



Central
Coast
Council

Welcome to Central Coast Council

Central Coast Council
Business Paper
Ordinary Council Meeting
24 September 2018



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Meeting Notice

**The Ordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
2 Hely Street, Wyong on
Monday 24 September 2018 at 6.30pm,
for the transaction of the business listed below:**

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Gary Murphy
Chief Executive Officer

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



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13324323

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*

1.1 Disclosure of Interest (contd)

- (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 (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

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13324325



Summary

Confirmation of minutes of the Ordinary Meeting of the Council held on 10 September 2018.

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 10 September 2018.

Attachments

1 MINUTES - Ordinary Meeting - 10 September 2018 D13325233



Central Coast Council

Minutes of the Ordinary Meeting of Council

Held in the Council Chamber
49 Mann Street, Gosford
on 10 September 2018
Commencing at 6.30pm

Present

Mayor Jane Smith and Councillors Greg Best, Jillian Hogan, Doug Vincent, Louise Greenaway, Kyle McGregor, Bruce McLachlan, Jeff Sundstrom, Rebecca Gale Collins, Chris Holstein, and Richard Mehrtens.

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Acting Director Assets, Infrastructure and Business), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning) and Brian Glendenning (Executive Manager Governance).

The Mayor, Jane Smith, declared the meeting open at 6.32pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

The Mayor, Jane Smith read an acknowledgement of country statement.

At the commencement of the ordinary meeting report no's 4.3, 7.2, 7.4 and 7.6 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

Apologies

Councillors Burke, Marquart, Matthews and Pilon.

1.1 Disclosure of Interest

3.2 CPA/1028 - Tender Evaluation - Construction of San Remo Boat Ramp, Car Park and Jetty

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she lives, works and plays in San Remo. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

4.1 Structure Review

Boris Bolgoff declared a significant non-pecuniary interest in this item as he holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Mr Bolgoff left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

Scott Cox declared a significant non-pecuniary interest in this item as he holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Mr Cox left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

Julie Vaughan declared a significant non-pecuniary interest in this item as she holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Ms Vaughan left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

4.3 Request to Name Park - Corner Coburg and Wells Streets East Gosford

Mayor Smith declared a significant non-pecuniary interest in the matter as Sue Chidgey who has been driving the campaign was on Mayor Smith's Council election team and Mayor Smith was also on the campaign to save the reserve. Mayor Smith left the Chamber at 6.42pm, returning at 7.01pm and did not participate in discussion and voting.

7.1 Deferred Item - Notice of Motion - Local Employment

Councillor Best declared a pecuniary interest in the matter because he is the General Manager of Central Coast Group Training that provides apprentices to Council. Councillor Best left the chamber at 10.23pm, returning at 10.40pm and was absent for the vote.

7.4 Notice of Motion - Salvinia Molesta in Springfield

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she is a former voluntary member of Landcare NSW State Executive. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

7.6 Notice of Motion - New Regional Council to demand better deal for Central Coast Fisherman

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as the guest speaker, Scott Thorrington, is a relative by marriage. Councillor McLachlan chose to remain in the Chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

Mayor Smith declared a less than non-significant non-pecuniary interest in the matter as she knows some dive shop owners and commercial fishers through her personal interest in diving. Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

893/18 That Council receive the report on Disclosure of Interest and note advice of disclosures.

For:
Unanimous

Deputy Mayor Holstein presented a Certificate of Appreciation awarded to Council from MAX Potential, and acknowledged the staff members involved.

Procedural Motion – Address by Invited Speakers

Resolved

Moved: Councillor McLachlan
Seconded: Councillor Vincent

894/18 That Council invite the following speakers to address Council;

SPEAKERS	REPORT
Joy Cooper For the recommendation	Item 4.3 - Request to Name Park - Corner Coburg and Wells Streets East Gosford
Diana Gosling For the recommendation	Item 7.2 - Notice of Motion - Central Coast Water Security, Risk Minimisation
Glenys Ray For the recommendation	Item 7.4 - Notice of Motion - Salvinia Molesta in Springfield

SPEAKERS	REPORT
Malcolm Poole For the recommendation	Item 7.6 - Notice of Motion - New Regional Council to demand better deal for Central Coast Fisherman
Scott Thorrington For the recommendation	Item 7.6 - Notice of Motion - New Regional Council to demand better deal for Central Coast Fisherman

For:
Unanimous

Procedural Motion – Suspension of Standing Orders
Resolved

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

895/18 That Council suspend standing orders and consider items 4.2, 7.2, 7.4 and 7.6 after each speaker address and then the remaining items in agenda sequence.

For:
Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Councillor MacGregor left the chamber at 8.32pm and did not vote.

Moved: **Mayor Smith**
Seconded: **Councillor Gale Collins**

Resolved

896/18 That Council confirm the amended minutes of the Ordinary Meeting of the Council held on 27 August 2018 with the following items corrected within the minutes;

- **Item 2.2 – Gosford DCP Exhibition**
- **Item 2.1 – Deferred Item - Mayoral Minute - Review of Community Facilities**
- **Item 4.6 – Councillor Gale Collins abstained from voting on the item**

For:
Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session**Moved: Mayor Smith****Seconded: Councillor Holstein****Resolved****897/18 That Council receive the report and note that no matters have been tabled to deal with in a closed session.****For:****Unanimous****Procedural Motion – Exception****Resolved****Moved: Mayor Smith****Seconded: Councillor Gale Collins****898/18 That with the exception of the following reports, Council adopt the recommendations contained in the remaining reports:**

Item 3.1 - CPA/293081 - Tender Sporting Facilities - Construction Don Small Oval Clubhouse
Item 4.1 - Structure Review
Item 4.2 - Sister City Relationship - Review of Former Sister Cities
Item 4.4 - Lifeguard Patrols at The Grant McBride Baths
Item 4.6 - Meeting Record of the Employment and Economic Development Committee held on 5 July 2018
Item 4.7 - Terms of Reference - Community Strategic Plan Community Reference Group (Implementation)
Item 5.1 - Reports Due to Council
Item 5.2 - Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 August 2018
Item 5.3 - Fire Safety Inspection Report for Recycling and Recovery - 12 Gibbens Road West Gosford
Item 5.6 - Response to Notice of Motion - Homeless Concerns
Item 7.1 - Deferred Item - Notice of Motion - Local Employment
Item 7.3 - Notice of Motion - Central Coast City Council? Civic Pride and Regional Identity
Item 7.5 - Notice of Motion - Central Coast Workers Memorial
Item 7.7 - Notice of Motion - Wildlife on Roads - Danger

899/18 That Council adopt the following items en-masse and in accordance with the report recommendations:

Item 2.1 -	Mayoral Minute - Central Coast Tourism Advisory Committee
Item 3.2 -	CPA/1028 - Tender Evaluation - Construction of San Remo Boat Ramp, Car Park and Jetty
Item 4.5 -	Meeting Record of the Heritage Advisory Committee held on 4 July 2018
Item 5.4 -	Fire Safety Inspection Report - 75 Pile Road Somersby
Item 5.5 -	Fire Safety Inspection Report for Materials Recycling Facility at 95 Wisemans Ferry Road Somersby

For:
Unanimous

2.1 Mayoral Minute - Central Coast Tourism Advisory Committee

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

900/18 Tourism is an area that has the potential to provide economic growth and employment opportunities for the Central Coast. There are a number of different organisations and stakeholders involved in promoting and supporting tourism in the region. This motion seeks to increase collaboration and communication to maximise the benefits of tourism for the region.

901/18 The establishment of a Tourism Advisory Committee will provide opportunities to:

- **Increase collaboration amongst all stakeholders in promoting and supporting sustainable tourism**
- **Improve two-way communication amongst stakeholders**
- **Draw on a broad range of expertise and experience from our tourism sector**

For:
Unanimous

3.1 CPA/293081 - Tender Sporting Facilities - Construction Don Small Oval Clubhouse

Moved: Councillor MacGregor

Seconded: Councillor Greenaway

Resolved

902/18 That Council reject all tenders received for Contract CPA/1028 – Construction of Don Small Oval clubhouse, in accordance with cl. 178(1)(a) of the Local Government (General) Regulation 2005 (“the LG Regulation”).

903/18 That Council resolve for the purpose of cl.178(3) of the LG Regulation, to cancel the contract.

904/18 That Council resolve, for the purpose of s.11(3) of the Local Government Act 1993, that attachment 1 remain confidential, because that attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

For:

Unanimous

Motion of Dissent

Resolved

Moved: Councillor MacGregor

Seconded: Councillor Vincent

I move dissent from the Chairperson’s ruling in respect of the decision to close debate regarding item 3.1 - CPA/293081 - Tender Sporting Facilities - Construction Don Small Oval Clubhouse.

For:

Councillors MacGregor, Greenaway and Vincent

Against:

Councillors Holstein, McLachlan and Best

Abstained:

Councillors Mehrtens, Sundstrom, Gale Collins and Hogan

The motion was put to the vote and declared CARRIED by the Mayor.

3.2 CPA/1028 - Tender Evaluation - Construction of San Remo Boat Ramp, Car Park and Jetty

Councillor Hogan declared a less than significant non-pecuniary interest in the matter as she lives, works and plays in San Remo. Councillor Hogan chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: **Mayor Smith**

Seconded: **Councillor Gale Collins**

Resolved

905/18 That Council reject all tenders received for Contract CPA/1028 – Construction of San Remo Boat Ramp, Car Park and Jetty, in accordance with cl. 178(1)(b) of the Local Government (General) Regulation 2005("the LG Regulation").

906/18 That Council invite, in accordance with clause 167, 168 or 169 of the LG Regulation, fresh tenders based on different details.

For:

Unanimous

4.1 Structure Review

Boris Bolgoff declared a significant non-pecuniary interest in this item as he holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Mr Bolgoff left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

Scott Cox declared a significant non-pecuniary interest in this item as he holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Mr Cox left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

Julie Vaughan declared a significant non-pecuniary interest in this item as she holds a Senior designated position in the organisation structure and this item proposes changes to that part of the structure. Ms Vaughan left the chamber at 9.03pm and returned at 9.24pm and did not participate in discussion or the voting.

Moved: **Councillor Best**

Seconded: **Councillor Greenaway**

Resolved

907/18 That the Council note that a review of the organisation structure of Council has been completed, in compliance with s. 333 of the Local Government Act 1993.

- 908/18** *That the Council resolve, pursuant to s. 332(1) of the Local Government Act 1993, that the organisation structure of Council (as it relates to senior staff positions) is, from 1 November 2018, to be amended as set out in Diagram Two of this report.*

For:

Unanimous

4.2 Sister City Relationship - Review of Former Sister Cities

Moved: **Mayor Smith**

Seconded: **Councillor MacGregor**

Resolved

- 909/18** *That Council request the Mayor and Chief Executive Officer to enter into discussions with the Gosford Sister City Association about future roles, responsibilities and opportunities.*
- 910/18** *That Council request the Chief Executive Officer negotiate and enter into a partnership agreement with Walgett Shire Council to promote cultural and sporting exchanges.*
- 911/18** *That Council request the Chief Executive Officer to investigate the continuation of the Sister City relationships with Nitra, Slovakia.*
- 912/18** *That Council request the Chief Executive Officer to bring any further requests for Sister City arrangements to Council for consideration.*

A division was called by Councillors Best and Gale Collins

For:

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

Against:

**Councillors Best, Gale Collins and
McLachlan**

4.3 Request to Name Park - Corner Coburg and Wells Streets East Gosford

Joy Cooper addressed Council at 6.42pm.

Mayor Smith declared a significant non-pecuniary interest in the matter as Sue Chidgey who has been driving the campaign was on Mayor Smiths Council election team and Mayor Smith was also on the campaign to save the reserve. Mayor Smith left the Chamber at 6.42pm, returning at 7.01pm and did not participate in discussion and voting.

Moved: **Councillor MacGregor**

Seconded: **Councillor Vincent**

Resolved

913/18 That Council requests that the Chief Executive Officer submit an application to the Geographical Names Board for the naming of the reserve on the corner of Coburg and Wells Streets, East Gosford to 'East Gosford Community Reserve', to include the additional land known as Lot 1, DP1027281.

914/18 That Council request the Chief Executive Officer to provide a report on the status of any plan of management and any proposed review.

For:

Unanimous

4.4 Lifeguard Patrols at The Grant McBride Baths

Moved: **Councillor Hogan**

Seconded: **Councillor Best**

Resolved

915/18 That Council request the Chief Executive Officer continue the current level of service at the Grant McBride Baths, with the Baths patrolled from September to April annually.

916/18 That Council request the Chief Executive Officer commence a lifeguard at the Grant McBride Baths from April to September for five hours a day for a trial period of one year with a review period after the initial twelve months.

917/18 That Council request the Chief Executive Officer to monitor usage of the Grant McBride Baths during winter.

918/18 That Council request the Chief Executive Officer submit a report on the impact and merits to the community.

For:

Unanimous

4.5 Meeting Record of the Heritage Advisory Committee held on 4 July 2018

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

919/18 That Council note the Meeting Record of the Heritage Advisory Committee held on 4 July 2018 that is Attachment 1 to this report.

920/18 That Council adopt the Terms of Reference for the Heritage Advisory Committee, as set out in Attachment 2 to this report.

921/18 That Council appoint Councillor Jeff Sundstrom as the Chairperson for the Heritage Advisory Committee.

For:
Unanimous

4.6 Meeting Record of the Employment and Economic Development Committee held on 5 July 2018

Moved: Councillor McLachlan
Seconded: Councillor MacGregor

Resolved

922/18 That Council note the Meeting Record of the Employment and Economic Development Committee held on 5 July 2018 that is Attachment 1 to this report.

923/18 That Council adopt the Draft Terms of Reference of the Employment and Economic Development Committee, as set out in Attachment 2 to this report.

924/18 That Council appoint Mayor Jane Smith as the Chairperson for the Employment and Economic Development Committee.

For:
Mayor Smith and Councillors Holstein, Mehrstens, Sundstrom, MacGregor, McLachlan, Greenaway, Vincent, Hogan and Best

Abstain:
Councillor Gale Collins

4.7 Terms of Reference - Community Strategic Plan Community Reference Group (Implementation)

Moved: Mayor Smith**Seconded: Councillor MacGregor****Resolved**

925/18 That Council endorse the updated Terms of Reference for the Community Strategic Plan Community Reference Group (Attachment 1) with the following amendments:

- **Remove reference to interagency collaboration;**
- **Remove F5.**

926/18 That Council confirm existing members (subject to their approval), for year one implementation of the Community Strategic Plan.

927/18 That Council note that any Councillor is able to attend a meeting of the CRG as an observer.

928/18 That Council request the Chief Executive Officer submit a report to Council following each meeting of the CRG.

For:**Unanimous****5.1 Reports Due to Council**

Moved: Mayor Smith**Seconded: Councillor MacGregor****Resolved**

929/18 That Council note the report on Reports Due to Council with the addition of;

845/17 That Council prepare a strategy for the future management of short term accommodation to come back to Council in July 2018.

For:**Unanimous**

5.2 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 August 2018

Moved: Mayor Smith
Seconded: Councillor Sundstrom

Resolved

930/18 That Council receive the report on the Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 8 August 2018 with the following amendment to be listed under item 4 (not item 5):

- **The Mayor advised that Council staff and Councillors do have concerns surrounding the Gosford Revitalisation mechanisms and as such Council has put in a submission raising these concerns.**

Action: Advisory Group Support Officer to forward submission to Advisory Group members.

For:
Unanimous

5.3 Fire Safety Inspection Report for Recycling and Recovery - 12 Gibbens Road West Gosford

Moved: Mayor Smith
Seconded: Councillor Mehrtens

Resolved

931/18 That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with s.17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.

932/18 That Council request the Chief Executive Officer to submit a further report to the next Council meeting in accordance with s.17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.

For:
Unanimous

5.4 Fire Safety Inspection Report - 75 Pile Road Somersby

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

- 933/18** That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with s.17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.
- 934/18** That Council request the Chief Executive Officer to submit a further report to the next Council meeting in accordance with s.17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.

For:
Unanimous

5.5 Fire Safety Inspection Report for Materials Recycling Facility at 95 Wisemans Ferry Road Somersby

Moved: Mayor Smith
Seconded: Councillor Gale Collins

Resolved

- 935/18** That Council note the content of the Fire Safety Report from Fire and Rescue NSW in accordance with s.17(2)(a) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.
- 936/18** That Council request the Chief Executive Officer to submit a further report to the next Council meeting in accordance with s.17(2)(b) of Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979.

For:
Unanimous

5.6 Response to Notice of Motion - Homeless Concerns

Moved: Councillor Holstein
Seconded: Councillor Vincent

Resolved

- 937/18** That Council request the Chief Executive Officer submit a further report on Homeless Concerns in line with the following resolutions from the Ordinary Meeting of Council held on 12 June 2018;

- 1 That Council make urgent representation to State Government to:**
 - a) Form an assertive Outreach Team for the Central Coast to tackle the issue of homeless (sleeping rough) in Council parks, reserves and in cars as a matter of priority.**
 - b) Council seek support from local members of Parliament.**
 - c) That Council advise all local non-government agencies of the request and seek their support.**
- 2 That Council continues to take part in actions that are within its jurisdiction in regard to illegal camping and caring for these individuals.**
- 3 That Council invite the Minister for Family and Community Services and Social Housing, the Hon Pru Goward MP, to the Central Coast and advocate for an assertive outreach pilot program to assist homelessness in the Central Coast region.**

For:

Unanimous

Procedural Motion – Extend Meeting to Consider Items

Moved: Mayor Smith

Seconded: Councillor Gale Collins

Resolved

938/18 That Council extend the Ordinary Meeting of Council to consider Items 7.1, 7.3, 7.5, 7.7 and Questions on Notice in accordance with the adopted Code of Meeting Practice.

For:

Unanimous

7.1 Deferred Item - Notice of Motion - Local Employment

Councillor Best declared a pecuniary interest in the matter because he is the General Manager of Central Coast Group Training that provides apprentices to Council. Councillor Best left the chamber at 10.23pm, returning at 10.40pm and was absent for the vote.

Moved: **Councillor Hogan**

Seconded: **Councillor MacGregor**

Resolved

939/18 *That Council note the deferred Notice of Motion – Local Employment report which is Attachment 1 to this report.*

940/18 *That Council notes and thanks staff for the comprehensive report received regarding our employment position.*

941/18 *That Council notes that under the Local Government Act and the sections that apply to the amalgamation, external advertising of vacancies cannot occur unless the General Manager (Chief Executive Officer) is satisfied that we have no suitable internal (employee) applicants. This applies until May 2019, 3 years after the date of amalgamation.*

942/18 *That Council notes that our numbers for apprenticeships, traineeships, internships and scholarships are exceptionally low.*

943/18 *That Council requests the Chief Executive Officer to report back to Council within 3 months with a review of Council's approach to employing apprentices and trainees.*

944/18 *That Council requests the Chief Executive Officer also report on the recruitment methods for internships and scholarships and what current partnerships are in place with the TAFE and University.*

945/18 *That Council requests the Chief Executive Officer to continue to develop a workforce strategy that better reflects the demographics of the Central Coast including actively seeking a diverse workforce and continuing to strive towards being an equal opportunity employer.*

946/18 *That Council demonstrates leadership and a commitment to young people and diversity by highlighting successes.*

For:

Unanimous

7.2 Notice of Motion - Central Coast Water Security, Risk Minimisation

Diana Gosling addressed Council at 7.02pm

Moved: Councillor Best

Seconded: Councillor Holstein

- 1 That Council notes New South Wales is now declared 100% drought affected and that the driving El Nino weather pattern appears to be prevailing.
- 2 That Council now, in response, proactively and responsibly considers all water security options for our 339,000 residents and ratepayers.
- 3 That Council, further to the valuable lessons learnt around the crippling 2002 Central Coast drought, now review its water restrictions pathways with a view to raising the first restriction trigger level from 42%.
- 4 That Council request the Chief Executive Officer report to Council on our general water security status and risk minimisation opportunities including an update around Councils water 'safetynet', Lakes Beach Desal Facility.

Amendment Moved: Councillor Sundstrom

Amendment Seconded: Councillor MacGregor

- 1 That Council notes New South Wales is now declared 100% drought affected and that extreme weather patterns appear to be prevailing resulting in less (than traditionally expected) annual rainfall.
- 2 That in response, Council now proactively and responsibly consider all water security options to optimise:-
 - a Water usage on the output side.
 - b Protect current and seek out alternate sources for water collection on the input side.
- 3 That Council review its water restrictions pathways with a view to adopting the most suitable and timely triggers for all levels of water restrictions.
- 4 That Council request the CEO report to Council on our general water security status and risk minimisation opportunities. Such a report should pay particular attention to the looming threats to our water security including;
 - a The possible approval of the Wallarah 2 Coal Mine and its effects on our water supply.
 - b Climate Change.

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

Against:
Councillors Best and Gale Collins

The amendment was put to the vote and CARRIED, thereby becoming the motion. The motion was then put.

Moved: *Councillor Sundstrom*
Seconded: *Councillor MacGregor*

Resolved

947/18 *That Council notes New South Wales is now declared 100% drought affected and that extreme weather patterns appear to be prevailing resulting in less (than traditionally expected) annual rainfall.*

948/18 *That in response, Council now proactively and responsibly consider all water security options to optimise:-*

a Water usage on the output side.

b Protect current and seek out alternate sources for water collection on the input side.

949/18 *That Council review its water restrictions pathways with a view to adopting the most suitable and timely triggers for all levels of water restrictions.*

950/18 *That Council request the Chief Executive Officer report to Council on our general water security status and risk minimisation opportunities. Such a report should pay particular attention to the looming threats to our water security including;*

a The possible approval of the Wallarah 2 Coal Mine and its effects on our water supply.

b Climate Change.

