the Committee is to comprise the Mayor, nominated Councillors, the CEO and committee members with knowledge, skills and / or experience that can contribute to the functions and deliberations of the committee including social, economic and environmental considerations.*
- 4** *That the Chief Executive Officer work with interested Councillors to develop a Terms of Reference and an Expression of Interest Process for the Water Management Advisory Committee.*

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**7.3 Notice of Motion - Water Management Committee (contd)**

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- 5** *A further report come back to Council no later than the last Ordinary meeting of July, 2019.*

**Background**

Central Coast Council is responsible for the delivery of water supply and sewerage services within the Central Coast Local Government Area and is the third largest urban water supply system in NSW. Managing the security of the water supply is a key priority of the community as identified in the Community Strategic Plan.

In 1977 the former Gosford and Wyong Councils entered into an agreement – the Gosford and Wyong Council Joint Water Supply Agreement - to construct, operate, maintain and share costs of the water supply on the Central Coast. This agreement was administered by a Joint Water Supply Committee.

In 2006 the Central Coast Water Corporation Act passed establishing a Central Coast Water Authority. The principal objective of the Authority, under this Act was to promote the efficient delivery of water supply, sewerage and drainage services for the long-term interests of consumers with respect to price, quality, safety reliability and security of supply. Although a Board was established it did not evolve into a complete operation.

At the time of amalgamation the former Gosford Council Water Supply Authority and Wyong Council Water Supply Authority were formed as a single Water Authority under Central Coast Council.

Due to the importance of the water supply system as an essential service and the desire to maximise community engagement, it is recommended that a Water Management Advisory Committee be established.

**Attachments**

*Nil.*



**Item No:** 7.4  
**Title:** Notice of Motion - Emergency Desal Delivery Schedule  
**Department:** Councillor

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2019/00041 - D13564616

Author: Greg Best, Councillor  
Troy Marquart, Councillor

Councillors Best and Marquart have given notice that at the Ordinary Meeting to be held on 11 June 2019 they will move the following motion:

- 1** *That this Council supports and recognises the outstanding contribution of the former Wyong Shire Council and the then Central Coast Water Authority for their leadership and legacy around water security that secured formal Approvals to construct the Emergency Lakes Beach Desalination Plant.*
- 2** *That as our anchor water supply Mangrove Creek Dam (MCD) continues to dwindle, Council now moves to begin the formal process to make 'shovel ready' the Desalination Plant.*
- 3** *That Staff report to Council on the current status of this critical infrastructure initiative covering but not limited to, Desal trigger points, rolling budget allocations, designs, approvals, tender process, construction scheduling, commissioning and estimated annual water yield including any agreements to reciprocate supply to the Hunter via the upgraded northern pipeline.*
- 4** *That Council understands that a protracted continuation of the prevailing weather conditions would likely result in the need to manufacture drinking water and that design, construct and commissioning of such a Desalination Plant would take some years despite approvals already being secured by the former Wyong Shire Council.*

#### **Attachments**

*Nil.*

**Item No:** 8.1  
**Title:** Rescission Motion - Draft Aviation HUB  
**Department:** Councillor

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11 June 2019 Ordinary Council Meeting

Trim Reference: F2018/00020-07 - D13563267

Author: Greg Best, Councillor  
Troy Marquart, Councillor  
Bruce McLachlan, Councillor

Council, at the Ordinary Meeting held on 27 November 2017 gave consideration to a report regarding Draft Central Coast Aviation HUB Concept Plan – Proposed Public Consultation.

At that meeting, Council resolved as follows:

- 756/17 *That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 *That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 *That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 *That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 *That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 761/17 *That Council reallocate the Budget for the Airport of \$6 million to employment generating projects across the former Wyong Shire with staff to prepare a strategy and report to council by the 12th February meeting for approval of the strategy.*
- 762/17 *That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17 *That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*
- 764/17 *That Council staff prepare a report to protect the Porters Creek Wetland, as*

*per item 8, and the report be brought back to council for approval on the 26th February meeting.*

A Rescission Motion has been received from Councillors Best, Marquart and McLachlan to be moved at the Ordinary Council Meeting of Council to be held on Tuesday, 11 June 2019, as follows:

*MOVE that the following resolution in part carried at the Ordinary Meeting of Council held on 27 November 2017 be rescinded:*

- 756/17 That Council fully support the Warnervale Airport Restrictions Act (WAR Act) (1996).*
- 757/17 That Council not approve any development at the Warnervale Airport which is not consistent with the WAR Act (1996).*
- 758/17 That Council not immediately extend or remove the current 1196 metre runway.*
- 759/17 That Council not alter the position, length, width, thickness or strength of the current runway.*
- 760/17 That Council immediately suspend all works, land acquisitions and expenditure on the Central Coast Airport, except where those works are required by law or the suspension of those works would put Council in breach of existing contractual obligations and/or expose Council to claims for damages or variation under any such contract.*
- 762/17 That Council maintain the current site zoning, unaltered and not approve rezoning to SP2.*
- 763/17 That Council permanently protect all of the Porters Creek wetland owned by Council and south of the current runway, from development for biodiversity, emergency drinking water supply and protection of the water quality into the Tuggerah Lakes Estuary.*

Should the above Rescission Motion be carried, further notice is given that Councillors Best, Marquart and McLachlan will move the following motion:

*MOVE*

- 1 That Council recognises its fundamental obligation to consult with its community and that this corner stone of good governance is enshrined in regulation.*
- 2 That further Council notes that these principles were of significant community*

*interest and indeed a key contributor in the lead up to the 2017 council elections.*

- 3 *That Council recognises that the new central coast airport is of regional significance and is now an infrastructure asset servicing some 350,000 coast residents.*
- 4 *That, it is with this understanding, that Council now engage formally with its community for the first time on this issue through an independently conducted statistically valid survey seeking direction and better understanding on community expectations.*
- 5 *That prior to conducting any such consultation process all survey questions be the subject of a full council briefing with selected survey specialists.*
- 6 *That subject to the independent survey results Council formally reconsider its position with a view to exhibiting the current central coast draft airport masterplan or move for a total cessation of all uncontracted activities/obligations at the central coast airport.*