For:
Unanimous

7.3 Notice of Motion - Central Coast City Council? Civic Pride and Regional Identity

Moved: Councillor Best

Seconded: Councillor Gale Collins

- 1 That Council recognizes the importance of engendering and fostering community pride and regional identity through civic and community leadership.
- 2 That Council request the Chief Executive Officer investigate the rationale, benefits/dis-benefits of our region taking up city status.
- 3 That Council, with this understanding, request the Chief Executive Officer to report on these issues around identity.
- 4 That Council request the Chief Executive Officer report on issues around developing a suitable Council emblem, Civic coat of arms and an overall regional identity.

For:
Councillors Holstein, Gale Collins, McLachlan
and Best

Against:
Mayor Smith and Councillors Mehrstens,
Sundstrom, MacGregor, Greenaway, Vincent
and Hogan

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

7.4 Notice of Motion - Salvinia Molesta in Springfield

Glenys Ray addressed Council at 7.28pm.

Councillor Greenaway declared a less than significant non-pecuniary interest in the matter as she is a former voluntary member of Landcare NSW State Executive. Councillor Greenaway chose to remain in the chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

- 1 That Council investigate what State or Federal grants may be available to assist Council with environmental works such as ridding Council lands in Springfield of the aquatic fern known as Salvinia Molesta. Locations of infestations already identified are the Springfield Pond off Robinia Pde and Barinya Lane.
- 2 That Council apply for such grants whilst acting swiftly to stop these infestations and further/other infestations in Springfield or where ever they may appear.

Amendment Moved: Councillor Gale Collins

Amendment Seconded: Councillor Best

- 1 That Council remove sufficient amounts of the *Salvinia Molesta* within existing budget allocations (that doubles in size every 3 days) from the Springfield Pond off Robinia Parade and Barinya Lane, and Holgate Pond off Gooriwa Road and Murina Close in Holgate (subject to being on Council land).
- 2 That Council removes the *Ludwigia Peruviana* weed.
- 3 That Council request the Chief Executive Officer provide a report should this be unable to occur.
- 4 That Council liaise with staff from Greater Sydney Local Land Services and Department Primary Industries, whilst simultaneously investigating what State or Federal grants may be available to assist Council with these operational environmental maintenance tasks.

For:

Mayor Smith and Councillors Sundstrom, Gale Collins, McLachlan, Greenaway, Best and Hogan

Against:

Councillors Holstein and Vincent
Abstain: Councillors MacGregor and Mehrtens

The amendment was put to the vote and CARRIED, thereby becoming the motion. The motion was then put.

Moved: Councillor Gale Collins

Seconded: Councillor Best

Resolved

- 951/18 That Council remove sufficient amounts of the *Salvinia Molesta* within existing budget allocations (that doubles in size every 3 days) from the Springfield Pond off Robinia Parade and Barinya Lane, and Holgate Pond off Gooriwa Road and Murina Close in Holgate (subject to being on Council land).**
- 952/18 That Council removes the *Ludwigia Peruviana* weed.**
- 953/18 That Council request the Chief Executive Officer provide a report should this be unable to occur.**
- 954/18 That Council liaise with staff from Greater Sydney Local Land Services and Department Primary Industries, whilst simultaneously investigating what State or Federal grants may be available to assist Council with these operational environmental maintenance tasks.**

For:

Mayor Smith and Councillors Sundstrom, Mehrtens, Gale Collins, MacGregor, McLachlan, Greenaway, Hogan and Best

Against:

Councillors Holstein and Vincent

7.5 Notice of Motion - Central Coast Workers Memorial

Moved: Councillor MacGregor
Seconded: Councillor Mehrtens

Resolved

- 955/18** That Central Coast Council recognises the memorial wall located at Lot 1 DP837937 No10 Chittaway Road, Ourimbah as the region's official memorial for the commemoration of International Workers' Memorial Day (IWMD) which is observed on the 28th of April each year.
- 956/18** That Council notes that commemoration of IWMD has occurred at the location every year since 2006.
- 957/18** That Council notes that the maintenance of the wall will be the responsibility of the New South Wales Union movement represented by Unions NSW and Central Coast Unions (Central Coast Trades and Labor Council).
- 958/18** That Council will continue to be responsible for maintenance of the grounds around the wall.
- 959/18** That Council will acknowledge the memorial and International Workers Memorial Day on its website.
- 960/18** That Council request the above to be implemented by CEO Gary Murphy and further consultation and action as required be conducted with relevant parties to ensure the official acknowledgement of the site as well as its preservation and upkeep be conducted for this important memorial for Central Coast residents who have died at work or in a workplace accident.

For:
 Mayor Smith and Councillors Holstein,
 Mehrtens, Sundstrom, MacGregor,
 McLachlan, Greenaway, Vincent, Hogan
 and Best

Abstain:
 Councillor Gale Collins

7.6 Notice of Motion - New Regional Council to demand better deal for Central Coast Fisherman

Scott Thorrington addressed Council at 8.09pm.

Malcolm Poole addressed Council at 8.17pm.

Councillor McLachlan declared a less than significant non-pecuniary interest in the matter as the guest speaker Scott Thorrington is a relative by marriage. Councillor McLachlan chose to remain in the Chamber and participate in discussion and voting as the conflict does not impede his ability to carry out his duties.

Mayor Smith declared a less than non-significant non-pecuniary interest in the matter as she knows some dive shop owners and commercial fishers through her personal interest in diving. Mayor Smith chose to remain in the Chamber and participate in discussion and voting as the conflict does not impede her ability to carry out her duties.

Moved: **Councillor McLachlan**

Seconded: **Councillor Best**

Resolved

961/18 *That Council acknowledges the concern of many local residents, of loss of angling rights to certain areas of the Central Coast in the current proposal for the Sydney Marine Park, and that fishing has always been and remains, a major core recreational activity of our Central Coast lifestyle.*

962/18 *That Council make a submission to the NSW government on the Marine Parks proposal*

a providing in principle support for the establishment of marine parks in the Hawkesbury Shelf Bioregion

b supporting the need for ongoing consultation and negotiation with fishers and all stakeholders on the proposed locations.

c requesting the NSW State Government consider the construction and placement of artificial fishing reef or reefs, of the Central Coast, the same as other Regions in consideration in the Marine Park Proposal.

963/18 *That Council request the NSW government to recognise our new Regional status, and that the Central Coast be given the same considerations and support, in boosting recreational fishing and tourism activities on the Central Coast as Newcastle's and Wollongong are receiving under the Marine Park Proposal.*

For:

Unanimous

7.7 Notice of Motion - Wildlife on Roads - Danger

Moved: Councillor Sundstrom

Seconded: Councillor MacGregor

Resolved

964/18 *That Council request the Chief Executive Officer to investigate erecting suitable wildlife warning signs at appropriate locations along, but not limited to, the following roads: Oak Road, Wattle Tree Road, Paroo Road and Coachwood Road so as to alert drivers of the presence and risk of wildlife entering onto the driving surfaces and, if deemed appropriate, the matter be referred to the Central Coast Council Local Traffic Committee for consideration.*

For:

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

Against:

Councillor Best

Abstain: Councillor Gale Collins

Questions on Notice

Q157/18 QON - Extension from the DPE on the Exhibition of the Gosford CBD
Mayor Jane Smith

At the last meeting Council resolved to request an extension from DPE on the Exhibition of the Gosford CBD and for DPE to hold two Community Consultation workshops. Can the CEO provide an update on whether we have a response from Department of Planning?

Scott Cox provided a response: *nothing in writing to date, but a verbal response from the Department of Planning and Environment response was no to an extended period for the Exhibition.*

Q158/18 QON - Tender - Vacant Kiosk
Councillor Richard Mehrstens

What is the current status of the tender for the vacant kiosk at Woy Woy Oval? When can the community expect the facility to be put to its intended and proper use?

Q159/18 QON - Southend Carpark Avoca Beach
Councillor Jeff Sundstrom

I was made aware through social media of a situation that has upset, financially penalised and inconvenienced many beach goers at Avoca Beach this past weekend.

It relates to the closure of the Southend Carpark overflow during a period when that beach was particularly well attended (Burns St).

The car park was closed, there were many beach goers if they came by car, choices were limited to parking illegally, parking far from the beach, overstay in timed parking and not using the beach and to go elsewhere. If the overflow was open there would have been many more vehicles suitably parked.

What are the policies that apply for making this parking facility available? How can we better utilise this parking area?

Q160/18 QON - Signage
Councillor Rebecca Gale Collins

Can Council investigate the boat trailer signage for parking in the skillion Terrigal as we need more visible signage for people to be more aware.

Q161/18 QON - MOU Darkinjung LALC
Councillor Rebecca Gale Collins

Can I please get an update on the Memorandum of Understanding with Darkinjung LALC

Mayor Smith provided a response: Meeting scheduled with the Chief Executive Officer, Mayor Smith and Darkinjung on 2 October 2018, where they will be signing the Memorandum of Understanding.

Q162/18 QON - Fire Safety
Councillor Kyle MacGregor

Central Coast Council have been requested to provide the NSW fire safety and external cladding taskforce with a list of public and private buildings that may have cladding similar to that was involved in the Grenfell tower disaster (cladding that is of an aluminium composite material similar to those used on the Grenfell tower). Are there public and private buildings within the Central Coast Council area which have already been identified by NSW fire and rescue service and made known to Council as requiring further assessment? If so, what are the addresses of these buildings? Furthermore, is the Council involved in any action to be taken or contemplated to be taken to strip off external cladding from public and private buildings in our local government area?

Q163/18 QON - Ask Service
Councillor Kyle MacGregor

From September 9th 2017 to September 9th 2018 how many requests from the community through the Ask service have been received and how many have been responded to? In addition to community correspondence, how many requests have been received by councillor support from councillors and how many have been responded to and acted on in this time period?

Q164/18 QON - Fish Cleaning Tables and Water Pressure
Councillor Bruce McLachlan

People are concerned about hygiene because they can't get enough water pressure on the fish cleaning tables at Terrigal Haven and Norah Head while trying to clean fish. Could we please review the water pressure on the tables to adequately clean the fish?

Q165/18 QON - Grant to Water not Coal
Councillor Bruce McLachlan

Could the \$200,000 grant to the Water Not Coal legal fund come from the \$17 million proceeds of the sale of the land at Kangi Angi? Asked previously, but never got an answer.

Q166/18 QON - Airport Masterplan
Councillor Louise Greenaway

I understand that Central Coast Council have spent \$450,000 on the airport master plan – what resolution of the former Wyong Council or of Mr Reynolds under the administration period resolved to progress the airport proposal and to prepare this master plan?

Q167/18 QON - Item 6.2 Clarification
Councillor Louise Greenaway

I seek clarification of an answer in tonight's business paper - item 6.2 – the answer for questions 76/18 and 81/18 was combined and I seek confirmation from staff that the airport phone survey provided in the answer to 76/18 relates to a proposal to develop Bushells Ridge, not Warnervale Airport. And I also ask where in the answer is the actual answer to question 81/18?

Q168/18 QON - Sound on Webcasting - 10 September 2018
Councillor Doug Vincent

Local residents have advised the live video webcast did not have sound for the first 30 minutes to 1 hour of the Council Meeting tonight. Could staff please check why the sound was not working to ensure it does not happen again at future Council Meetings?

Q169/18 QON - Update on Councils Abandoned Boat Policy
Councillor Doug Vincent

Could staff please provide an update on Council's abandoned boat policy? (Particularly on Lakeshore reserves).

- 1 *Is there a Wyong and Gosford policy, or have the two policies been merged?*
- 2 *Are the Council's resources allocated to enact or enforce the policy? *

Q170/18 QON - Clubhouse at Budgewoi
Councillor Jillian Hogan

Would staff please assess the Slade Park Rugby Clubhouse at Budgewoi with the view to ascertain; what repairs are needed, what repairs Council can provide, what repairs are achievable by the club and advise the club members of what grants are available for specific repairs and possible infrastructure?

Q171/18 QON - Kerbside Waste
Councillor Jillian Hogan

Residents are continuing to raise concerns about the amount of kerbside waste still littering our streets? What strategies are we implementing to reduce waste on our streets and what alternate strategies are we investigating?

The Meeting closed at 11.20 pm.

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



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13324330

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: 8.1

Title: Response to Notice of Motion - Council After Hours Call Centre Relocated to Central Coast

Reason for considering in closed session:

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.

Item: 8.2

Title: Snowy Hydro Scheme Legacy Fund

Reason for considering in closed session:

2(e) contains commercial information of a confidential nature that if disclosed would prejudice the commercial position of the person who supplied it and/or confer a commercial advantage on a competitor of the Council.

Context

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

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

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: Deferred Item - Mayoral Minute - Review of Community Facilities
Department: Councillor



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13328544

Author: Jane Smith, Mayor

Council, at its meetings held 13 August 2018 resolved:

That Council defer Item 2.2 - Mayoral Minute - Review of Arrangements for Council Community Facilities to the Ordinary Meeting of Council to be held on 24 September 2018.

Recommendation

- 1** *That Council note the deferred Mayoral Minute – Review of Arrangements for Council Community Facilities report which is Attachment 1 to this report.*
- 2** *That Council establish a working group comprising interested Councillors and relevant staff to undertake a review of the use and management of community facilities.*
- 3** *That Council engage with the community in order to identify key issues and determine the scope of the review.*
- 4** *That Council request the CEO to engage an appropriate consultant to assist with the review.*
- 5** *That Council be provided with a progress report at the first meeting in February, 2019 outlining key actions and milestones in the review process.*

Attachments

- 1** Mayoral Minute - Review of Arrangements for Council Community Facilities

D13294074

Item No: 2.2
Title: Mayoral Minute - Review of Arrangements for Council Community Facilities
Department: Councillor



13 August 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13294074

Author: Jane Smith, Mayor

In recent years, there has been a high level of community concern about changes in the way that Council manages community facilities. These concerns have included changes to the management structure of facilities, a move between leases and licenses and changes to pricing structures.

The purpose of this motion is to undertake a review of the issues that have been raised by the community and put forward a model for the future.

I formally move;

- 1 That Council establish a working group comprising interested Councillors and relevant staff to undertake a review of the use and management of community facilities.***
- 2 That Council engage with the community in order to identify key issues and determine the scope of the review.***
- 3 That Council request the CEO to engage an appropriate consultant to assist with the review.***
- 4 That Council be provided with a progress report at the last meeting in November, 2018 outlining key actions and milestones in the review process.***

Attachments

Nil.

Item No: 3.1
Title: Acquisition of Land at Somersby Industrial Park for Road Widening
Department: Assets, Infrastructure and Business



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00119 - D13284841

Author: Julie Tattersall, Property Officer Land Sales Acquisitions

Manager: Paul Forster, Section Manager, Property and Infrastructure

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Report Purpose

Approval is sought to acquire land at 231 and 241 Wisemans Ferry Road, Somersby for road widening.

Recommendation

1 That Council acquire the following land as public road:

Part Lot 4 DP 1117622 at 231 Wisemans Ferry Road, Somersby

Part Lot 1 DP 595392 at 241 Wisemans Ferry Road, Somersby.

2 That Council proceed to compulsorily acquire the land in the event that negotiations with the property owners cannot be satisfactorily resolved.

3 That Council apply to the Minister for Local Government for the approval of the Minister and the consent of the Governor in order to proceed with the compulsory acquisition, pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Context

Somersby Industrial Park was created in the 1970s. A Service Contribution Agreement was set in place between NSW Planning and Environment and the then Gosford City Council. The Service Contribution Agreement identified future infrastructure requirements. The Somersby Industrial Park – Infrastructure Upgrades Project (the Project) is a four year program to construct the required infrastructure with all works and expenditure to be completed by 30 June 2019.

3.1 Acquisition of Land at Somersby Industrial Park for Road Widening (contd)

At its Meeting held on 12 June 2018, Council resolved the following:

- 507/18 *That Council resolve to acquire the following land as public road:*
- Part Lot 2 DP 1117622 at 85 Pile Road, Somersby*
Part Lot 1 DP 714206 at 191 Wisemans Ferry Road, Somersby
Part Lot 31 DP 811669 at 244 Debenham Road, Somersby
Part Lot 11 DP 616412 at 83 Gindurra Road, Somersby
- 508/18 *That Council resolve to acquire an Easement to Drain Water generally 4m wide over Lot 0 SP 79098 at 25 Kangoo Road, Somersby.*
- 509/18 *That Council proceed to compulsorily acquire the land and easement in the event that negotiations with the property owners cannot be satisfactorily resolved.*
- 510/18 *That Council apply to the Minister for Local Government for the approval of the Minister and the consent of the Governor in order to proceed with the compulsory acquisition pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 if required.*

At the time of resolving the above the Road Assets, Planning and Design Unit had not finalised the design for the extension of Piles Road and the Wisemans Ferry Road widening required from 231 and 241 Wisemans Ferry Road, Somersby.

Proposal

To facilitate the road infrastructure requirements for the Project, it will be necessary to acquire land for road widening and new roads and acquire an easement for drainage purposes.

The land affected by the Project is:

Parcel – Lot and DP	Address	Est. of area to be acquired	Zoning
4/1117622	231 Wisemans Ferry Road, Somersby	54.6 m ²	IN1
1/595392	241 Wisemans Ferry Road, Somersby	3151.1 m ²	IN1, SP2

A location plan is attached showing the land affected by the acquisitions.

When transferred to Council, the land to be acquired for road will be dedicated as public road.

3.1 Acquisition of Land at Somersby Industrial Park for Road Widening (contd)

Council staff will negotiate with the owners with a view to acquiring the required land by agreement. Should a negotiated settlement be unable to be reached, it may be necessary to apply to the Minister for Local Government for approval to compulsorily acquire the required land pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act 1990.

The extension of Pile Road bisects Lot 1 DP 595392 along the line of part of the land zoned for infrastructure and as such encumbered for that purpose in accordance with the Service Contribution Agreement of 29 August 1980. The triangle of land to the north will remain in the same ownership as the land on the southern side of the Pile Road extension.

Consultation

Property & Infrastructure Services has written to the owner of the affected land informing it of the road widening proposals and the associated proposal to acquire parts of the affected properties to accommodate the road widening.

Should Council authorise the acquisition of the affected land, consultation will continue with the owner with a view to acquiring the affected parts of its properties by agreement.

Financial Impact

Construction and acquisition costs for the entire Project are \$24m with the Federal Government contributing \$8.3m. The balance was funded by Council from Capital Works in 2017/18 and approved for 2018/19.

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

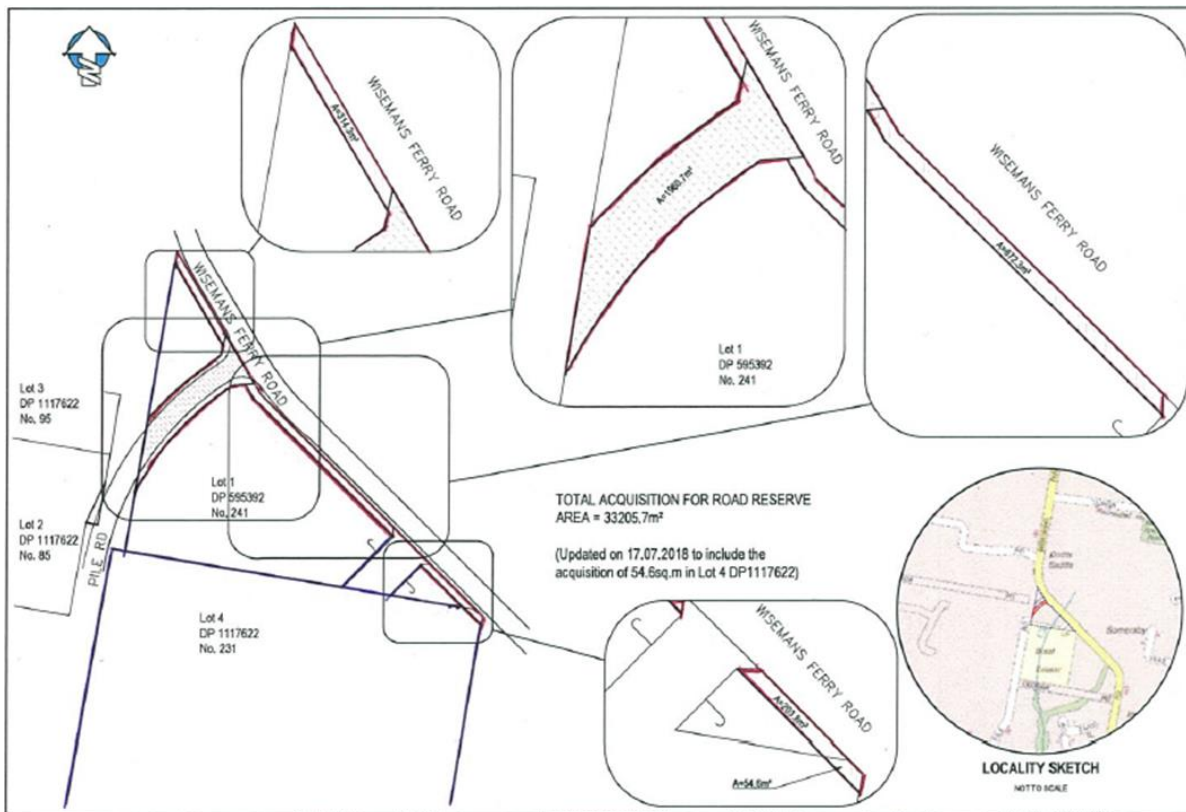
H4: Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water.

Critical Dates or Timeframes

Access, acquisitions and construction are to be completed by June 2019.

3.1 Acquisition of Land at Somersby Industrial Park for Road Widening (contd)

Location Plan showing the land proposed to be acquired for road widening (edged red). Overall and sections.



3.1 Acquisition of Land at Somersby Industrial Park for Road Widening (contd)

Extract showing zone boundaries in the area. Lots affected by Piles Road extension and Wisemans Ferry Road widening shown in blue.



ZONE KEY

IN1 General Industrial

RE1 Public Recreation

SP2 Infrastructure

RU1 Primary Production

Attachments

Nil.



Item No: 3.2
Title: Classification of Land, Lots 155, 156 and 157 DP 1234460 at Pacific Highway, Hamlyn Terrace
Department: Assets, Infrastructure and Business

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/01232 - D13293751
Author: Julie Tattersall, Property Officer Land Sales Acquisitions
Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Report Purpose

Approval is sought to classify the land known as Lots 155, 156 and 157 DP 1234460 at 590-600 Pacific Highway, Hamlyn Terrace as Operational Land.

Recommendation

- 1 That Council classify the land known as Lots 155, 156 and 157 DP 1234460 at 590-600 Pacific Highway, Hamlyn Terrace as Operational Land pursuant to the Local Government Act 1993.**
- 2 That Council note that:**
 - a Nothing in the above resolution authorises the sale of the subject land (section 377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).**
 - b Section 31 (3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.**

Context

A V Jennings Pty Ltd was required to make provision for drainage reserve as part of its development of 148 residential lots from the subdivision of Lot 1 DP 168292, Lot 643 DP 1224783 and Lots 84 and 86 DP at 590-600 Pacific Highway, Hamlyn Terrace. Deposited Plan 1234460 is the new registered subdivision plan.

Lots 155, 156 and 157 DP 1234460 in the plan of subdivision, at Pacific Highway, Hamlyn Terrace, have been dedicated to Council for drainage reserve pursuant to a condition of development consent DA/395/2015/A.

3.2 Classification of Land, Lots 155, 156 and 157 DP 1234460 at Pacific Highway, Hamlyn Terrace (contd)

The land affected by the classification as operational land is:

Lot and DP	Estimated Area	Zoning
155/1234460	1.06 ha	E3
156/1234460	4.921 ha	E2
157/1234460	2.961 ha	E2 and E3

Drainage Reserve land should be classified as Operational Land in accordance with the *Local Government Act 1993*.

Current Status

Under Section 31 of the *Local Government Act 1993*, Council may, before it acquires land or within three months after it acquires land, resolve that the land be classified as Community Land or Operational Land. Any land acquired by Council that is not classified within the three month period is taken to have been classified as Community Land.

Under Section 34 of the *Local Government Act 1993*, Council is required to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received, Council may resolve to adopt the classification.

Public Notice was given on 9 August 2018 of the proposal to classify Lots 155, 156 and 157 as Operational Land and no submissions were received.

Proposal

It is proposed to classify Lots 155, 156 and 157 as Operational Land for the purpose of drainage reserve.

From Local Government Law and Practice Part 2 Notes – Public Land provides that “the purpose of classification is to identify land that is to be kept for use by the general public (community) and that land which need not and is for operational functions of Council (operational). Operational land would ordinarily comprise land which facilitates the carrying out by a Council of its functions or land which may not be open to the general public.”

Consultation

Public Notice of the proposal to classify Lots 155, 156 and 157 as Operational Land was given on 9 August 2018 and no submissions were received.

3.2 Classification of Land, Lots 155, 156 and 157 DP 1234460 at Pacific Highway, Hamlyn Terrace (contd)

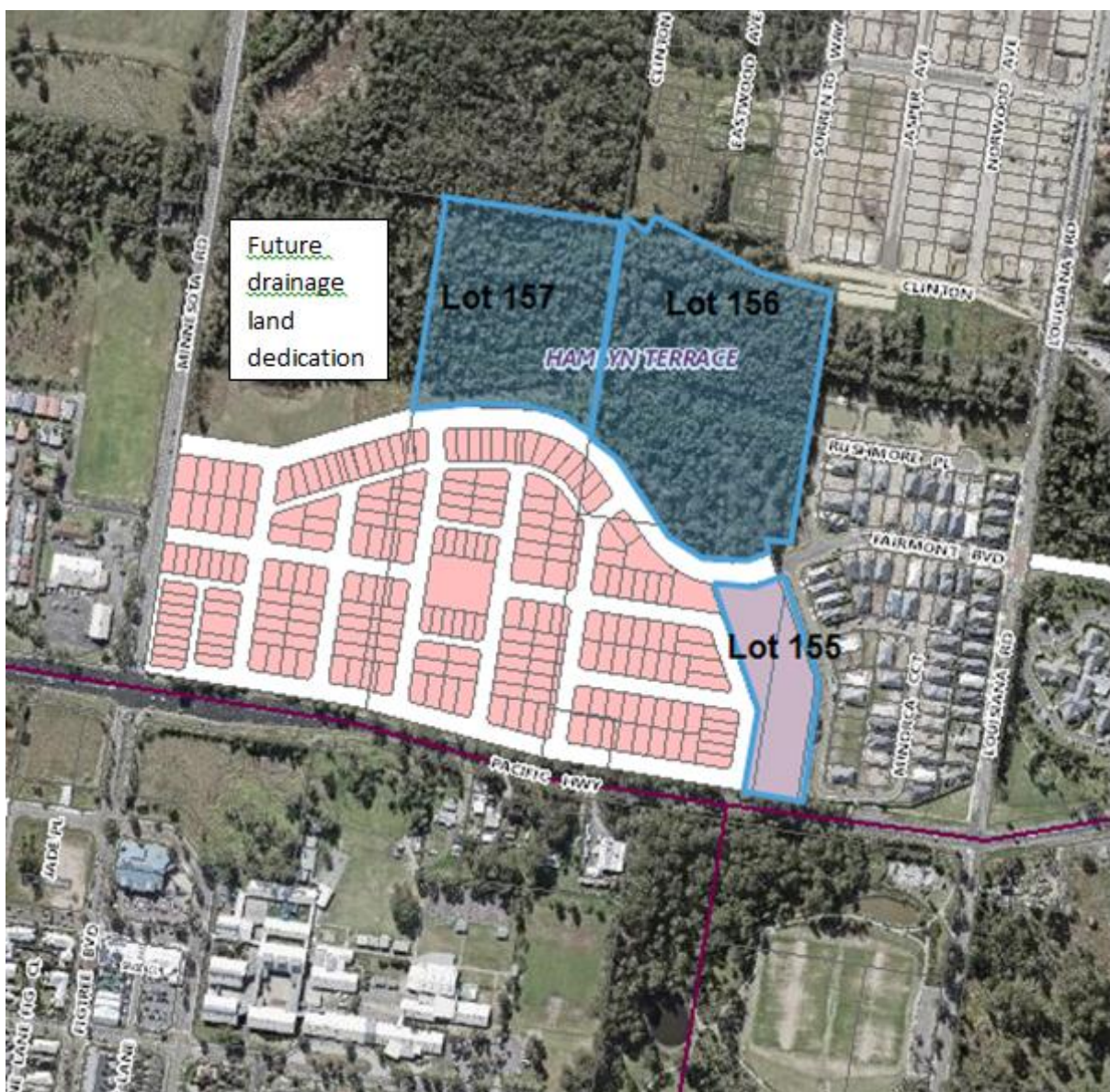
Options

Council may resolve to apply either a 'community land' or an 'operational land' classification. Lots 155, 156 and 157 should be classified as Operational Land in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council and in accordance with the *Local Government Act 1993*.

Financial Impact

There is no cost to Council to classify Lots 155, 156 and 157.

Location Plan showing Lots 155, 156 and 157 Drainage Reserve outlined in blue



3.2 Classification of Land, Lots 155, 156 and 157 DP 1234460 at Pacific Highway, Hamlyn Terrace (contd)

Link to Community Strategic Plan

Theme 4: Responsible

Goal H: Delivering essential infrastructure

H1: Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region.

Critical Dates or Timeframes

Section 31 of the Local Government Act 1993 requires Council to resolve to classify land within three months of acquisition. Classification of Lots 155, 156 and 157 must be resolved prior to 25 October 2018.

Attachments

Nil.



Item No: 3.3
Title: Classification of Land, Lot 8 DP 1244627 at Hamlyn Road, Hamlyn Terrace
Department: Assets, Infrastructure and Business

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13293697
Author: Julie Tattersall, Property Officer Land Sales Acquisitions
Manager: Paul Forster, Section Manager - Property and Infrastructure
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Report Purpose

Recommends that the land known as Lot 8 DP 1244627 (at Hamlyn Road, Hamlyn Terrace) be classified as "operational" for the purposes of the *Local Government Act 1993*.

Recommendation

- 1** *That Council resolve, pursuant to s. 31 of the Local Government Act 1993, that the land known as Lot 8 DP 1244627 (at Hamlyn Road, Hamlyn Terrace) be classified as "operational".*
- 2** *That Council note that:*
 - a** *Nothing in the above resolution authorises the sale of the subject land (s.377(1)(h) of the Local Government Act 1993 provides that any sale of land can only be by resolution of Council).*
 - b** *S.31(3) of the Local Government Act 1993 provides that Council must not resolve that land be classified as operational land if the resolution is inconsistent with the terms of any trust applying to the land.*

Context

Vexhart Pty Ltd was required to make provision for a drainage reserve as part of its development of 53 residential lots from the subdivision of Lot 57 DP 1241014 at 1-15 Hamlyn Road, Hamlyn Terrace. Deposited Plan 1244627 is the new registered subdivision plan.

Lot 8 DP 1244627 in the plan of subdivision, at Hamlyn Road, Hamlyn Terrace, has been dedicated to Council for drainage reserve pursuant to a condition of development consent DA/1077/2015/D. Lot 8 has an area of approximately 7,565 square metres and is zoned R2 Low Density Residential.

3.3 Classification of Land, Lot 8 DP 1244627 at Hamlyn Road, Hamlyn Terrace (contd)

Drainage Reserve land should be classified as Operational Land in accordance with the *Local Government Act 1993*.

Current Status

Section. 31 of the *Local Government Act 1993* (LG Act) provides that Council may, before it acquires land or within three months after it acquires land, resolve that the land be classified as "community" or "operational".. Any land acquired by Council that is not classified within the three month period is taken to have been classified as "community". Council is required, by s. 34 of that Act, to give public notice of the proposal to classify land for a period of 28 days before confirming classification. If no adverse submission is received, Council may then resolve to classify the land as proposed.

Consultation

Public Notice was given, for the purposes of s. 34 of the LG Act, for 28 days commencing on 2 August 2018 of the proposal to classify Lot 8 as "operational". No submissions were received.

Proposal

It is proposed to classify Lot 8 as "operational" for the purposes of the LG Act.

From Local Government Law and Practice Part 2 Notes – Public Land provides that "*the purpose of classification is to identify land that is to be kept for use by the general public (community) and that land which need not and is for operational functions of Council (operational). Operational land would ordinarily comprise land which facilitates the carrying out by a Council of its functions or land which may not be open to the general public.*"

Options

Council may resolve to classify the subject lot 8 as either a "community" or an "operational" classification. It is recommended that the subject Lot 8 be classified "operational", in accordance with the Policy for Property Transactions – Sales and Acquisitions adopted by Council and in accordance with the *Local Government Act 1993*.

Financial Impact

There is no cost to Council to classify Lot 8.

3.3 Classification of Land, Lot 8 DP 1244627 at Hamlyn Road, Hamlyn Terrace (contd)

Link to Community Strategic Plan

Theme 4: Responsible

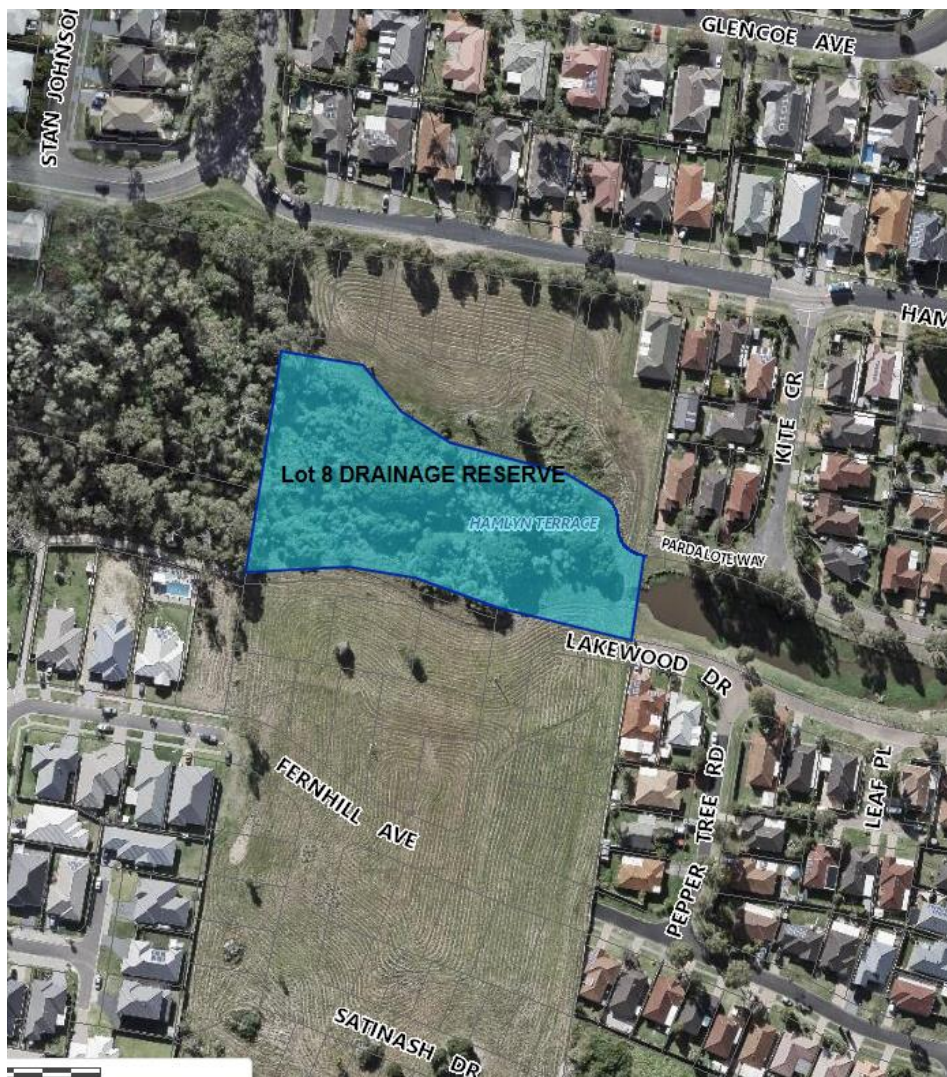
Goal H: Delivering essential infrastructure

H1: Solve road and drainage problem areas and partner with the State Government to improve road conditions across the region.

Critical Dates or Timeframes

Section 31 of the *Local Government Act 1993* requires Council to resolve to classify land within three months of acquisition. Classification of Lot 8 must be resolved prior to 18 October 2018.

Location Plan showing Lot 8 Drainage Reserve



Extract showing Residential Subdivision



Attachments

Nil.

Item No: 4.1
Title: Gosford Cultural Precinct
Department: Assets, Infrastructure and Business

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13305154

Author: Jamie Barclay, Unit Manager, Economic Development and Project Delivery

Manager: Andrew Pearce, Acting Senior Manager, Business and Economic Development

Executive: Boris Bolgoff, Acting Director, Assets Infrastructure and Business

Executive: Julie Vaughan, Director, Connected Communities

Report Purpose

At 28 May 2018 Ordinary Council Meeting, Council resolved in part as follows:

455/18 That Council request the Acting CEO to commence detailed design of Option 7.2 as presented at the design workshop and contained within Confidential Attachment 4 (noting the proposed programme of works outlined in Confidential Attachment 4) and report back to Council with schematic designs and indicative cost estimates to the Ordinary Council Meeting of 27 August 2018.

The purpose of this report is to provide Council with a summary of the schematic/concept designs and indicative cost estimates produced as directed at 28 May 2018 Ordinary Council Meeting.

Recommendation

- 1 That Council confirm that its preferred option for the Gosford Regional Library and Regional Performing Arts and Conference Centre (RPACC) is Option 7.2, as presented in the attached Confidential Attachment 2 – Gosford Cultural Precinct Schematic Designs.**
- 2 That Council request that the Chief Executive Officer proceed with detailed design development of the Gosford Cultural Precinct, based on Option 7.2 and conforming to the appropriate planning legislation, to facilitate submission of a Development Application to the relevant consent authority.**
- 3 That Council request the Chief Executive Officer negotiate and execute a Deed of Agreement with ET Australia to acquire the land known as Lot 11 DP 746819 (which has a street address of 123B-125A Donnison Street, Gosford).**

- 4 That Council request that the Chief Executive Officer continue to proceed with acquisition of the lots included in Confidential Attachment 12 by private treaty, or by a compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.**
- 5 That Council request that the Chief Executive Officer invite expressions of interest or tenders for the appointment of a suitably experienced commercial agent to commence pre-leasing for the proposed commercial and retail space located within the selected Option 7.2.**
- 6 That Council approve a \$4,319,930 increase to the 2018-19 capital budget to accommodate the proposed delivery program as detailed in Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper.**
- 7 That the Mayor and CEO seek urgent discussions with both State and Federal Government funding bodies to assist with the funding shortfall for these much needed community projects.**
- 8 That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that all the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business with.**

Summary

Following the Design Workshop held in May 2018, Councillors were given the opportunity to informally confirm support for their preferred design option. A clear majority were in favour of progressing with Option 3 Concept 2 for the Gosford Regional Library (publicly exhibited in February 2018 as Concept 2). There was also considerable interest in Option 7.2, which was a proposal for a Cultural Precinct including both the Gosford Regional Library and Regional Performing Arts and Conference Centre (RPACC).

Due to the high-level nature of information presented for Option 7.2, further investigation was required in order to give Council the ability to make an informed decision on how (if at all) to proceed with this concept.

Context

There have been numerous Council briefings, reports and resolutions on both the Gosford Regional Library and the RPACC in late 2017 and the first half of 2018. In summary:

- 11 December 2017 - Councillor briefings on the Gosford Regional Library and RPACC.

- 18 December 2017 - Council considered a report and subsequently resolved to publicly exhibit both the Library only plan (Concept 1) and the Library plus commercial (Concept 2) plans and to progress the design of both options.
- 26 February 2018 - Mayoral Minute and subsequent resolution requesting an urgent report on potential alternate sites for the Regional Performing Arts and Conference Centre (RPACC) be presented to Council on 12 March 2018.
- 12 March 2018 - Councillor Briefing on six (6) alternate potential sites for the RPACC.
- 12 March 2018 - Consideration of Council report on six (6) alternate sites and subsequent Council resolution to urgently carry out a cost analysis on each six (6) alternative sites.
- 11 April 2018 - Consideration of Council report detailing the results of the public exhibition for the Gosford Regional Library with the public favouring the Library plus Commercial (Concept 2) option by 70%. Council subsequently resolved to continue to advance the development of Concept 1 but to redesign the concept to take additional levels and to commit to providing accommodation for ET Australia and its tenants within an integrated precinct. Council also resolved that the site for the RPACC was 51-71 Mann Street, Gosford.
- 23 April 2018 - Council meeting incorporated a motion to rescind the Council decision to proceed with the Gosford Regional Library only option (Concept 1) as included in the Council report. Council resolved at that meeting to conduct a Councillor workshop on the Gosford Regional Library and to bring a report back to Council at the Ordinary Meeting on 28 May 2018.
- 9 May 2018 - Councillor Workshop on Gosford Regional Library and RPACC design options.
- 20 August 2018 - Councillor Briefing on Gosford Cultural Precinct.
- 27 August 2018 - Councillor Briefing on Gosford Cultural Precinct.

At the 28 May 2018 Ordinary Council Meeting, Council resolved as follows:

- 455/18 *That Council request the Acting CEO to commence detailed design of Option 7.2, as presented at the design workshop and contained within Confidential Attachment 4 (noting the proposed programme of works outlined in Confidential Attachment 4) and report back to Council with schematic designs and indicative cost estimates to the ordinary Council meeting of 27 August 2018.*

4.1 Gosford Cultural Precinct (contd)

- 456/18 *That Council request the Acting CEO ensure that the development of Option 7.2 include space for ET Australia and associated tenants within the proposed precinct, subject to acquisition of the lot known as 123B-125A Donnison Street, Gosford (Lot 11 DP 746819) by Council.*
- 457/18 *That Council requests the Acting CEO to acquire the lots included in Confidential Attachment 5 by private treaty, or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.*
- 458/18 *That Council resolve, pursuant to s.11(3) of the Local Government Act 1993, that all the confidential attachments to this report remain confidential, as the information in those attachments would, if disclosed, confer a commercial advantage on a person with whom the Council proposes to conduct business with.*
- 459/18 *That the Mayor and Acting CEO seek urgent discussions with both State and Federal Government funding bodies to assist with the funding shortfall for these much needed community projects.*

As outlined in *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper*, and as a result of extensive research and analysis, sites for both buildings were selected. The proximity of the sites for both projects warranted an investigation into the potential for the creation of a Cultural Precinct which would leverage the cultural benefits of both projects and assist in the ongoing revitalisation of the Gosford CBD.

Schematic/Concept Designs

Schematic/Concept designs have been developed for Option 7.2 (Gosford Cultural Precinct), and are included with this report as *Confidential Attachment 2 – Architecture - Gosford Cultural Precinct Schematic Designs*. The scheme incorporates the following elements:

- Gosford Regional Library and Innovation Hub
- Regional Performing Arts and Conference Centre
- Allowance for ET Australia and associated tenants
- Small retail/food and beverage tenancies
- Commercial tenancies
- Pedestrian through-site linkages and associated public domain/landscaping works
- Underground parking

Indicative Cost Estimates

Council staff have obtained cost estimates to accompany the schematic/concept designs completed to date, and these are included with this report as *Confidential Attachment 3 – Cost Estimate - Gosford Cultural Precinct – Option 7.2*. The cost estimates provide a Total Project Cost, including:

- Construction Costs
- Construction Contingencies
- Professional/Consultant Fees
- Statutory/Authority Fees
- Land Acquisition Costs
- All other items listed in the cost estimate in *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper*

The Cost Estimates also outline the items that are directly attributable to the Gosford Cultural Precinct, over and above what would already be required to deliver a stand-alone Regional Library and RPACC.

Following approval to proceed to hold point 1 *noted in the indicative programme in Confidential Attachment 1*, detailed design can be developed to development application submission which will provide Council with more accurate cost estimates prior to lodgement.

Project Funding

There are a number of different funding sources available to Council to assist with delivery of the Gosford Cultural Precinct. These are outlined in the table below:

Table 1 – Funding Sources

Current Funding Type	Amount	Comment
Library - Council Special Rate Variation	\$8,100,000	
Library - Federal Government Commitment	\$7,000,000	
RPACC - Federal Government Commitment	\$10,000,000	
RPACC - State Government Commitment	\$10,000,000	\$2M Conditional on adjoining Conservatorium
RPACC - CCC	\$10,000,000	Committed for RPACC Construction
RPACC - CCC	\$635,000	Committed for RPACC project management
Total	\$45,735,000	
Potential Additional Funding		
Sale Proceeds - 136-146 Donnison Street, Gosford	\$12,600,000	'Kibbleplex' building
S7.11 (Formerly S94) Contributions for Gosford	\$9,603,070	
Total Potential Funding	\$67,938,070	

The remaining capital requirements of the project would need to be met by Council as outlined in *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper* or alternate grant funding is secured.

Economic Impact

Lawrence Consulting have undertaken an Economic Impact Assessment of the proposed Gosford Cultural Precinct *as noted in Confidential Attachment 5 – Economic Impact Assessment - Gosford Precinct Final*. Construction of the Precinct is estimated to generate 1,471 full time equivalent (FTE) jobs as a result of direct, indirect and consumption related activity. The construction phase of the project would also generate an estimated \$137M of added value for the Central Coast economy *as noted on Page 8 - Table 3 in Confidential Attachment 5 – Economic Impact Assessment - Gosford Precinct Final*.

Once construction is complete and all elements of the Cultural Precinct are operating, it is estimated that 645 additional FTE jobs and \$50.6M of additional value would be added to the Central Coast economy annually, again from direct, indirect and consumption related activity *as noted on Page 11 – Table 6, Page 12 – Table 7 and Page 13 – Table 8 in Confidential Attachment 5 – Economic Impact Assessment - Gosford Precinct Final*.

Project Risks

Commercial Tenants

A formal market sounding process is required to ascertain the true current demand for commercial space within the Gosford CBD. A certain level of commercial pre-commitment would be required prior to commencement of construction. Council officers have carried out extensive research on the Commercial office market and it is demonstrated in *Confidential Attachment 1 - Gosford Cultural Precinct Project Briefing Paper, Confidential Attachment 6 - Office Market Analysis - Gosford Cultural Precinct and Confidential Attachment 7 - Office Rental Analysis - Gosford Regional Library*, that there is a lower commercial office supply on the Central Coast when compared with other regional cities such as Wollongong and Newcastle. Information provided at the Councillor Briefings and within the confidential attachments demonstrates that the market rental and the sale analysis per square metre is realistic and competitive with other comparable assets and markets.

Changes to Planning Legislation

The schematic/concept designs for the Gosford Cultural Precinct are fully compliant with current planning legislation, however, there are a number of potential changes to the current Gosford CBD planning framework on the horizon. Central Coast Council is currently working on a consolidated Development Control Plan (DCP), and the NSW State Government has advertised a Draft Gosford CBD State Environmental Planning Policy. Both these planning instruments propose changes to the current planning controls, and would necessitate a review and potential redesign of the current scheme should they be brought into effect. As part of this process, a design competition may be required, which has the potential to limit Council's control of the final design outcome and potentially add additional costs and time delays/impact. Additionally, the Draft Gosford CBD State Environmental Planning Policy proposes that projects with a total value of \$75 million and above are a State Significant Development and would require Minister or the Ministers delegate approval. The timeframe and cost for this approval pathway at this stage are unknown.

Acquisition of Neighbouring Properties

Council staff have progressed required discussion and investigation for the acquisition of the properties required to achieve a Cultural Precinct, outlined in *Confidential Attachment 12 – Gosford Cultural Precinct Land Acquisition*. Owners of the properties are agreeable to the acquisition of their properties by Central Coast Council for the purposes of the project and formal valuations are complete (in addition to the high-level desktop valuations already undertaken) see *Confidential Attachment 9 and 10 – Valuation and Report*. These valuations will help inform future negotiations should the Gosford Cultural Precinct proceed.

As per *Confidential Attachment 13 - ET Australia's Response to Central Coast Council – Gosford Regional Library & RPACC Project*, there have been ongoing negotiations with ET Australia regarding acquisition of their land and potential co-location within the precinct.

Staff recommendations to ET Australia's proposal which is contained within *Confidential Attachment 13 - ET Australia's Response to Central Coast Council – Gosford Regional Library & RPACC Project* is detailed within *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper*.

Construction Costs

The detailed design required to proceed to hold point 1 as outlined in *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper* which is preparation of information for development application submission will provide Council with more accurate cost estimates.

Cost estimates aim to take into account all possible scenarios, however, until the market is tested (through a formalised tender process) the final cost of construction may move from its present position. Current contingencies make allowance for as many unknowns as possible, but until construction commences some elements will remain unidentified (eg. presence of contaminated fill). If the project is delayed for whatever reason, it is reasonable to assume there would be an element of cost escalation, which generally sits around 3-4% annually.

Funding

Existing grant funding commitments are at risk due to projected delivery timelines. Funds from both the State and Federal Governments are commitments only, and have not presently been paid to Council. The original funding commitment required both projects to be completed by 2020 which is unlikely.

Financial Impact

This report is requesting Council to approve \$4,319,930 as per Recommendation 6 of this report for the 2018/19 capital budget year to progress the project to detailed design for the purpose of a development application. Prior to lodgement of a development application a report will be brought back to Council as per hold point 1 as noted in *Confidential Attachment 1 – Gosford Cultural Precinct Project Briefing Paper*.

It is envisaged that there will be a minimum of two further hold points at significant milestones in the project, these being prior to awarding the tender for construction and prior to commencement of construction on site. As part of these future hold points, Councillors will be provided with appropriate briefings and formal Council reports containing all relevant information prior to formal commitment of further funding.

Link to Community Strategic Plan

Theme 2: Smart

Goal C: A growing and competitive region

C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

Attachments

1	Attachment 1 - Arborist - Gosford Regional Library - Tree Data	D13320662
2	Attachment 2 - Geotechnical - Gosford Regional Library - Preliminary Contamination Report	D13320671
3	Attachment 3 - Geotechnical - Gosford Regional Library	D13320677
4	Attachment 4 - Geotechnical - RPACC	D13320678
5	Attachment 5 - Heritage - Draft Heritage Report - Gosford Regional Library	D13320681
6	Confidential Attachment 1 - Gosford Cultural Precinct Project Briefing Paper	D13326224
7	Confidential Attachment 2 - Architecture - Gosford Cultural Precinct Schematic - Designs	D13320697
8	Confidential Attachment 3 - Cost Estimate - Gosford Cultural Precinct - Option 7.2	D13320699
9	Confidential Attachment 4 - Cost Estimate - Staging Options - Gosford Cultural -Precinct - Option 7.2	D13320702
10	Confidential Attachment 5 - Economic Impact Assessment - Gosford Cultural Precinct Final	D13320709
11	Confidential Attachment 6 - Office Market Analysis - Gosford Cultural Precinct	D13320711
12	Confidential Attachment 7 - Office Rental Analysis - Gosford Regional Library	D13320714
13	Confidential Attachment 8 - Planning Advice - Gosford Cultural Precinct	D13320715
14	Confidential Attachment 9 - Valuation and Report	D13320718
15	Confidential Attachment 10 - Valuation and Report	D13320720
16	Confidential Attachment 11 - Valuation and Report	D13320722
17	Confidential Attachment 12 - Gosford Cultural Precinct Land Acquisition	D13320723
18	Confidential Attachment 13 - ET Australia's Response to Central Coast Council - Gosford Regional Library & RPACC Project - 20 August 2018	D13324245

Item No: 4.2
Title: Amended Code of Meeting Practice and consideration of submissions
Department: Governance

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13298929

Author: James Taylor, Section Manager, Governance

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

Executive: Brian Glendenning, Executive Manager, Governance

Report Purpose

To consider submissions made and feedback provided regarding Central Coast Council amended Code of Meeting Practice placed on public exhibition. To consider adoption of an amended Code of Meeting Practice.

Recommendation

- 1 That Council note that a Councillor Briefing session was held on Monday 13 August 2018 at which further feedback was received from Councillors and included in the amended Code of Meeting Practice that is Attachment 1 to this Report.**
- 2 That Council note that one submission was received during the exhibition period that is Attachment 2 to this Report.**
- 3 That Council in accordance with s. 360 of the Local Government Act 1993 adopt the Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the draft Code of Meeting Practice as required by s. 362 of the Local Government Act 1993.**

Background

At the Ordinary Council Meeting on 25 June 2018, Council considered the proposed amendments to the adopted Code of Meeting Practice and resolved as follows:

- 592/18 *That, in accordance with s.361 of the Local Government Act, Council give public notice of the proposed amended 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.*

4.2 Amended Code of Meeting Practice and consideration of submissions (contd)

593/18 *That Council note that a further report will be provided setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations respect to the adoption of that proposed amended Code.*

The draft amended Code of Meeting Practice was placed on public exhibition from 2 July 2018 to 12 August 2018 in compliance with the requirements of s. 361 of the *Local Government Act 1993* (the Act).

Section 362 of the Act provides that Council may adopt the proposed amendments to the current Code after it has considered any submissions it has received. One submission was received and is considered later within this report.

On Monday, 13 August 2018, a briefing was conducted with Councillors to consider the proposed changes to the Code of Meeting Practice and to seek their further input. There was significant discussion during this briefing and this has been considered as part of this report.

On Wednesday, 29 August 2018, training was offered to Councillors as part of their ongoing professional development and in response to requests from Councillors for training regarding meeting procedures. During the training there was some discussion regarding the Code of Meeting Practice and this has been considered as part of this report.

Proposed amendments placed on public exhibition in July/August 2018

The proposed amended Code of Meeting Practice that is **Attachment 1** to this Report (the proposed Code) was placed on public exhibition. The proposed Code has been prepared in accordance with the Act and the *Local Government (General) Regulation 2005* (the Regulation) as well as complying with the Office of Local Government's *Meeting Practice Note* (2009).

All of the proposed amendments included in the proposed Code are marked in **bold** and *italic* with deletions marked with ~~strikeout~~. The same method for highlighting those amendments is used in the remainder of this report.

The key proposed amendments to the current adopted Code align with the Office of Local Government's consultation draft of a *Model Code of Meeting Practice*. In addition to this, the proposed Code has also been amended to provide further assistance with addressing Council on Motions and Amendments and introduces a time limit on debates.

Items resolved by Exception

This proposed amendment of the *Items resolved by Exception* strengthens and clarifies the process. The recommendation is to amend Part D Clause 29 of the current Code (Part D Clause 30 in the proposed Code) and include the addition clauses set out below.

These changes align with the Office of Local Government's consultation draft Model Code of Meeting Practice (OLG Consultation Draft) which is discussed further below.

- 30 *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 other than the following items of business:***
- (a) *Report on Disclosure of Pecuniary and Non-Pecuniary Interests;***
- (b) *Matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or***
- (c) *Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.***
- 31 *Before the Council or Committee resolves to adopt multiple items of business on the agenda together under Part D Clause 30, the chairperson is to 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 wish to speak on.***
- 32 *The Council or Committee must not resolve to adopt any item of business under Part D Clause 30 that a Councillor has identified as being one they wish to speak on. To assist in this process, Councillors may identify the item of business on the agenda they wish to speak on by notifying meeting support staff by 10 AM on the day of the Ordinary Meeting of Council.***
- 33 *Where the consideration of multiple items of business together under Part D Clause 30 involves a variation to the order of business for the meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Part D Clause 16.***
- 34 *A motion to adopt multiple items of business together under Part D Clause 30 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.***
- 35 *Items of business adopted under Part D Clause 30 are to be taken as having been unanimously adopted.***
- 36 *Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under Part D Clause 30 in accordance with the requirements of Council's Code of Conduct.***

4.2 Amended Code of Meeting Practice and consideration of submissions (contd)

Public Speakers

The OLG Consultation Draft does not provide for speakers in the meeting proper but only in a forum that may be held before the meeting. The OLG Consultation Draft specifically notes (at page 16) that:

Public forums should not be held as part of a Council or Committee meeting. Council or Committee meetings should be reserved for decision making by the Council or Committee of Council.

This proposed amendment of holding a public forum prior to each Ordinary Council Meeting is considered beneficial for the following reasons:

- 1 It will allow Council Meetings to be used for Councillor consideration and discussions.
- 2 It will also establish a public forum for every meeting, which will encourage greater public participation but confine it to outside the meeting process.
- 3 It reflects the changes that are likely to be imposed with the Office of Local Government's progression of a Model Code of Meeting Practice.

It is noted that as the public forum would not be held as part of the Council meeting it would not be webcast. This mitigates a current risk with regard to Council's potential liability should it broadcast defamatory comments.

The proposed amendment is to remove Part D Speakers Clauses 41 to 46 of the current Code and replace it with the following (starting at Part D Clause 50 in the proposed Code). These changes align with the OLG Consultation Draft.

Public Forum

50 Council will hold a 30 minute public forum immediately 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 (collective with Ordinary Meeting of Council referred to as "Council Meeting").

51 Public forums are to be chaired by the Mayor or their nominee.

52 To speak at a public forum, a person must first make an application to Council in the approved form that is Annexure 1 'Request to Speak Form' which contains guidelines for Speakers' participation in a public forum.

- 53 *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.*
- 54 *If no applications to speak at the public forum have been received by 10 AM on the day of the Council Meeting, the forum will not be held.*
- 55 *A person may apply to speak on no more than two items of business on the agenda of the Council Meeting.*
- 56 *Nominated candidates at Federal, State or Local Government Elections and serving Councillors are not permitted to speak at a public forum.*
- 57 *Legal or professional 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 or professional representative when applying to speak at the public forum.*
- 58 *The Chief Executive Officer or their delegate may refuse an application to speak at a public forum.*
- 59 *No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda of a Council Meeting.*
- 60 *If more than two 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 Council on the item of business. To facilitate this, the speakers contact details contained in the 'Request to Speak Form' (Annexure 1) may be passed onto others seeking to speak with a similar stance on the agenda item.*
- 61 *If the speakers are not able to agree on whom to nominate to address Council, the Chief Executive Officer or their delegate is to determine who will address Council at the public forum.*
- 62 *Approved speakers at the public forum are to register with Council any written, visual or audio material to be presented in support of their address to Council at the public forum, and to identify any equipment needs no later than 10 AM on the day of the Council Meeting. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.*
- 63 *The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum.*

- 64** *Each speaker will be allowed three minutes to address Council. These three minutes can be extended by an additional one minute by the Chairperson if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding. These times are to be strictly enforced by the Chairperson.*
- 65** *Speakers at public forums must not digress from the item on the agenda of the Council Meeting they have applied to address Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.*
- 66** *Any member of the public may make a request to the Chief Executive Officer for permission to address a public forum on any item of business on the agenda of the Council Meeting with the exception of:*
- (a) Individual tenderers in respect to tenders;*
 - (b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.*
- 67** *Only items listed on the current agenda of the Council Meeting (excluding those outlined in Part D Clause 42 of this Code) can be spoken about.*
- 68** *A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum to clarify the position of the speaker or statements made. Questions put to a speaker must be direct, succinct and without argument.*
- 69** *Speakers are under no obligation to answer a question put under Part D Clause 68, but any answer by the speaker is to be limited to one minute.*
- 70** *Speakers at public forums cannot ask questions of Council, Councillors or Council Staff.*
- 71** *The Chief Executive Officer or his or her nominee may, with the concurrence of the Chairperson, address Council for up to three minutes in response to an address to Council at a public forum after the address and any subsequent questions and answers have been finalised.*
- 72** *Where an address made at a public forum raises matters that require further consideration by Council Staff, the Chief Executive Officer may recommend*

that Council defer consideration of the matter pending the preparation of a further report on the matters.

- 73** ***When addressing 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 Council's Code of Conduct or making other potentially defamatory or insulting statements. The speaker is to also ensure they have approval to discuss other people's personal information.***
- 74** ***If the Chairperson considers that a speaker at a public forum has engaged in prohibited conduct of the type referred to in Part D Clause 73, 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 and they may (at the Chairperson discretion) be removed from the Forum.***
- 75** ***Part D Clause 74 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005.***
- 76** ***Where a speaker engages in prohibited conduct of the type referred to in Part D Clause 73, 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.***
- 77** ***Councillors (including the Mayor) must disclose 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 at a Council or Committee Meeting.***

Council's approved form that is Annexure 1 'Request to Speak Form' to the Proposed Code, which is required to be completed by those wishing to address Public Forums, has also been amended to reflect these proposed changes.

At the Councillor briefing it was noted that thirty minutes may not be sufficient time for the public forum. It is noted that there is capacity for the commencement of the Council Meeting to be delayed by up to thirty minutes or to open the Council meeting for the purpose of adjourning it to commence at the conclusion of the public forum. For these reasons it is recommended that the change be endorsed and monitored. Future reviews can include a time frame for any public forum that aligns to past practice and evidence.

4.2 Amended Code of Meeting Practice and consideration of submissions (contd)

Addressing Council on Motions and Amendments

In the current Code of Meeting Practice, Part C sub heading *Motions and Amendments* provides assistance regarding debate at Council Meetings. To provide further assistance it is proposed to make the following additions:

Motions and Amendments

- 27** *Generally, speakers addressing motions or amendments should commence by stating whether they rise to speak for or against.*
- 31** *Prior to opening any debate, the Chairperson will ask the chamber if there is any objection.*

Time limit on debate

In order to further assist the flow of Council Meetings and to reduce the need for Council Meetings to be adjourned or carried past the 10.30pm time limit, it was proposed to limit the debate on any particular item of business on the agenda or transaction without notice to 45 minutes. Following feedback from Councillors, this is proposed to be reduced to 30 minutes. Like the provision that meetings should end at 10.30pm, this limit on debate can be lifted by public resolution of Council. This gives both structure and flexibility to Council.

It is recommended to include the following section in Part D as new Clauses 39 and 40:

- 39** *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:*

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."

- 40** *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 Part D Clause 39.*

Potential amendments for consideration by Council

There has been considerable feedback from Councillors that there is a desire to ensure Council Meetings operate more effectively and efficiently. For this reason, training has been provided regarding meeting procedures.

The key concerns raised have included the following:

- Length of the meetings;
- Significant time spent on consideration of matters that may not be Council core business;
- Significant time spent on matters that may not have the benefit of staff consideration, comment or background; and
- Use of meeting procedures to slow or hamper the progress of the meeting, rather than ensure effectiveness and efficiency.

While it is hoped that some of the changes outlined in the consultation draft of the Code of Meeting Practice placed on public exhibition address these, they may not make the significant changes Councillors are seeking.

A key risk of this process is that Council is on notice that the Office of Local Government has consulted on a Model Code of Meeting Practice. While no date for prescription of this Model Code of Meeting Practice has been identified, it is anticipated to be in the near future.

As such, the following further changes are provided to Council for consideration (these changes would require further public exhibition of the draft Code of Meeting Practice):

Proposal 1 – Change of meeting order (earlier start and agreed time for Notice of Motion)

Summary: Meetings commence at 2pm with a planned adjournment from 5.30pm. They recommence at 6.30pm at which time any Notices of Motion are considered.

One of the current concerns is how late meetings run. Starting earlier may assist in this however, it is noted that this may not benefit those with work obligations (Councillors or members of the public).

Notices of Motion generate specific public and Councillor interest. For this reason, the proposal identifies a specific start time that aligns with the current meeting commencement time. This is to recognise and accommodate the interest in Notices of Motion and give some certainty for Councillors and the public as to when they will be considered.

With regards to the other business of Council, under this proposal it would either be dealt with in full in the session commencing 2pm or would continue for consideration after the adjournment and Notices of Motion.

4.2 Amended Code of Meeting Practice and consideration of submissions (contd)

The earlier start would allow for more business to be considered and the adjournment provides for a suitable break for Councillors to refresh during the meeting.

Proposal 2 – Weekly meetings (Notices of Motion restricted to specific meetings)

Summary: Meetings are held weekly (or three weeks every month), with one meeting dedicated solely to the consideration of Notices of Motion.

One of the current concerns is how late meetings run. Holding more meetings may assist in this however, it is noted that increases the number of meetings at which Councillors are expected to be in attendance.

Notices of Motion generate specific public and Councillor interest. For this reason, the proposal identifies a specific meeting at which Notices of Motion would be considered. This is to recognise and accommodate the interest in Notices of Motion and give some certainty for Councillors and the public as to when they will be considered.

Other Proposals

The meeting structure is, within the legislative context, a matter for Council.

Council can use mechanisms such as those suggested above or some further combination or arrangement.

Should Council wish to proceed with these further proposed amendments, it is recommended that the following time frame be agreed to ensure that Council can commence with the revised format for 2019.

- 24 September 2018: Resolve further changes to the Code of Meeting Practice
- 2 October to 19 November 2018: Public exhibition period
- 19 November 2018: Briefing with Councillors to consider submissions
- 10 December 2018: Report to Council to adopt Code of Meeting Practice having consideration of any submissions

Should Council wish to put in place one of the identified proposals for implementation in 2019 it would also be necessary to resolve that way in order to meet the timeframe set out above.

Below is a potential resolution:

That Council note that a Councillor Briefing session was held on Monday 13 August 2018 at which further feedback was received from Councillors and included in the amended Code of Meeting Practice that is Attachment 1 to this Report.

4.2 Amended Code of Meeting Practice and consideration of submissions (contd)

That Council note that one submission was received during the exhibition period that is Attachment 2 to this Report.

That Council in accordance with s. 360 of the Local Government Act 1993 adopt the Code of Meeting Practice that is Attachment 1 to this report having given consideration to all submissions and feedback received concerning the draft Code of Meeting Practice as required by s. 362 of the Local Government Act 1993.

That, in accordance with s.361 of the Local Government Act, Council give public notice of a proposed amended Code of Meeting Practice that reflects the provisions of <INSERT PROPOSAL> included in 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.

That Council note that a further report will be provided setting out submissions received by Council in respect to the proposed amended Code of Meeting Practice and to make recommendations respect to the adoption of that proposed amended Code.

It is recommended that Council adopt the proposed Code of Meeting Practice provided as Attachment 1 so that the changes contained within it can take immediate effect.

Consultation

The Code 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. Only one submission was received, which is discussed below. An acknowledgement and a copy of this report will be sent to the author of the submission. It is also noted that under sub-section 362(2) of the Act, it states:

- (2) *If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.*

Consideration of submissions received

Only one submission was received by Council concerning the Code of Meeting Practice whilst it was on Public Exhibition. The issues raised in that submissions is addressed below and the redacted submission is **Attachment 2** to this report.

Submission	Comment
As for this Code, it is one thing to allow a Community Forum before a council meeting, yet whether the community member is discussing their concerns in the open forum or part of the agenda, I don't care how good a public speaker is, he or she cannot get across their points in two minutes. The previous five minutes were not enough time and without any community consultation, Council thought they could reduce the timing. Unless this is changed and a period of 8 minutes is introduced, council will be reading more and more about how the community does not like this code.	<p>The substance of the submission is that more time should be allowed for public speakers.</p> <p>Part D, section 64 of the exhibited Code of Meeting Practice allowed for public speakers at a public forum three minutes to address Council. This is consistent with Part D, section 38 of the exhibited Code of Meeting Practice which also allows Councillors three minutes to address the meeting per item, reply or motion. There is an option to extend these three minutes for Councillors and it is suggested that the public have a similar option included.</p> <p>Part D, section 64 of the Code of Meeting Practice that is Attachment 1 to this report has been amended to now read:</p> <p>64 Each speaker will be allowed three minutes to address Council. These three minutes can be extended by an additional one minute by the Chairperson if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding. These times are to be strictly enforced by the Chairperson.</p> <p>Council may however determine to extend the proposed time allowed for public speakers in response to this submission.</p>

Consultation by Office of Local Government

The Office of Local Government has previously consulted with NSW local councils and stakeholders on a consultation draft Model Code of Meeting Practice (the OLG Consultation Draft as noted above). The changes proposed to Council's Code of Meeting Practice in this report align with the OLG Consultation Draft.

The OLG Consultation Draft is able to be made under amendments to the Act made in August 2016 by the *Local Government Amendment (Governance and Planning) Act 2016* which provides for a model Code of Meeting Practice to be prescribed by regulation.

Council previously made a submission to the Office of Local Government on the OLG Consultation Draft and Council is waiting for a Model Code of Meeting Practice to be made. All councils will have a specific time period in which to adopt a Model Code of Meeting Practice, which we anticipate will be announced by the Office of Local Government shortly.

Options

- Council could resolve not to adopt the proposed Code of Meeting Practice provided as Attachment 1. This is not recommended as Council has exhibited the proposed changes and sought public comment.
- Council could resolve to adopt the proposed Code of Meeting Practice provided as Attachment 1 and assess whether the changes improve the efficiency and effectiveness of the Council Meeting process. This is recommended. It is also recommended that regular reviews be undertaken regarding meeting processes to identify further opportunities for improvement.
- Council could resolve to make significant changes as proposed within this report or in some other way regarding the structure of Council Meetings. If Council were to resolve this way, it is recommended that Council adopt the proposed Code of Meeting Practice provided as Attachment 1 so that the changes contained within it can take immediate effect.

Financial Impact

The recommendation contained in this report has an impact upon resources in that the conduct of these public forums requires significant administrative effort prior to, at and following these public forums.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Proposed Code of Meeting Practice August 2018 | D13247377 |
| 2 | COMP submission 6 August 2018_Redacted | D13303029 |

POLICY NO: CCC001

CODE OF MEETING PRACTICE

27 August 2018

AUTHORITY	NAME & TITLE
AUTHOR	Kathy Bragg, Senior Governance Officer
SECTION MANAGER	James Taylor, Section Manager Governance
UNIT MANAGER	Shane Sullivan, Unit Manager Governance & Business Services
EXECUTIVE MANAGER	Brian Glendenning, Executive Manager Governance
CHIEF EXECUTIVE OFFICER	Garry Murphy, Chief Executive Officer

History of Revisions:

Version	Date	Reason	TRIM Doc. #
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	27 August 2018	Additions to items resolved by exception, public speakers and time limit.	D13247377

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A Summary

- 1 Council Meetings are the key decision making mechanism for Council. This Code of Meeting Practice facilitates and guides the effective, open and orderly conduct of Council Meetings at Central Coast Council (Council).
- 2 It ensures clarity, and seeks to align Council Meeting procedures with community expectations and legislative requirements.
- 3 The Code has been prepared in accordance with the [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#), and complies with the Office of Local Government's [Meeting Practice Note \(2009\)](#). In some instances this Code reproduces the relevant legislation and in other instances it is referenced.
- 4 The Code sets out the minimum expectations with regard to the conduct of Council Meetings. In practice, Councillors and staff will seek to continually improve the conduct of Council Meetings to achieve the following principles:
 - (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) *Trusted* Our community has confidence that Councillors and staff act ethically and make decisions in the interests of the entire community;
 - (e) *Respectful* Councillors, staff and meeting attendees treat each other with respect; and
 - (f) *Orderly* Meetings are well organised, effectively run and skilfully chaired

B Definitions

- Act:** means the [Local Government Act 1993](#).
- Administrator:** means any Administrator appointed in accordance with the [Local Government Act 1993](#). Where an Administrator has been appointed to Central Coast Council all references to the mayor and Councillors, and Council apply to the Administrator where the Administrator has all the functions of the Council.
- Agenda:** means a list of items for consideration at a meeting together with reports and other attachments relating to those items
- Amendment:** in relation to an original motion, means a motion moving an amendment to that motion.
- Chairperson:** (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the [Local Government Act 1993](#); and

- (b) in relation to a meeting of a Committee of the Council - means the person presiding at the meeting as provided by clause 267 of the [Local Government \(General\) Regulation 2005](#).

Chief Executive Officer or CEO:

is the Chief Executive Officer of Central Coast Council who undertakes the functions of the General Manager under the [Local Government Act 1993](#), or in the absence of that person, the employee 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

Code:

means Council's Code of Meeting Practice adopted by Council pursuant to the [Local Government Act 1993](#).

Committee:

means a committee appointed or elected by the Council in accordance with clause 260(1) of the [Regulations](#)

Council:

means Central Coast Council.

Council Staff:

means employees of Council, and includes the Chief Executive Officer.

Councillors:

means a person elected or appointed to civic office in the Council, and includes the Mayor.

Deputy Mayor:

means the Deputy Mayor of the Council.

Exception Method:

means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:

- A resolution of Council to use the Exception Method;
- The exclusion of reports nominated by Councillors to be considered individually;
- The exclusion of matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

Mayor:

means the person elected as the Mayor of the Council.

Record:

means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council.

Regulation:

means the [Local Government \(General\) Regulation 2005](#).

Relative: in relation to a person, means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse or de facto partner;
- (b) the spouse or de facto partner of the person or of a person referred to in paragraph (a). [[Local Government Act 1993](#) Dictionary]

C Reference Guides

1. The following reference guides are provided to assist with some specific mechanics of Council meetings. They supplement the information contained in the Code.
 - The Chairperson;
 - Order of Business;
 - Confidential Items;
 - Motions and amendments;
 - Points of order; and
 - Rescission Motions

The Chairperson

2. One of the Chairperson's primary functions is maintaining orderly and respectful meetings. The following sets out some aspects of the role of the Chairperson. It is the responsibility of all present at the meeting to understand and respect this role.
3. The Chairperson shall insist upon the proper conduct of debate.
4. The Chairperson may, at his or her discretion from time to time, slow proceedings to allow for clarification of a matter or decision to ensure there is clarity for Councillors, staff and those present.
5. The Chairperson must be impartial and consistent in procedural rulings.
6. The Chairperson will receive and put to the meeting any motion which is brought before the meeting in accordance with the [Local Government Act 1993](#), [Local Government \(General\) Regulation 2005](#) and Code of Meeting Practice.
7. The Chairperson will not permit discussion unless there is a motion before the meeting.
8. The Chairperson has no power to adjourn the meeting of his or her own accord except when the meeting lacks a quorum or when disorder arises.
9. The Chairperson has the right to rule out of order motions that do not relate to the business before Council and motions that are "ultra vires" (beyond the scope of the Council).
10. The Chairperson may refuse to put motions and amendments that are not clear.
11. The Chairperson has the authority to advise and counsel the meeting.

12. The Chairperson will preserve order and endeavour to prevent interference. This includes private conversations or heckling remarks, offensive statements or the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Clause 255 of the [Local Government \(General\) Regulation 2005](#) – Questions of Order).
13. The Chairperson of Council Meetings or Committees of which all Councillors are members has the right to exercise a casting vote.
14. When the Chairperson rises to stand, all present will take their seat and cease talking.
15. In general, it is the aim of the chair to ensure an effective meeting by using their authority sparingly. To achieve this requires the support of Councillors and the advice of staff.

Order of Business

16. The Order of Business is set out in *Part D Clause 10*. This order applies only for Ordinary Council Meetings, but Extraordinary meetings will follow the same order in general terms.
17. These Orders of Business can be changed if a motion to change it is passed. It is not necessary to give notice of this kind of procedural motion. Only the mover of the motion is allowed to speak on it – this is different from most other motions.
18. It is considered good practice to amend the Order of Business where there are specific items which have a number of public speakers or in which there is significant known public interest. To do so demonstrates respect for those present.
19. However, it is appropriate that the procedural matters are dealt with prior to the consideration of a report. This ensures that, amongst other things, any conflicts of interest are declared and documented.

Confidential Items

20. There are certain matters which Council may consider in the closed (confidential) part of the meeting. Council seeks to minimise the number of matters that are considered in closed session. This aligns to the relevant legislation and principles of this Code which encourage open decision making at Council meetings.
21. Only matters which are identified in s10A(2) of the [Local Government Act 1993](#) may be treated as confidential.
22. While a specific report may be identified for consideration in confidential session, where possible, as much information as possible will be provided in a public report.
23. Prior to determining to move into confidential session, it is necessary to allow any members of the public who may wish to address Council as to why Council should not resolve into confidential session. Any submissions should be considered by Council.

24. In closing the meeting, care needs to be taken to ensure the gallery is empty and any webcasting has ceased. It is good practice to confirm these have occurred prior to discussing any of the confidential matters listed.
25. In re-opening the meeting, it is appropriate to take the time to ensure any members of the public who may have waited have the opportunity to re-enter the Chambers.
26. After confidential session, the meeting re-opens and the decisions of Council read back to the open meeting.

Motions and Amendments

27. ***Generally, speakers addressing motions or amendments should commence by stating whether they rise to speak for or against.***
28. A motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council. The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.
29. If that motion is passed it becomes a resolution of Council.
30. Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
31. ***Prior to opening any debate, the Chairperson will ask the chamber if there is any objection.***
32. If there is no objection to a motion, there shall be no right of reply, and the chair shall put the motion.
33. A Councillor who moves a motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
34. A motion should be very specific in its intention, and must be capable of being implemented.
35. If possible, a motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.
36. The motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the motion.
37. A Councillor seconding the motion is in effect saying "I support this proposal." If no person present is prepared to second the motion it then lapses and should not be discussed further.
38. When a motion is complex in its wording and intent, to assist other Councillors, a Councillor should submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format.

39. This will allow the motion/amendment to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting.
40. Motions should be written in a positive sense so that a "yes" vote indicates support for the action, and a "no" vote indicates that no action should be taken.
41. The mover of the motion has the right to speak first, and a general "right of reply" at the end of the debate. No new information or material should be argued during the "right of reply."
42. The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
43. At the end of the debate, the Chairperson puts the motion to the meeting for voting by Councillors.

Amendments

44. An Amendment to a motion requires a mover and a seconder to put it forward.
45. The Amendment must be dealt with before voting on the motion.
46. Debate is allowed only in relation to the amendment and not the motion – which is suspended while the amendment is considered.
47. If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
48. There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
49. Amendments may be in the form of additional words to a motion and/or the removal of words.
50. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion.
51. A **change** to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

Foreshadowed Motions/Amendments

52. It is possible to advise the Council of an intention of a foreshadowed Motion/Amendment that relates to the business currently before Council.
53. The Chairperson cannot accept the foreshadowed Motion/Amendment until the current Motion/Amendment has been determined.

Points of Order

54. A point of order is a procedural motion where the mover is seeking to highlight what they see as a matter the Chairperson needs to determine to ensure the appropriate and effective conduct of the meeting.
55. A Point of Order may be called in the following circumstances:
- a) a matter is raised that does not relate to the subject being discussed;
 - b) there is no quorum present in the Council chamber;
 - c) there has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate;
 - d) a Councillor has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person's motives or conduct;
 - e) a speaker has exceeded the time limit for speeches;
 - f) an amendment under discussion has not been seconded; or
 - g) a matter is raised which is outside the powers of the Council.
56. The Chairperson may rule a Councillor out-of-order in two ways:
- a. generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or
 - b. by the Chairperson on his or her own initiative making the ruling.
57. When a Councillor raises a point of order, the person speaking must stop and resume his/her seat until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice for example:
- Under Part C Clause 53(g) of the Code of Meeting Practice I raise a point of order....*
58. No other Councillor may speak on the Point of Order.
59. The Chairperson will then rule on the Point of Order, either by agreeing with the point of order or dismissing the point of order.
60. If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent. (Refer Clause 248 of the [Local Government \(General\) Regulation 2005](#)).
61. A Point of Order must not be raised for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It is only concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.

Rescission Motions

62. Rescission motions are a complicated area of meeting procedure and it is important to be clear on the process and outcome for the benefit of Councillors, staff and the public.

63. There are two instances in which a rescission motion may be moved:
- (a) A resolution has been passed at the Council Meeting or at a previous meeting of Council and those moving the Rescission Motion want to change it; or
 - (b) At the meeting or a previous *Council* Meeting a vote was not carried and those moving the Rescission Motion want to put the same (or similar) motion again.
64. Notice of a Rescission Motion must be signed by three Councillors. The exception is where more than three months have passed since the matter was first resolved. In this case it is not a Rescission Motion but simply a new motion (eg: Notice of Motion).
65. Once a Notice to alter or rescind a resolution has been signed by three Councillors and given to the Chief Executive Officer, the purported withdrawal of support for the motion by one or more of the signatories to the motion will not invalidate the motion. The Chief Executive Officer remains obliged to include the motion on the Agenda for the next Council meeting (unless the motion is, or the implementation of the motion would be, unlawful).
66. If Notice to alter or rescind a motion is given at the same meeting at which the matter was considered, any resolution cannot be acted upon until the Rescission Motion has been dealt with. It effectively puts a stop on action to implement the resolution that is subject of the Rescission Motion.
67. If a Rescission Motion is put and lost, a further Rescission Motion in similar terms cannot be put for three months.
68. In practical terms, the consideration of a Rescission Motion is in two steps:
- (a) first the Council must determine whether to carry the motion, that is, set aside the original decision. It is not necessary to consider what alternate motion may be put, only whether to rescind the original decision of Council; and then
 - (b) the matter is then at large and Council may determine it afresh. Council may make the same decision as was previously rescinded.
69. In some instances a Rescission Motion is not appropriate. Care must be taken where action has progressed on a matter or where the outcome has already been communicated to affected parties.
70. If notice of motion to rescind a resolution is given by 9.30 AM on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with, subject to Part C Clause 69.

D Operative Parts

Before an Ordinary Council Meeting

When and where are Ordinary Meetings held?

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.
2. Ordinary Meetings of Council are to conclude no later than 10.30 PM on the night of the meeting.
3. If the business of the Ordinary Meetings of Council is unfinished at 10.30 PM, Council may, by resolution, extend the time of the Ordinary Meetings of Council.
4. If the business of the Ordinary Meetings of Council is unfinished at 10.30 PM, and Council does not resolve to extend the Ordinary Meetings of Council under Part D Clause 3, the Council may resolve to:
 - (a) defer the remaining matters to the next Ordinary Meetings of Council; or
 - (b) adjourn the Ordinary Meetings of Council to a fixed time, date and place.
5. Part D Clause 4 does not limit the ability of Council to resolve to adjourn either an Agenda Item or an Ordinary Meetings of Council at any time. Any such resolution adjourning an Agenda Item or an Ordinary Meetings of Council must fix the time, date and place that the Agenda Item or the Ordinary Meetings of Council is to be adjourned to.
6. Where an adjournment is made under Part D Clause 4(b) or Part D Clause 5, the Chief Executive Officer must:
 - (a) individually notify each Councillor of the time, date and place at which the adjourned Agenda Item will be considered or when the adjourned Ordinary Meetings of Council will be reconvened; and
 - (b) publish the time, date and place at which the adjourned Agenda Item will be considered or when the adjourned Ordinary Meetings of Council will be reconvened:
 - (i) on Council's website;
 - (ii) by using such other means that will bring notice of the time, date and place at which the meeting will reconvene to the attention of as many people as possible.

Other Timeframes for Council Meetings

7. Where scheduled Ordinary Meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.
8. Council may amend the meeting times for Council Meetings by resolution.
9. The following timeframes are applicable to Ordinary Meetings of Council held pursuant to Part D Clause 1:
 - (a) deadline for Notices of Motion is 5.00 PM seven working days before the meeting; and
 - (b) Agenda Paper will be distributed by 5.00 PM six working days before the meeting.

When and where are Extraordinary Meetings held?

10. Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings can be held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required. Section 366 of the Local Government Act 1993 governs the calling of extraordinary meetings of Council. Extraordinary meetings of Council will be held at either Gosford or Wyong depending on the timing within the meeting cycle.

Notice of Meetings

11. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe how notice is given to Councillors and the public of Ordinary and Extraordinary Meetings of the Council. Those provisions are not repeated in this Code.

Agendas and Business Papers

12. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe the content and responsibility for the agenda and business papers for Council Meetings. Those provisions are not repeated in this Code.
13. Council staff should, when preparing business papers which will be open to inspection by the public, avoid including personal identifiers such as names and addresses unless such information is required by legislation.

Order of Business

14. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe the content and responsibility for the agenda and business papers for meetings of Council. Those provisions are not repeated in this Code.

15. For the purpose of the Regulation, the general order of business for Ordinary Meetings of Council will be:
- (a) Acknowledgement of Country;
 - (b) Apologies/Requests for leave of absence;
 - (c) Declaration of Interest;
 - (d) Notice of Intention to Deal with Matters in Confidential Session;
 - (e) Confirmation of Council Meeting Minutes;
 - (f) Minutes of the Mayor;
 - (g) Items considered by exception;
 - (h) Reports of the Chief Executive Officer and the Executive Leadership Team
 - (i) Questions on Notice ;
 - (j) Answers to Questions on Notice;
 - (k) Notices of Motion;
 - (l) Motions of Urgency; and
 - (m) Confidential Items.
16. ***The order of business as fixed under Part D Clause 15 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.***

Public access to correspondence and reports.

17. The Local Government Act 1993 prescribes the processes by which meetings of the Council are closed, and the means by which documents considered or tabled at a meeting of Council are to remain confidential. Those provisions are not repeated in this Code.
18. Agendas and Business Papers will be posted to Central Coast Council's website as soon as practicable after electronic distribution to the Councillors, unless those documents are confidential or relate to business that is proposed to be conducted in a closed meeting of the Council.

At the Meeting: General

Who is entitled to attend Meetings? When can Meetings be closed?

19. Meetings of the Council are open to the public, except for those parts of a meeting that are closed in the accordance with the Local Government Act 1993. The provisions of the Act relating to the closure of meetings, and the expulsion of people from open meetings of the Council are not repeated in this Code.
20. However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting in the manner permitted by the Act.

Attendance of Chief Executive Officer at Meetings

21. The Local Government Act 1993 prescribes the meetings of the Council that the Chief Executive Officer is entitled to attend and the role that he or she may have in those meetings. Those provisions are not repeated in this Code.

Mode of Address

22. 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.
23. A Councillor shall address all remarks or questions, either through or to the Chairperson.

Who presides at Meetings of the Council?

24. The *Local Government Act 1993* and the *Local Government (General) Regulation 2005* prescribes who presides at meetings of the Council, including when the Mayor or other Chairperson is not present at a meeting. Those provisions are not repeated in this Code. The following measures supplement those provisions in the Act.
25. If the Mayor declares an interest in any matter being dealt with at a meeting in which he or she will not participate, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting for the consideration of that item.
26. If both the Mayor and Deputy Mayor declare interests in any matter being dealt with at a meeting in which they will not participate, the Mayor will vacate the chair immediately prior to that item being considered and a Chairperson will be elected to chair the meeting for the consideration of the item in accordance with the relevant provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

Chairperson to have precedence

27. The *Local Government (General) Regulation 2005* mandates that the Chairperson has precedence at Meetings of the Council and regulates the conduct of other Councillors when the Chairperson asserts that precedence. Those provisions are not repeated in this Code.

Conduct of business at a Meeting

28. The *Local Government Act 1993* and *Local Government (General) Regulation 2005* regulate the business that can be conducted at a meeting of Council. Those provisions are not repeated in this Code. Generally that business is limited to:
 - (a) Business that has been the subject of notice in accordance with the Act;
 - (b) Specific kinds of business, such as business that is already before or directly relates to a matter that is already before the Council, a matter or topic put to the meeting by way or a motion of urgency or Mayoral Minute in accordance with the Regulation, or is for the adoption of recommendations of a Committee of the Council.
29. Mayoral Minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by Councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice being given to the Councillors and the public. It is considered better practice for any Mayoral Minute to be included as part of the Business Paper.

Items resolved by Exception

30. ~~Council may resolve to consider items of business via~~ **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 (known as** the Exception Method) other than the following items of business:
- (a) Report on Disclosure of Pecuniary and Non-Pecuniary Interests;
 - (b) Matters where a Councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or
 - (c) Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.
31. **Before the Council or Committee resolves to adopt multiple items of business on the agenda together under Part D Clause 30, the Chairperson is to 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 wish to speak on.**
32. **The Council or Committee must not resolve to adopt any item of business under Part D Clause 30 that a Councillor has identified as being one they wish to speak on. To assist in this process, a Councillor may identify the item of business on the agenda they wish to speak on by notifying meeting support staff by 10 AM on the day of the Ordinary Meeting of Council.**
33. **Where the consideration of multiple items of business together under Part D Clause 30 involves a variation to the order of business for the meeting, Council or the Committee must resolve to alter the Order of Business in accordance with Part D Clause 16.**
34. **A motion to adopt multiple items of business together under Part D Clause 30 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.**
35. **Items of business adopted under Part D Clause 30 are to be taken as having been unanimously adopted.**
36. **Councillors must ensure that they disclose and manage any conflicts of interest they may have in relation to items of business considered together under Part D Clause 30 in accordance with the requirements of Council's Code of Conduct.**

Limitation on speeches

37. The Local Government (General) Regulation 2005 governs the number and sequence of speeches that may be made during a meeting of the Council. Those provisions are not repeated in this Code.
38. Council has resolved that the maximum length that a Councillor can address a meeting is limited to three minutes per item, reply or motion. This three minutes can be extended by an additional one minute by either:
- (a) a Council resolution; or

- (b) by the Chairperson of the meeting if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding.

Time limit on debate

39. ***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:***

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."

40. ***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 Part D Clause 39.***

Questions may be put to Councillors and Council Employees

41. The Local Government (General) Regulation 2005 permits, subject to some controls, questions to be put to Councillors and Council Employees. Those provisions are not repeated in this Code. The following supplement those provisions.
42. A Councillor may ask two Questions on Notice at an Ordinary Meeting of Council. A written copy of each question asked must be handed by the Councillor to the Chief Executive Officer, or in his or her absence to a senior member of staff present at the meeting.
43. The form of responses to Questions on Notice is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.
44. Where an answer has been provided to a Question on Notice and a Councillor seeks to have a matter arising from that question and answer considered by the Council, notice should be given to the Chief Executive Officer in the usual way. The Chief Executive Officer may include the item on the agenda for the next meeting, and make sure that the relevant Council staff prepare any necessary background documents or reports.
45. A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.
46. Questions asked at Council Meetings will be recorded in the minutes of that meeting.

Voting at Council Meetings

47. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe voting entitlements in Meetings, how the result of such voting is determined, and how those votes are recorded (including making special provision for the recording of specified planning decisions under the Environmental Planning and Assessment Act 1979). Those provisions are not repeated in this Code. The following supplement those provisions.
48. Council may use electronic devices to record the votes cast by Councillors, but the requirement that voting take place by 'open means' still applies. Votes in writing are not allowed.
49. Councillors cannot participate in a meeting by video-conferencing or tele-conference. There are no 'proxy' votes at Council or committee meetings. A 'proxy' is a system where an absent Councillor can cast his or her vote by giving their vote to another Councillor.

Speakers

- ~~50. It is the absolute discretion of the Council to determine whether or not a member of the public who has requested permission to address the meeting of the Council is permitted to do so.~~
- ~~51. Any member of the public may make a request to the Chief Executive Officer for permission to address a meeting of the Council on any agenda item with the exception of:

 - ~~(a) Individual tenderers in respect to tenders;~~
 - ~~(b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.~~~~
- ~~52. Only items listed on the current agenda (excluding those outlined in Part D Clause 34 of this Code) can be spoken about.~~
- ~~53. Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Speaker to be dealt with following a Speaker's address.~~
- ~~54. The speaker must not make defamatory or insulting statements. The speaker is to ensure they have approval to discuss other people's personal information.~~
- ~~55. A speaker must not, without the consent of Council, speak for longer than three minutes. Questions to speakers are allowed to clarify the position of the speaker or statements made. The speaker is under no obligation to answer any questions. Please refer to Annexure 1 'Request to Speak Form' which contains guidelines for Speakers' participation at Ordinary Council meetings'.~~

Public Forum

50. ***Council will hold a 30 minute public forum immediately 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 (collective with Ordinary Meeting of Council referred to as "Council Meeting").***
51. ***Public forums are to be chaired by the Mayor or their nominee.***

52. ***To speak at a public forum, a person must first make an application to Council in the approved form that is Annexure 1 'Request to Speak Form' which contains guidelines for Speakers' participation in a public forum.***
53. ***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.***
54. ***If no applications to speak at the public forum have been received by 10 AM on the day of the Council Meeting, the forum will not be held.***
55. ***A person may apply to speak on no more than two items of business on the agenda of the Council Meeting.***
56. ***Nominated candidates at Federal, State or Local Government Elections and serving Councillors are not permitted to speak at a public forum.***
57. ***Legal or professional 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 or professional representative when applying to speak at the public forum.***
58. ***The Chief Executive Officer or their delegate may refuse an application to speak at a public forum.***
59. ***No more than two speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda of the Council Meeting.***
60. ***If more than two 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 Council on the item of business. To facilitate this, the speakers contact details contained in the 'Request to Speak Form' (Annexure 1) may be passed onto others seeking to speak with a similar stance on the agenda item.***
61. ***If the speakers are not able to agree on whom to nominate to address Council, the Chief Executive Officer or their delegate is to determine who will address Council at the public forum.***
62. ***Approved speakers at the public forum are to register with Council any written, visual or audio material to be presented in support of their address to Council at the public forum, and to identify any equipment needs no later than 10 AM on the day of the Council Meeting. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.***
63. ***The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum.***
64. ***Each speaker will be allowed three minutes to address Council. These three minutes can be extended by an additional one minute by the Chairperson if the Chairperson considers that there is a need to explain a misrepresentation or misunderstanding. These times are to be strictly enforced by the Chairperson.***

65. ***Speakers at public forums must not digress from the item on the agenda of the Council Meeting they have applied to address Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to so digress. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.***
66. ***Any member of the public may make a request to the Chief Executive Officer for permission to address a Forum on any item of business on the agenda of the Council Meeting the person wishes to speak on with the exception of:***
 - (a) ***Individual tenderers in respect to tenders;***
 - (b) ***Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.***
67. ***Only items listed on the current agenda of the Council Meeting (excluding those outlined in Part D Clause 42 of this Code) can be spoken about.***
68. ***A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum to clarify the position of the speaker or statements made. Questions put to a speaker must be direct, succinct and without argument.***
69. ***Speakers are under no obligation to answer a question put under Part D Clause 68, but any answer by the speaker is to be limited to one minute.***
70. ***Speakers at public forums cannot ask questions of Council, Councillors or Council Staff.***
71. ***The Chief Executive Officer or his or her nominee may, with the concurrence of the Chairperson, address Council for up to three minutes in response to an address to Council at a public forum after the address and any subsequent questions and answers have been finalised.***
72. ***Where an address made at a public forum raises matters that require further consideration by Council Staff, the Chief Executive Officer may recommend that Council defer consideration of the matter pending the preparation of a further report on the matters.***
73. ***When addressing 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 Council's Code of Conduct or making other potentially defamatory or insulting statements. The speaker is to also ensure they have approval to discuss other people's personal information.***
74. ***If the Chairperson considers that a speaker at a public forum has engaged in prohibited conduct of the type referred to in Part D Clause 73, 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 and they may (at the Chairperson discretion) be removed from the Forum.***
75. ***Part D Clause 74 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005.***

76. ***Where a speaker engages in prohibited conduct of the type referred to in Part D Clause 73, 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.***
77. ***Councillors (including the Mayor) must disclose 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 at a Council or Committee Meeting.***

Recording and Webcasting of Council Meetings

78. The proceedings, including all debate, or all Ordinary and Extraordinary Meetings held in the Council chamber (excluding those parts of the meeting which are held in confidential session or those parts of the meeting closed to the public as provided by section 10A of the *Local Government Act 1993*) shall be recorded and webcast. The Council may edit or modify any recordings prior to broadcasting. Any such edits or modifications will be notified publicly by way of the Council's website.
79. The purpose of audio recording Council meetings is to ensure the accurate compilation of Minutes of those meetings.
80. The purpose of audio visual recordings of Council and Committee meetings, and the broadcasting over the internet of those recordings, is to provide a means by which to enhance community participation in such meetings, and to support the principles of openness, transparency, accountability and accessibility. The Chief Executive Officer may interrupt or suspend the webcasting of any meeting of the Council where such broadcast might prejudice the interests of the Council such as but not limited to preventing the publication by Council of material that is defamatory.
81. Comments made by participants in any Council or Committee meeting which are derogatory or damaging to any person's character and reputation, including any other Councillor, employee of the Council, or member of the public, may be defamatory and may subject a participant to an action for defamation. Comments made during the course of a Council or Committee meeting may not be protected by the defence of absolute privilege under the [Defamation Act 2005](#), and may not attract any other defences available under that Act or the common law.
82. At the commencement 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.
83. Access to audio recordings (or requests for transcripts) by Councillors and members of the public will be determined in accordance with the Government Information (Public Access) Act, 2009.
84. The Act and Regulation prohibit the recording of Council Meetings other than by or as permitted by the Council, and permit the expulsion of any such person. Those provisions are not repeated in this Code.

Conflicts of Interest

See also **Council's Code of Conduct** in relation to Conflict of Interests and Pecuniary Interest

85. The Local Government Act 1993 and the Code of Conduct adopted by the Council regulate conflicts of interest. Those provisions are complex, and are not repeated in this Code of Meeting Practice. Councillors and Council Staff must comply with those provisions, and take care to ensure they understand their obligations under those provisions and appropriately manage any conflicts of interest. Those provisions are supplemented by the following provisions of this Code.
86. For the purpose of clarity and transparency, general disclosures are not permitted. Appropriate disclosures must be made for each time a matter in which the interest exists is considered.
87. The Minister for Local Government has power under the Act to permit a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
 - (b) that it is in the interests of the electors for the area to do so.

Quorum and Attendance

Presence at Council Meetings, Leaves of Absence and Quorum

88. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe how Councillors are able to participate in a meeting of the Council, the granting of leave of absence to attend Council meetings, and the requirements for a quorum at a meeting of the Council. Those provisions are not repeated in this Code. It is important that Councillors understand those provisions.

Motions and Amendments

Motions

89. A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the Council to consider.
90. A motion may be moved by the Councillor who placed the motion on the agenda for a meeting. If that Councillor is not present when the motion comes before that meeting another Councillor may move the motion, or the Chairperson may defer the motion to the next meeting of the Council.
91. The Chairperson must receive and put any lawful motion to the meeting, and must rule out of order any motion that is unlawful. A motion that is ruled out of order is taken to be rejected.

92. A motion cannot be debated until it has been seconded. The mover of a motion may be allowed by the Chairperson to briefly speak to the motion before calling for the motion to be seconded. The Regulation provides some exceptions to the requirement that a motion be seconded, which are not repeated in this Code.
93. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.

What is an Amendment?

94. An amendment is a change to the motion before the Council (the initial motion), and is moved while the initial motion is being debated. An amendment to a motion must be put forward in a motion itself. It cannot be a direct negative of the original motion.
95. At the meeting a Councillor may move an amendment to any motion except a motion of dissent. An amendment cannot be debated unless it is seconded by another Councillor.
96. The amendment must be dealt with before voting on the main motion takes place. Debate is allowed only in relation to the amendment and not the main motion - which is suspended while the amendment is considered.
97. If an amendment is carried it becomes the motion.
98. If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
99. A Councillor may, when a motion and an amendment have been moved, foreshadow an intention to move a further amendment before the amendment has been voted upon. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with. If the amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.

What is a Resolution?

100. A resolution is a motion that has been passed by a majority of Councillors at the Council Meeting. While in practice it means the 'Council decision', the word 'resolution' also indicates the process by which the decision was made.

Motions of Dissent

101. The *Local Government (General) Regulation 2005* prescribes, in precise terms, how motions of dissent are made, spoken to and the determined. It is important that Councillors understand those provisions, as they are an important mechanism for regulating conduct and business in Council meetings. Those provisions are not repeated in this Code.

Rescission Motions

Rescinding or Altering Resolutions

102. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe, in precise terms, the circumstances in which a resolution of the Council may be rescinded or altered, and the means by which that may in some circumstances be done. This Code does not repeat those provisions, but does supplement those with the following additional matters.
103. A qualified motion outlining an alternative proposal, should a rescission motion be carried, should accompany any such notice of rescission.
104. The signatories of any such rescission motion will be given the first opportunity to speak to their rescission motion.
105. A rescission motion may come from the floor the same night as the item has been considered by Council. The rescission motion must be in writing, signed by three Councillors and handed to the Chief Executive Officer. The Chief Executive Officer will advise the Council and those present that a rescission motion has been lodged.
106. If notice of motion to rescind a resolution is given prior to 9.30 AM on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Order at Meetings

Questions of Order and dealing with disorder

107. The Local Government Act 1993 and Local Government (General) Regulation 2005 prescribe how questions of order, and acts of disorder, are to be dealt with. Those provisions are important mechanisms for ensuring that Council meetings and meetings of Committees of the Council (where all members of the Committee are Councillors) are conducted fairly, openly and efficiently. It is important that Councillors and Council Staff understand those provisions. Those provisions are not repeated in this Code.
108. The role of a Councillor is as follows:
 - (a) to be an active and contributing member of the governing body;
 - (b) to make considered and well informed decisions as a member of the governing body;
 - (c) to participate in the development of the integrated planning and reporting framework;
 - (d) to represent the collective interests of residents, ratepayers and the local community;
 - (e) to facilitate communication between the local community and the governing body;
 - (f) to uphold and represent accurately the policies and decisions of the governing body; and

- (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

As such, Councillors should not involve themselves in the day-to-day administration of Council. Those matters are the responsibility of the Chief Executive Officer.

- 109. Councillors must not make personal attacks upon staff at meetings. If a Councillor has a complaint about a member of staff that complaint should be addressed in writing to the Chief Executive Officer. If the complaint is about the Chief Executive Officer it should be addressed in writing to the Mayor.
- 110. During debate within a meeting of Council, Councillors are to respect the opinions being expressed by other Councillors and Council staff and not make comments of a derogatory or defamatory nature.

Council Committees

- 111. The governing body of Council may resolve itself into a committee to consider any matter before the Council. All the provisions of the Local Government Act 1993, Local Government (General) Regulation 2005 and this Code that apply to meetings of the Council apply to each Committee of the whole, other than those provisions limiting the number and duration of speeches and the requirement that Councillors stand while speaking.
- 112. The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council proceedings in Committees of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 113. The Regulation also permits the Council to establish other committees comprised of the Mayor and such other Councillors as determined by resolution. The Regulation includes provisions regulating how the Council establishes such committees, how the Council determines the functions of those committees, and how those meetings are conducted and their resolutions recorded. This Code does not repeat those provisions.

After the Meeting

Decisions of the Council

- 114. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
- 115. A resolution of Council is effective upon it being passed by the Council.

Public Access to Correspondence and Reports

- 116. A Council, and a committee of which all members are Councillors 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. That obligation does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed, or were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public; or

- (b) if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential.

Minutes

Minutes of the Meeting

- 117. The [Local Government Act 1993](#) and [Local Government \(General\) Regulation 2005](#) prescribe the content of minutes of Council Meetings, how those minutes are confirmed and signed, and how those minutes are to be made available for inspection. The provisions in the Act and Regulation are not repeated in this Code.
- 118. The draft minutes of an Ordinary Council Meeting will be available to Councillors, and placed on Council's website, by close of business on the Friday following the Ordinary Council Meeting.

Code of Meeting Practice

Amendment of this Code

- 119. This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Local Government Act 1993.
- 120. Changes that are made to Act and Regulation will automatically be incorporated into this Code, as will typographical corrections and formatting, and such changes will not be advertised or reports to Council unless they are significant. Revised copies will be distributed to Councillors and placed on the website whenever changes are made.

Council Workshops and Briefing Sessions

- 121. The Council may hold workshops and briefing sessions. Workshops and briefing sessions are not meetings of the Council or its formal standing committees, under this Code.
- 122. A Workshop may involve Councillors, staff and participants invited by the Chief Executive Officer. The Chief Executive Officer or their delegate will facilitate workshops or briefing sessions.
- 123. Workshops are not open to the public.
- 124. Workshops are informal and are intended and used to provide useful background information to Councillors on issues, to develop Councillor knowledge and expertise to assist in their role as public officials, and to provide informal input into relevant matters.
- 125. No Council decisions are to be made at workshops.
- 126. Workshops do not have any decision making authority or powers and shall not be used for transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) Council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council or committee meeting.

127. All Councillors are entitled to attend workshops.
128. Any information or briefing papers for a workshop shall be given to all Councillors. Any information given to a particular Councillor for a workshop in the performing of their civic duties must also be available to any other Councillor who requests it.
129. Workshop briefing papers shall contain information and options but no recommendations, and no recommendations are to be put to nor sought from, the Councillors or other workshop participants in the course of the workshop. General consensus on any options may be expressed by the workshop participants.
130. Conflict of interests provisions – both Pecuniary and Non-Pecuniary - do apply to workshops conducted by the Council under this Clause and as such need to be appropriately identified, managed and a written record made.
131. The meeting procedures in the Act and the Regulation and in this Code do not apply to workshops held by the Council under this Clause :
- (a) which apply to meetings of the Council and its formal committees comprising of all Councillors and only Councillors; and
 - (b) in respect of the attendance entitlements or requirements of Councillors and attendance entitlements of the public.
132. Minutes and recordings of the meeting will not be taken but a formal record of the workshop will be kept by Council staff detailing the date, subject, those present, the purpose of the workshop and any disclosures of interest.

Annexure 1

Request to Speak Form (~~PUBLIC FORUM~~ Ordinary Council Meetings)

Council Meeting Date

(This form must be received by Councillor Support staff by 10 AM on the day of the Council Meeting - MeetingSupport@centralcoast.nsw.gov.au). Your contact details in this form may be passed onto other members of the public with a similar stance as you (either for or against) on the agenda item in accordance with Part D Clause 60.

Speaker's Name

Agenda Item speaking on

For or Against Item

Best contact number

Email

Address

Please Note:

Council meetings are broadcast live to the public and recorded. By attending a Council Meeting you are giving consent to the possibility that your image and voice may also be broadcast to the world. Recordings are Copyright protected and are accessible under the Government Information (Public Access) Act so they may be used in proceedings outside of Council.

Council accepts no liability for any defamatory remarks or inappropriate comments that might be made.

Guidelines for Speakers

- 1 Submitting this form does not guarantee a right to address Council. The *Chief Executive Officer or their delegate may refuse an application to speak at a public forum. Council has absolute discretion in determining whether to allow a speaker to address Council.*
- 2 You can speak on any Agenda item except:
 - a) Individual tenderers in respect to tenders;
 - b) Reports concerning investigations of allegations of Code of Conduct violations by Councillors, Chief Executive Officer or other Council employees.
- 3 You can only speak about an Item that is listed on the Agenda (excluding those listed above).
- 4 You must not make defamatory or insulting statements. You should take care to ensure you have approval to discuss other people's personal information.
- 5 You will be able to speak for three minutes. Sometimes this will be extended by Council to allow you to finish. Sometimes you may be asked to speak for a shorter period of time, this is to facilitate participation by other speakers.
- 6 *If more than two speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate, in accordance with Part D Clauses 60 and 61, may:*
 - a) *request the speakers to nominate from among themselves the persons who are to address Council; or*
 - b) *determine who will address Council from the nominated speakers.*
- 7 Councillors might ask you some questions after you speak to clarify something you have said. You are under no obligation to answer.
- 8 The Chairperson may ask you to stop speaking if what you are saying is considered repetitive, irrelevant or inappropriate.

Upon arriving at the meeting, please make yourself known to a Meeting Support staff member.

[REDACTED]

From: Your Voice - Our Coast <notifications@engagementhq.com>
Sent: Monday, 6 August 2018 4:29 PM
Subject: Anonymous User completed Submission - Proposed Amended Code of Meeting Practice

Anonymous User just provided a 'Submission - Proposed Amended Code of Meeting Practice' with the responses below.

First name

[REDACTED]

Last name

[REDACTED]

Suburb

Lake Munmorah

Email

[REDACTED]

Best contact number

[REDACTED]

Please write your submission below

Previous submissions to Council on the Community Strategic Plan and Operational Plan were responded to by stating that in response to my submission there has been no change to the Plan. An easy way of saying that you took no notice of the community's submissions and went ahead with what you thought was good for the community. Please let me remind you that it is the community that pays your wages and for any improvements within our community. Why should we bother in putting in submissions if you take no notice? So from now on all my submissions will be sent to the local papers to expose exactly what the community wants and the lack of response from Council. As for this Code, it is one thing to allow a Community Forum before a council meeting, yet whether the community member is discussing their concerns in the open forum or part of the agenda, I don't care how good a public speaker is, he or she cannot get across their points in two minutes. The previous five minutes were not enough time and without any community consultation, Council thought they could reduce the timing. Unless this is changed and a period of 8 minutes is introduced, council will be reading more and more about how the community does not like this code.

Item No: 4.3
Title: Plastic Wise Policy / Program
Department: Assets, Infrastructure and Business



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13305565

Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business

Manager: Andrew Pearce, Acting Senior Manager, Business and Economic Development

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Report Purpose

This report is in response to Council's resolution of 23 July 2018, to review possible implementation of Plastic Wise Policy/ Program for Central Coast Council.

697/18 That Council staff familiarise themselves with the Northern Beaches Council and Surf Coast Council (Vic) "Plastic wise" policy/ program and seek to develop a similar policy to return to Council in 8 weeks.

698/18 That Council write to the Minister for the Environment and request that her government develop initiatives to encourage industry to reduce waste production.

699/18 That Council review our procurement policy to identify opportunities to increase the requirement for the use of products made of recycled materials.

Recommendation

That Council adopt the Single Use Plastic Policy as provided in Attachment 1.

Current Status

Council staff have reviewed both the Northern Beaches and Surf Coast Councils' plastic policy and program and drafted a Central Coast Council Single Use Plastic Policy (Attachment 1 – Single Use Plastic Policy). The purpose of the policy is to commit Council to take a leadership role in the elimination of single use plastics, advocate for legislative change and educate the community on environmentally responsible alternatives.

Council has undertaken a number of environmental education initiatives targeting plastic reduction, including during World Environment Day with a theme of Beat Plastic Pollution, Plastic Free July and also collaboration with Take 3 environmental group. Implementation of the Single Use Plastic Policy will further strengthen Council's environmental leadership, particularly with regards to the reduction of plastic waste and use of products made of recycled material.

The production and use of single use plastics is increasing and is causing significant environmental pollution on a global scale. Council has an opportunity to review its own use and procurement of single use plastics and to provide leadership in the community.

Council will implement the policy according to the following mechanisms:

- Review Council's use of single use plastics and research alternatives
- Review Council's Procurement Policy to identify opportunities to increase the requirement for the use of products made of recycled materials
- Lobby all levels of government to drive policy change and ban on single use plastics
- Engage with the community on alternatives to single use plastics

A letter to the Minister for the Environment, requesting that the NSW Government develop initiatives to encourage industry to reduce waste production was sent in early September 2018.

Council staff are currently developing a procurement policy that incorporates sustainability principles and it is proposed that the policy be brought to Council later this year.

Consultation

Council may resolve to place the attached Single Use Plastic Policy on public exhibition for a period of 28 days seeking public comment. A further report would then be provided for Council to consider adopting the policy. It is recommended that Council adopt the policy as attached without a period of public consultation at this time.

Link to Community Strategic Plan

Theme 3: Green

Goal E: Environmental resources for the future

E3: Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

Attachments

- 1** Attachment 1 - Single Use Plastic Policy D13309765

POLICY NO: CCC

SINGLE USE PLASTIC POLICY

September 2018

AUTHORITY	NAME & TITLE
------------------	-------------------------

AUTHOR	Glen Pestell, Acting Unit Manager , Waste Services and Business Development
MANAGER	Andrew Pearce, Acting Senior Manager, Business and Economic Development
DIRECTOR	Boris Bolgoff, Acting Director, Assets, Infrastructure and Business
CHIEF EXECUTIVE OFFICER	Gary Murphy, Chief Executive Officer

History of Revisions:

Version	Date	Reason	TRIM Doc. #
1			

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POLICY SUMMARY

This policy sets out Central Coast Council's (Council) intention to show leadership in the elimination of single use plastics, advocating for legislative change and educating the community on environmentally responsible alternatives.

PURPOSE OF POLICY

The policy commits Council to take a leadership role in the elimination of single use plastics, advocate for legislative change and educate the community on environmentally responsible alternatives.

POLICY BACKGROUND

Australians consume large volumes of single use plastics which are commonly disposed of to landfill or otherwise become mobile in the environment. This includes approximately 3.9M single use plastic bags and 1 billion disposable coffee cups.

There is a significant body of scientific evidence on the global impacts of plastics on the environment. Plastics are highly visible and mobile in the environment and can impact on both urban and natural ecosystems, through entanglement and ingestion by either land and marine life.

The production of plastics relies on non-renewable resources

The achievement of a reduction in the use of single use plastics across the Central Coast is consistent with Central Coast Council's Community Strategic Plan E3 under Environmental resources for the future - Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

GENERAL

The production and use of single use plastics is increasing and is causing significant environmental pollution on a global scale. Council has an opportunity to review its own use and procurement of single use plastics and to provide leadership to the community.

Council will implement the policy according to the following mechanisms:

- Review Council's use of single use plastics and implement alternatives where practical
- Promote and engage in sustainable procurement practices and influencing supply chains
- Lobby all levels of government to drive policy change and ban on single use plastics
- Build capacity within the community for changes to social practices through promotion of alternatives to single use plastics

DEFINITIONS

The following definition is used in this policy:

Single use plastic means any disposable plastic and polystyrene items including but not limited to straws, balloons, bags, food and drink packaging, cutlery and plastic sleeves.

REVIEW

This policy will be reviewed every two (2) years. Any recognised changes to relevant legislation will activate an immediate review of the policy to ensure it remains current.

RELATED RESOURCES

The following legislation currently applies to the operation of this Policy:

- (a) *Local Government Act, 1993*
- (b) *Protection of the Environment Operations Act, 1997*
- (c) *Waste Avoidance and Resource Recovery Act, 2001*

Item No: 4.4
Title: Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 21 August 2018
Department: Governance



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13321748

Author: Zoie Magann, Advisory Group Support Officer

Executive: Brian Glendenning, Executive Manager, Governance

Report Purpose

To note the draft Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 21 August 2018, and consider the recommendations to Council from the Committee, including staff consideration of those recommendations.

Recommendation

That Council note this report and the draft Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 21 August 2018 that is Attachment 1 to this report.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Background

The Mangrove Mountain and Spencer Advisory Committee held a meeting on Tuesday 21 August 2018. The Meeting Record of that meeting is Attachment 1 to this report.

At that meeting, the Committee considered the items and made recommendations. The recommendations have been reviewed by staff and the following is now provided to Council.

Committee Recommendation

The Advisory Group recommends that Council, in regard to the Spencer sites and the prosecution by the Environment Protection Authority, in the event that the Environment Protection Authority is successful and as well as penalties, a remediation order is made, that Central Coast Council seeks to have input into the remediation plan.

Staff Response

The attached minutes of the Advisory Committee contain the following recommendations to the Council, which are not supported by staff for the reasons set out below:

Action: *The Advisory Group requests further advice from staff about options and issues regarding long term remediation of the Mangrove Mountain Landfill site....*

- *What is the basis for calculating statutory financial provisions to be made by Council for the remediation of its own landfill waste sites?*

The basis on which Council makes for remediation of its own landfill sites is not relevant to the issues to be considered by this Advisory Committee in respect to the Mangrove Mountain land fill site. It is an unreasonable diversion of Council resources to provide that information to this Advisory Committee.

Action: *Senior Staff and Councillors be advised of the offer of a confidential presentation by Gary Chestnut (30 minutes).*

The offer should not be accepted, given the pending Land and Environment Court proceedings concerning the Mangrove Mountain site.

Recommendation to Council

That Council note this report and the draft Meeting Record of the Mangrove Mountain and Spencer Advisory Committee held on 21 August 2018 that is Attachment 1 to this report.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Draft Mangrove Mountain and Spencer Advisory Committee Meeting
Record - 21 August 2018 | D13321758 |
|----------|---|-----------|

Mangrove Mountain and Spencer Advisory Committee Meeting Record 21 August 2018



Location:	Central Coast Council Wyong Office Committee Room Level 2 2 Hely Street, Wyong	
Date:	21 August 2018	
Time	Started at: 5.01pm	Closed at: 6:33pm
Chair	Mayor Jane Smith	
File Ref	F2017/02125	

Present

Mayor Jane Smith, Councillor Richard Mehrrens (arrived 5.12pm), Councillor Kyle MacGregor, John Asquith, Lillias Bovell, Gary Chestnut, Joy Cooper (arrived 5.20pm), Dr Stephen Goodwin, Wolfgang Koerner (arrived 5.24pm), Pam O'Sullivan, Margaret Pontifex, Marilyn Steiner, Danny Willmott, [Catherine Wade (observer only)]

Also present were:

Gary Murphy – Chief Executive Officer, Brian Glendenning – Executive Manager Governance Scott Cox – Director Environment and Planning, Kelly Drover – Advisory Group Support Officer, Zoie Magann – Advisory Group Support Officer

Item 1 Apologies

Stephen Rickards, Councillor Chris Holstein

Item 2 Disclosure of Interest

Gary Chestnut and Danny Willmott have ongoing less than significant pecuniary interests.

Item 3 Confirmation of 26 June 2018 Meeting Record

The Committee confirmed the 26 June 2018 Meeting Record.

The Committee discussed the Action log.

Action: It was requested that the action log is numbered in future for easy reference when discussing action items.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
21 August 2018



Item 4 Ministerial Response Letters

The Committee noted the Council letters and Ministerial responses regarding the Recommendation 27 of the NSW Parliamentary Inquiry into Waste.

The Committee noted the response date of the Government is due 28 September 2018.

Item 5 Update from Council Staff Regarding Current Council Actions

Scott Cox, Director Environment and Planning provided an update to the Committee regarding the Spencer site.

Brian Glendenning, Executive Manager Governance gave the Committee an update on Mangrove Mountain Landfill site.

Catherine Wade expressed a view that the community may have concerns about the large number of trucks coming and going from the site to remove rubbish.

Action: The Advisory Group recommends that Council, in regard to the Spencer sites and the prosecution by the Environment Protection Authority, in the event that the Environment Protection Authority is successful and as well as penalties, a remediation order is made that Central Coast Council seeks to have input into the remediation plan.

Item 6 Update Regarding Communications with the NSW Department of Industry - Water

The Committee noted the letter sent to Mr Michael Blackmore, Director Water Utilities NSW Department of Industry - Water 12 July 2018 inviting a representative from the Department of Industry - Water to attend today's meeting.

Unit Manager Governance has also spoken with Mr Blackmore advising that the Environment Protection Authority had attended and it would be disappointing were NSW Department of Industry - Water not able to find someone to attend a meeting of the Committee.

No response has been received to date.

Action: The Advisory Group requests that staff follow up the Department of Industry - Water with a further request to attend the next meeting.

Item 7 Base Flow – Ourimbah Creek

Brian Glendenning, Executive Manager Governance gave the Committee an update on Base Flow – Ourimbah Creek.

The relevant flow monitoring for Ourimbah Creek is the WaterNSW gauging station located upstream of Ourimbah Weir and the data is freely available to the public.

Mangrove Mountain and Spencer Advisory Committee Meeting Record
21 August 2018



Action: Advisory Group Support Officer to circulate the Real Time WaterNSW Website to Committee members, along with the gauge flow trends chart that was discussed at the meeting.

Action: The Advisory Group recommends that Department of Industry - Water provide insight into the gauge flow trends at the next meeting.

Item 8 Clarification on the status of the issue of naming Stringybark Creek

Brian Glendenning, Executive Manager Governance gave the Committee an update on the status of the issue of naming Stringybark Creek.

The Committee notes that the previous resolution of Gosford City Council still stands and that Council staff will progress the renaming of Stringybark creek depending on the identification of the commencement point of the creek.

Action: The Advisory Group to be advised once the naming of Stringybark Creek is finalised.

Item 9 Request for Agenda Topics – Dr Stephen Goodwin

Stephen Rickards, as an apology, would like it formally acknowledged that he fully supports Dr Stephen Goodwin's agenda topics requests and in particular item 3 - Options paper on future of landfill.

Dr Stephen Goodwin discussed his agenda items that had been submitted for inclusion on the agenda prior to the meeting.

- *Item 2 - Response to questions put to the Environment Protection Authority and Water in April*

Action: The Mayor to review the questions sent to Environment Protection Authority and Department of Industry – Water.

- *Item 3 – Options paper on future of landfill*

Action: The Advisory Group requests that at the next meeting Dr Goodwin provide a draft of principles for the Committee in terms of expectations of the long term remediation of the Mangrove Mountain Landfill site.

Action: The Advisory Group requests further advice from staff about options and issues regarding long term remediation of the Mangrove Mountain Landfill site. Below questions from Wolfgang raised at the meeting to be included in consideration.

- Is there an existing Remediation Action Plan (RAP) for the Mangrove Mountain Mountain Landfill site? If not, is one being developed?
- What are the standard statutory remediation requirements or guidelines for landfill waste sites as would be applicable to e.g. Buttonderry, Kincumber or Woy Woy?
- What is the basis for calculating statutory financial provisions to be made by Council for the remediation of its own landfill waste sites?

Mangrove Mountain and Spencer Advisory Committee Meeting Record
21 August 2018



- *Item 4 - MDA report on LEC case and Auditor General's Report*

Action: Dr Goodwin to provide an update on the Mountain Districts Association mention in the Auditor General's Report to the Advisory Group Support Officer for circulation to the Committee.

- *Item 5 – Offer of confidential presentation to Councillors and Senior staff by Gary Chestnut*

Action: Senior Staff and Councillors be advised of the offer of a confidential presentation by Gary Chestnut (30 minutes).

Item 10 General Business and Close

The committee discussed the possibility of a public meeting calling for a Commission of Inquiry.

Action: Advisory Group Support Officer to follow up action from 26/6/2018 meeting regarding Council writing to the Environment Protection Authority requesting whether it is able to provide a copy of the Follow Up Independent Environmental Report to the Committee.

The meeting closed at 6.33pm

Next Meeting: Wednesday 24th October 2018
 5pm – 7pm
 Central Coast Council Wyong Office
 Committee Room
 2 Hely Street, Wyong

Item No: 4.5
Title: Code of Conduct Review Panel
Department: Governance



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13322694

Author: James Taylor, Section Manager, Governance

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

Executive: Brian Glendenning, Executive Manager, Governance

Report Purpose

To appoint suitably qualified people to Central Coasts Council's Code of Conduct Review Panel.

Recommendation

That Council appoint to Central Coasts Council's Code of Conduct Review Panel the eight providers recommended and endorsed by the Chief Executive Officer.

Background

Part 3, Administrative Framework, Clauses 3.1, 3.3 and 3.4 of Central Coast Council's [Procedures for the Administration of the Code of Conduct](#), states that Council is required to establish, by resolution, a panel of Conduct Reviewers following an Expression of Interest process. The relevant parts are as follows:

- 3.1 *The council must by resolution establish a panel of conduct reviewers.*
- 3.3 *The panel of conduct reviewers is to be established following a public expression of interest process.*
- 3.4 *An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.*

Expressions of Interest for suitable Conduct Reviewers were called for in the Central Coast Advocate on Thursday 9 August 2018, in the Sydney Morning Herald on Monday 13 August 2018 and on Council's 'Your voice Our Coast' webpage from Thursday 9 August 2018.

To be eligible to be a member of the panel a provider must, at a minimum, meet Clauses 3.5 and 3.6 of Central Coast Council's [Procedures for the Administration of the Code of Conduct](#), as follows:

- 3.5 *To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:*
- a) *an understanding of local government, and*
 - b) *knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and*
 - c) *knowledge and experience of one or more of the following:*
 - i) *investigations, or*
 - ii) *law, or*
 - iii) *public administration, or*
 - iv) *public sector ethics, or*
 - v) *alternative dispute resolution, and*
 - d) *meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.*
- 3.6 *A person is not eligible to be a member of the panel of conduct reviewers if they are:*
- a) *a councillor, or*
 - b) *a nominee for election as a councillor, or*
 - c) *an administrator, or*
 - d) *an employee of a council, or*
 - e) *a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
 - f) *a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or*
 - g) *a person who has a conviction for an indictable offence that is not an expired conviction.*

The term of appointment to Central Coast Council's Code of Conduct Review Panel is four years from the date of appointment, pursuant to Clauses 3.8 of Central Coast Council's [Procedures for the Administration of the Code of Conduct](#), which states:

- 3.8 *A panel of conduct reviewers established under this Part is to have a term of up to four years.*

Selection Panel and appointment

A selection panel comprising of the Executive Manager of Governance, the Senior Internal Ombudsman and the Unit Manager Governance and Business Services reviewed a total of nine submissions received following the closing of the Expression of Interest process.

The selection panel reviewed each application and agreed that the following eight providers have merit in respect of the selection criteria outlined in clause 3.5, have not breached any components of clause 3.6, and would not have a conflict of interest,

- Graeme Turner
- Allan Asher
- Linda Pettersson

- Nicholas Dan
- Peter Harvey
- Kerry-Anne Hartman
- Donna Rygate
- David Crofts

The selection panel did not endorse one of the nine applicants as they have had previous significant contractual relationships with Council on a number of projects which could cause a potential conflict.

The selection panel recommendation was put to the Chief Executive Officer who recommends and endorses the following eight providers to be appointed to Central Coast Council's Code of Conduct Review Panel:

- Graeme Turner
- Allan Asher
- Linda Pettersson
- Nicholas Dan
- Peter Harvey
- Kerry-Anne Hartman
- Donna Rygate
- David Crofts

Financial Impact

The recommendation impacts on Council's financial position.

Ongoing funding will be required to pay each of the Conduct Reviewers for their investigation and reporting on Code of Conduct matters. Those Conduct Reviewers engaged outside the Local Government Area, such as Sydney, may require additional cost associated with travel and meeting / interview attendance.

The cost associated with the engagement of a Conduct Reviewer, to undertake an investigation, is to be borne by the Council engaging the Conduct Reviewer at the negotiated rates.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

Nil.



Item No: 4.6
Title: 2018 Local Government NSW Annual Conference - Voting Delegate
Department: Governance

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13325849
Author: Kathy Bragg, Senior Governance Officer
Manager: Shane Sullivan, Unit Manager, Governance and Business Services
Executive: Brian Glendenning, Executive Manager, Governance

Report Purpose

To determine the seventh voting delegate for voting on motions during formal business sessions at the 2018 Local Government NSW Annual Conference (the Conference) due to a cancellation in attendance. The report is being provided to Council as Council originally determined the voting delegates by Council resolution.

Recommendation

- 1 That Council appoint the following Councillor as the seventh voting delegate for voting on motions at the 2018 Local Government NSW Annual Conference:**
 - **Councillor Best**
- 2 That Council request the Chief Executive Officer notify Local Government NSW of the replacement appointment no later than 5.00pm Tuesday, 2 October 2018.**

Context

Council considered this matter at its Ordinary Council Meeting held on 13 August 2018 where it resolved in part:

783/18 That Council appoint the following seven voting delegates for voting on Policy Motions and for the election of Office Bearers at the Local Government NSW Annual Conference 2018:

- a Mayor Smith*
- b Clr Sundstrom*
- c Clr Gale Collins*
- d Clr MacGregor*
- e Clr McLachlan*
- f Clr Burke*
- g Clr Vincent*

Central Coast Council is entitled to have seven voting delegates for voting on motions during formal business sessions.

Councillor Vincent has now advised that due to personal commitments he is unable to attend the Conference.

Local Government NSW has advised that a replacement voting delegate may be nominated, subject to the nomination being received by them prior to 5.00pm on Tuesday, 2 October 2018.

The following Councillors are registered to attend the Conference:

1. Mayor Smith
2. Councillor Best
3. Councillor Gale Collins
4. Councillor Sundstrom
5. Councillor McLachlan
6. Councillor Burke
7. Councillor MacGregor

Financial Impact

Funding for attendance at the Local Government NSW Annual Conference forms part of the budget that forms part of the adopted Operational Plan for the 2018-2019 year.

Link to Community Strategic Plan

Theme 4: Responsible

Goal G: Good governance and great partnerships

G1: Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Attachments

Nil.

Item No: 5.1
Title: 2018/19 Capital Works Project Status
Department: Assets, Infrastructure and Business



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13270797

Author: Felicity Rivers, Personal Assistant to Senior Manager

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Report Purpose

The purpose of this report is to provide a status report against capital works as at 31 August 2018

Recommendation

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

Background

The attached status report regarding capital projects is provided for the information of Councillors. The report details the current delivery of Capital Works projects for the 2018/19 financial year.

Overall, the majority of Departments are on track to deliver their capital projects by the end of this financial year even though year to date actuals are tracking behind schedule.

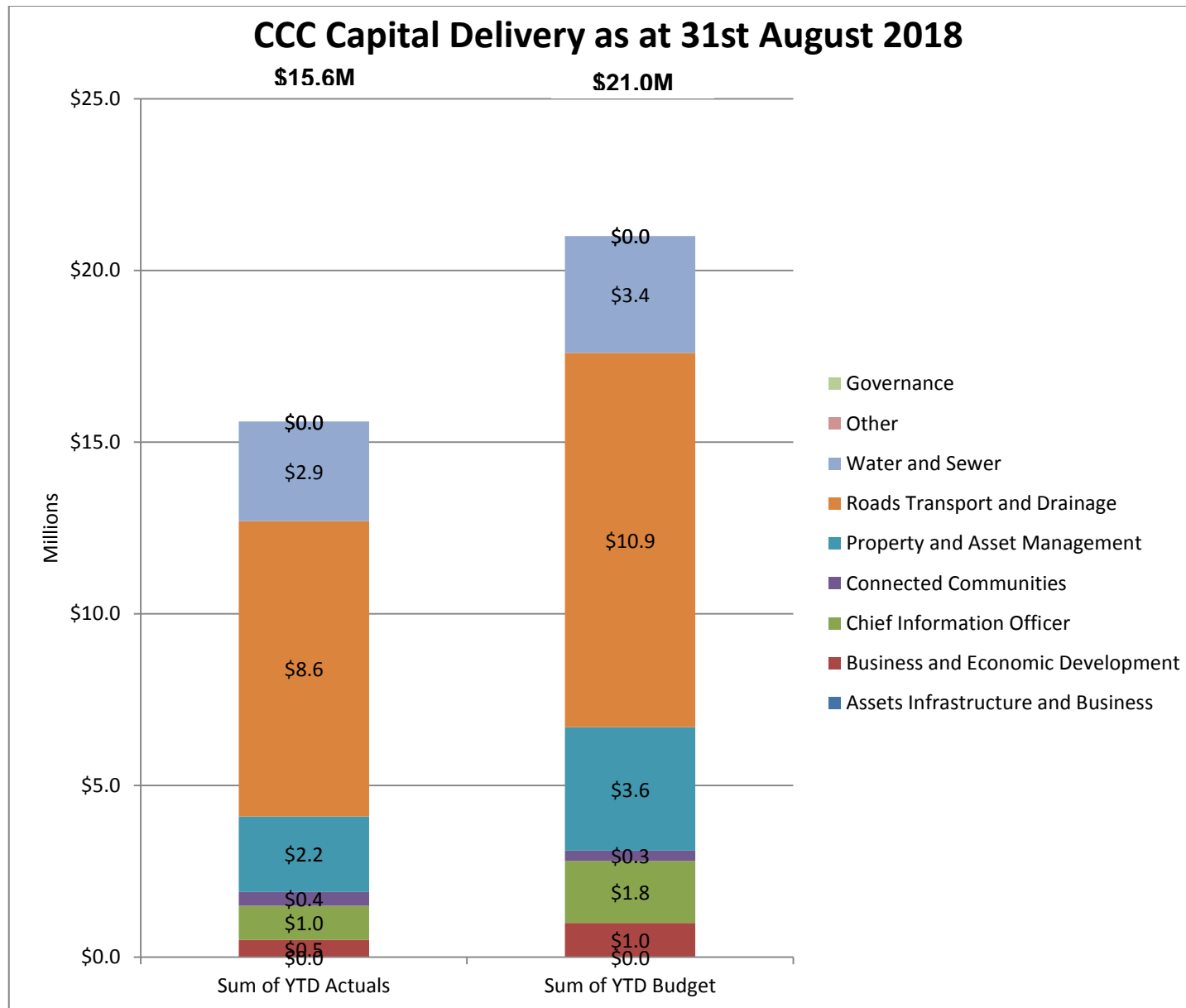
Theme 4: Responsible

Goal G: Good governance and great partnerships

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

Attachments

1 Attachment 1 - CAPEX Report D13334324



On Track	
Delayed – but to be delivered by 30 June 2018	
Need to postpone to another year or remove project	

Assets, Infrastructure and Business Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Wisemans Ferry Road, Somersby – Stage 2 Road and Drainage Upgrade	Upgrade of road infrastructure including installation of stormwater drainage, construction of kerb and gutter, footpath and road pavement works	Responsible Delivering essential infrastructure	\$3,500,000	\$416,506	\$200,000	208%	June 2019		The project is staged with works having continued into 2018/19 as planned. The construction works are tracking slightly ahead of schedule due to good weather and contractor availability. The project is on track for completion by June 2019.
Sewer Pump Station Renewal - Railway Cr Woy Woy (WWMJ)	Renewal of Woy Woy Major Sewer Pump Station.	Environment Operate the sewerage system to minimise sewer overflows Achieve the required sewage treatment plant effluent quality	\$2,872,663	\$42,931	\$ 404,445	11%	Oct 2019		Stage 1 Construction underway. Stage 2 design phase has commenced with construction expected to occur in early 2019. Phasing is behind schedule however physical progress is on track and works will be completed this financial year.
20942. Adcock Park upgrade West Gosford	Upgrade and renewal of Adcock Park Sporting facility including amenities building, carparks, fields and netball courts.	Healthy Lifestyles for a living community Out and about in the fresh air	\$5,585,000	\$39,870	\$10,000	392%	2019/20		Project is on schedule
Earthmoving Plant	Purchase of earthmoving plant	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$7,361,500	0	\$38,270	0%	May 2019		Specifications being developed to call for quotations.

Assets, Infrastructure and Business Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Truck	Purchase of trucks	Responsible Good Governance and Great Partnerships Serve the community by providing great customer experience, value for money and quality services	\$4,515,000	\$42,571	0	0%	May 2019		Quotations called and orders placed for goods to the value of \$1.2M.

On Track for delivery of greater than 90% for Unit (project delivery not project spend)	
Potential 80-90% delivery for Unit (project delivery not project spend)	
Less than 80% delivery for Unit (project delivery not project spend)	

Unit Summary						
Business Unit	Total 2017/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Roads, Transport and Drainage	\$74,890,877	\$8,613,854	\$10,871,703	80%		574 projects are planned for construction in the 2018/19 financial year. Eighteen (18) projects have been completed with a further twenty (20) having commenced. The under expenditure is attributed to project savings at Terrigal CBD Traffic Improvements and Lake Road, Tuggerah and contractor delays at Elouera Road, Buff Point. A total of \$8.614m has already been expended amounting to 12% of the overall program.
Property and Asset Management	\$44,946,645	\$2,150,116	\$3,613,035	59.5%		Of the 254 projects, works are progressing generally as planned with a number of projects ahead of schedule. Some projects are running slightly behind schedule due to resource / contractor availability however the program is planned to be delivered.
Water and Sewer	\$36,642,930	\$ 2,910,589	\$ 3,383,821	86%		The 2018/2019 Water and Sewer Capital Program is on track to be delivered by 30 June 2019
Business and Economic Development	\$25,557,266	\$498,025	\$993,191	50%		Capital projects on track to be delivered by 30 June 2019. \$1.7M in plant and fleet purchases have been ordered and corresponding expenditure committed.

On Track	
Delayed – but to be delivered by 30 June 2018	
Need to postpone to another year or remove project	

Information Management & Technology (IM&T) Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Asset Management System	Implement a consolidated asset management system	Good Governance and Great Partnerships	\$4,678,401	\$159,170	\$260,644	61%	June 2020		Budget underspend due to resourcing not being at capacity. Recruitment for vacant roles has commenced. Project is progressing well to first deliverable of asset register in Q1 2019.
Human Capital Management	Implement a consolidated human capital management system	Good Governance and Great Partnerships	\$3,310,983	\$19,880	\$0	0%	June 2020		Project initiation commenced in preparation for further system functions.
Property & Rating	Implement a consolidated property and rating system	Good Governance and Great Partnerships	\$2,836,180	\$165,857	\$240,726	69%	June 2020		Budget underspend due to resourcing not being at capacity. Recruitment for vacant roles has commenced. Project is progressing well and is currently in planning phase with business requirements gathering in progress.
Standard Operating Environment	Implement a consolidated, modern and secure desktop experience for Central Coast Council staff	Good Governance and Great Partnerships	\$2,831,875	\$97,676	\$176,063	55%	June 2019		Planning initiated, and final scope being defined. Project on track for delivery. Underspend due to revised delivery approach. On track for completion in this financial year.
Business Intelligence Reporting	Implement a business intelligence reporting tool	Good Governance and Great Partnerships	\$1,631,660	\$53,339	\$83,386	64%	September 2019		Budget tracking to plan. Vendor has been engaged and proposal of overarching strategy has been tabled for review.

On Track for delivery of greater than 90% for Unit (project delivery not project spend)	
Potential 80-90% delivery for Unit (project delivery not project spend)	
Less than 80% delivery for Unit (project delivery not project spend)	

Unit Summary						
Business Unit	Total 2017/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Chief Technology Officer	\$5,796,875	\$125,046	\$571,061	22%		All projects are on track. 5 projects are in project initiation phase and 1 is scheduled for later in the year. Majority of underspend due to revised delivery approach. All projects are on track for completion in this financial year.
Technology and Customer Services	\$193,000	\$11,231	\$1,166	0%		4 projects are scheduled for the 2018/19 financial year in Technology & Customer Service. Each project is in the planning phase.
Core Systems Consolidation	\$18,788,145	\$901,639	\$1,254,434	72%		Budget underspend due to delays in engaging third party vendors. Plans in place to correct. 6 projects are in progress and tracking well. 4 projects are due to commence in late September/October 2018.
Digital Information Services	\$330,000	\$0	\$0	0%		4 projects are scheduled for the 2018/19 financial year in Digital Information Services. Project initiation is still to commence for all 4 projects.

On Track	
Delayed – but to be delivered by 30 June 2018	
Need to postpone to another year or remove project	

Governance Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Refurbish and expand Erina Depot office space - P&P area design and construction	Creation of new additional office space for staff from the Unit	Responsible	\$350,000	\$0	\$0	0%	30/05/2019		Project is not scheduled to commence at this point
Upgrade of stores at Erina Depot - above ground fuel tanks	Upgrade of elements related to above ground fuel tanks	Responsible	\$148,000	\$0	\$45,000	0%	31/01/2019		Project delayed to facilitate re-scoping following fuel storage decommissioning works completed at Erina Depot in June 2018.
Refurbish and expand Erina Depot office space - P&P area furniture and fitouts	Refurbishment of existing and fit-out of new office spaces	Responsible	\$50,000	\$0	\$0	0%	30/05/2019		Project is not scheduled to commence at this point
Upgrade of stores at Erina Depot - bulk materials yard	Storage upgrades	Responsible	\$50,000	\$0	\$0	0%	30/10/2018		Project is not scheduled to commence at this point
Upgrade of stores at Charmhaven Depot - new service entry and counter	Service counter reconfiguration and shopfront works	Responsible	\$45,000	\$0	\$0	0%	28/02/2019		Project is not scheduled to commence at this point

On Track for delivery of greater than 90% for Unit <i>(project delivery not project spend)</i>	
Potential 80-90% delivery for Unit <i>(project delivery not project spend)</i>	
Less than 80% delivery for Unit <i>(project delivery not project spend)</i>	

Unit Summary						
Business Unit	Total 2017/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Procurement and Projects	\$675,000	\$389	\$50,000	0.8%		Fuel storage related project delayed to facilitate re-scoping following decommissioning works completed at Erina Depot in June 2018.

On Track	
Delayed – but to be delivered by 30 June 2018	
Need to postpone to another year or remove project	

Connected Communities Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Purchase of Library Resources	Renew and replace library collection resources; books, print, audio	Smart Responsible	790,000	194,723	125,834	154%	30/06/2019		Phasing ahead of schedule due to annual standing order being placed and receipted this month. Overall program will be delivered as scheduled.
Implement anti-terrorism vehicle mitigation at The Entrance Town Centre	Installation of integrated system to ensure enhanced public safety within The Entrance Town Centre for major events.	B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community & visitors.	600,000	0	0	100%	30/06/2019		Stage 1. Design - contract awarded. Stage 2. Construction - To commence Feb 2019.
Design a new leisure provision area in the North Wyong / Wyong	Progress new leisure and aquatic provision in the Northern region of the Central Coast to detailed design stage	Objective (L1): Promote healthy living and ensure sport, recreation and aquatic facilities and open spaces are well maintained and activated	500,000	0	0	100%	30/06/2019		Strategic analysis which identifies the regional need has been completed and is under review. Potential site locations are being investigated

Connected Communities Top 5 Projects									
Project Name	Description	CSP Link	Total 17/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Anticipated completion date	Traffic light	Commentary
Construct seating at The Entrance Town Centre	Replacement of extensive public seating with The Entrance Town Centre precinct.	B4: Activate spaces and places to complement activity around town centres, foreshores, lakes and green spaces for families, community & visitors.	\$328,000	\$27,752	\$50,000	55%	30/04/2019		Works to commence early September. Cost savings have been identified through efficiencies which will allow for more tree surrounds to be replaced this financial year than originally proposed.
Improve mobile visitor services	Implement mobile visitor information recommendations from the Visitor Information Services review 2018	Smart Objective – A growing and competitive region – C4	328,000	0	0		30/06/2019		Project plan has been developed and project is on schedule.

On Track for delivery of greater than 90% for Unit (project delivery not project spend)	
Potential 80-90% delivery for Unit (project delivery not project spend)	
Less than 80% delivery for Unit (project delivery not project spend)	

Unit Summary						
Business Unit	Total 2017/18 Budget	YTD Actuals	YTD Planned expenditure	% Spend to Forecast	Traffic light	Commentary
Leisure and Lifestyle	\$1,616,000	\$56,111	\$20,000	280%		16 capital projects to be delivered in 2018/19, to upgrade leisure and cultural facilities and equipment Projects on track for delivery. Current % spend figures include new cardio equipment for Lake Haven Recreation Centre.
Community Partnerships	\$2,213,000	\$45,731	\$159,000	34%		18 Projects are planned for the 2018/19 financial year and are running slightly behind schedule due to a delayed commencement. All projects are currently on track for delivery this financial year.
Libraries	\$925,000	\$202,488	\$125,834	160%		5 capital projects to be delivered in 2018/19. One project has commenced this month with the photo board project at Gosford Library and the purchase of library resources continues to be delivered.
Learning and Education	\$117,000	\$0	\$5000	0		7 capital projects to be delivered in 2018/19. Playground works at Northlakes have commenced as scheduled.
Community Engagement	\$1,330,000	\$1,235	\$0	NA		5 capital projects to be delivered in 2018/19. 2 projects commenced in August and on track for delivery.
Corporate Strategy and Performance	\$90,000	\$0	\$0	NA		Project not scheduled to commence at this point.
Leisure and Lifestyle	\$1,616,000	\$56,111	\$20,000	280%		16 capital projects to be delivered in 2018/19, to upgrade leisure and cultural facilities and equipment Projects on track for delivery. Current % spend figures include new cardio equipment for Lake Haven Recreation Centre.

Item No: 5.2
Title: Busking on Footpaths
Department: Connected Communities



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-02 - D13202271

Author: Ashlee Abbott, Section Manager Place Activation
Manager: Glenn Cannard, Unit Manager, Community Partnerships
Executive: Julie Vaughan, Director, Connected Communities

Summary

This report is in response to the resolution raised at the Ordinary Meeting of Council on 26 March 2018, and provides information pertaining to investigations carried out by Staff on Council's ability to issue Busking Approval on footpaths under relevant legislation.

Recommendation

That Council receive the report on Busking on Footpaths.

Background

At its Ordinary Meeting of 26 March 2018, Council resolved as follows, part thereof:

206/18 That Council investigate the inclusion of footpaths within town centres in the Busking Policy.

The current *Central Coast Busking Policy* regulates busking pursuant to s. 68 (Part D 4) of the *Local Government Act 1993* ("LG Act"), which relevantly states:

"A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval..."

Part D Community land

- 1 Engage in a trade or business*
- 2 Direct or procure a theatrical, musical or other entertainment for the public*
- 3 Construct a temporary enclosure for the purpose of entertainment*
- 4 For fee or reward, play a musical instrument or sing*
- 5 Set up, operate or use a loudspeaker or sound amplifying device*
- 6 Deliver a public address or hold a religious service or public meeting"*

The term “community land” is defined in the Dictionary to the LG Act as “land that is classified as community land under Division 1 of Part 2 of Chapter 6”. Only land that can be classified under that Division is “public land”. The definitions of “public land”, “public road” and “road” in that Dictionary operate so that footpaths to roads are not regulated under Part D of s. 68 of the LG Act. As a result the *Central Coast Busking Policy* does not apply to those footpaths.

Footpaths located within the road reserve of a public road are subject to the *Roads Act 1993*. Council is the “roads authority” for all public roads within the Central Coast local government area except for Crown Roads, freeways and certain prescribed roads.

Section 125 of the *Roads Act 1993* provides that a person who conducts a restaurant adjacent to a footpath on a public road may seek approval to use part of the footpath “for the purposes of the restaurant”. This would permit such a person to seek approval for the playing of music on the footpath adjacent to their restaurant but would not permit busking.

Sections 138, 139 and 139A of the *Roads Act 1993* regulate works and erection of structures in, on or over public roads, and specifically include “street vending consents”. Those “street vending consents” could only be used where a structure is erected, and so have little and more likely no role in busking activities on footpaths.

The *Roads Act 1993* does not provide a specific mechanism by which busking on footpaths might be regulated.

Council staff undertook a survey of eight (8) other local Council’s (attachment one) which indicates that other local Councils are approving Busking under Section 68 (Part D 4) of the LG Act. Those Councils who referenced the *Roads Act 1993* in their Policy and Guidelines used the *Roads Act 1993* as a means to monitor/enforce their Policies and Guidelines not grant approvals.

Summary

In summary Council does not have the authority to issue permits for Busking on footpaths within town centres and this practice is not undertaken by any of the Councils investigated.

Link to Community Strategic Plan

Theme 1: Belonging

Goal B: Creativity connection and local identity

B3: Foster creative and performing arts through theatres, galleries and creative spaces, by integrating art and performance into public life.

Attachments

- 1 Busking approval analysis - local Councils 2018 D13202264

Busking Approval Analysis

		How is Busking approved?	
Council	Does the Council issue a busking permit?	Section 68 Part D 4 Local Government Act	Section 139A of the Roads Act
City of Sydney	Yes	Yes	
Maitland City Council	In General, Council does not issue busking permits, but welcomes buskers to perform who are prepared to comply with the Buskers Code of Conduct.		
Liverpool City Council	Yes	Yes	
Campbelltown City Council	Yes	Yes	
Newcastle City Council	Newcastle City Council does not issue approvals for busking however any persons wishing to busk in the area should be aware that Council Officers can and will regulate complaints regarding offensive noise and footway obstructions.		Uses the Act to move people on when busking on footpaths
Northern Beaches Council	Yes	Yes	
City of Ryde Council	Yes	Yes	
The Hills Sydney's Garden Shire	Yes	Yes	

Item No: 5.3
Title: Investment Report for August 2018
Department: Finance and Information



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13327205

Author: Devini Susindran, Financial Accountant Treasury and Taxation

Manager: Carlton Oldfield, Unit Manager, Financial Services

Executive: Brian Glendenning, Executive Manager, Governance

Report Purpose

To present the monthly report on the investment portfolio as required in accordance with cl. 212 of the *Local Government (General) Regulation 2005*.

Summary

This report details Council's investments as at 31 August 2018.

Recommendation

That Council receive the Investment Report for August 2018.

Background

Council's investments are made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, the investment policy adopted at the Ordinary Council Meeting on 27 November 2017, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.

Current Status

Council's current cash and investment portfolio totals \$491.72 million at 31 August 2018.

Source of Funds	Value (\$'000)
Investment Portfolio	\$467,275
Transactional accounts (per bank statements) and cash in hand	\$24,445
Total	\$491,720

This investment report will focus on the investment portfolio of \$467.27 million.

5.3 Investment Report for August 2018 (contd)

Cash flows are managed primarily through term deposit and floating rate note maturities, with a net inflow of \$22.0 million in August 2018. The inflow in August relates to quarterly instalments due and received at end of August.

Total net return on the portfolio for Council, in August was \$1.0m, comprising entirely of interest earnings. The total value of the Council's investment portfolio as at 31 August 2018 is outlined in Table 1 below.

Table 1 – Portfolio movement

Description	2017-18 Financial Year \$'000	July 2018 \$'000	August 2018 \$'000	FYTD 2019 \$'000
Opening Balance	409,890	467,254	445,259	467,254
Movement for the period	57,364	(21,995)	22,016	21
Closing Balance	467,254	445,259	467,275	467,275
Interest earnings	11,625	957	1,018	1,975

Council's investments are evaluated and monitored against a benchmark appropriate to the risk (Standard and Poor's BBB long term or above) and time horizon of the investment concerned. Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient funds at all times to meet its obligations. A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

Table 2 - Investment Maturities

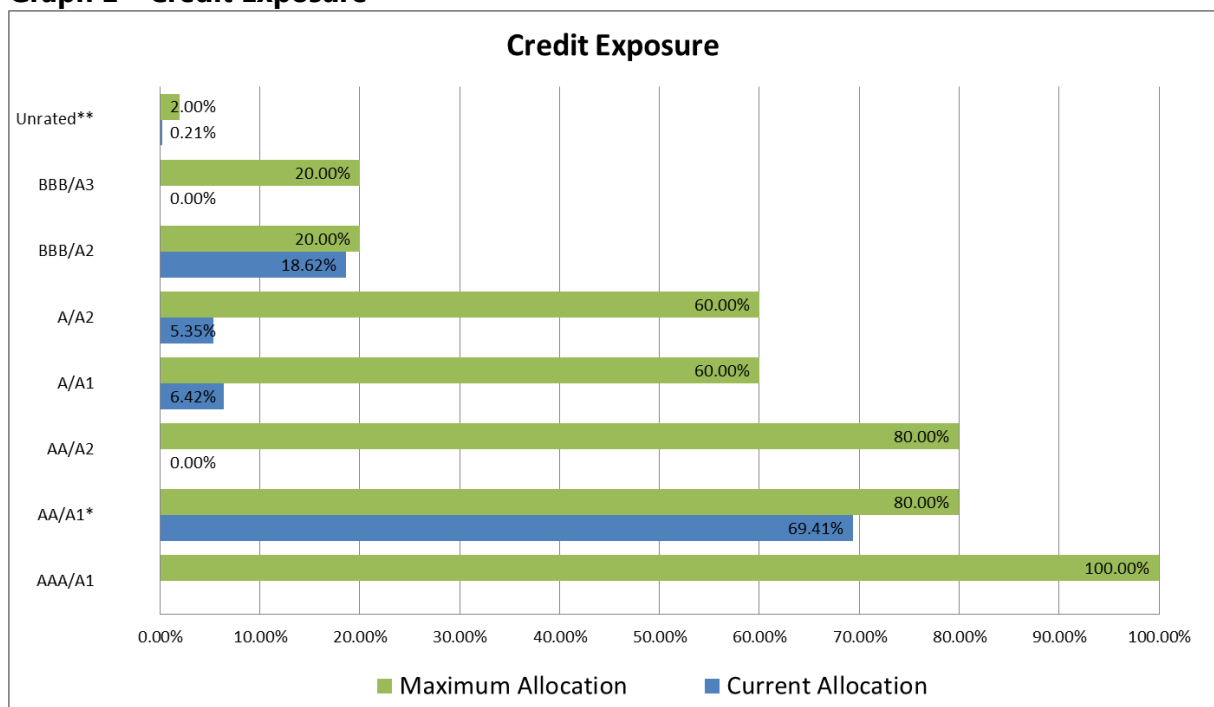
Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
At Call	7.51%	Immediate	35,072
Investments			
0 - 3 months	17.55%	Nov-2018	82,000
4 - 6 months	7.70%	Feb-2019	36,000
7 - 12 months	38.78%	Aug-2019	181,203
1 - 2 years	14.55%	Aug-2020	68,000
2 - 3 years	9.63%	Aug-2021	45,000
3 - 4 years	2.14%	Aug-2022	10,000
4 - 5 years	2.14%	Aug-2023	10,000
Total Investments	92.49%		432,203
Total Portfolio	100.00%		467,275

The investment portfolio is concentrated in A1/AA (69.41%) and A2/BBB (18.62%). The investments in A1/AA are of a higher credit rating and A2/BBB represented the best returns at the time of investment within Policy guidelines. Financial institutions issuing fixed income investments and bonds are considered investment grade (IG) if its credit rating is BBB or higher by Standard and Poor (S&P).

Council continues to monitor the portfolio and manage investments taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and the amount of our investment portfolio already held with each financial institution.

The current spread of investments is listed in Graph 1 and counter party credit exposure is listed in Graph 2.

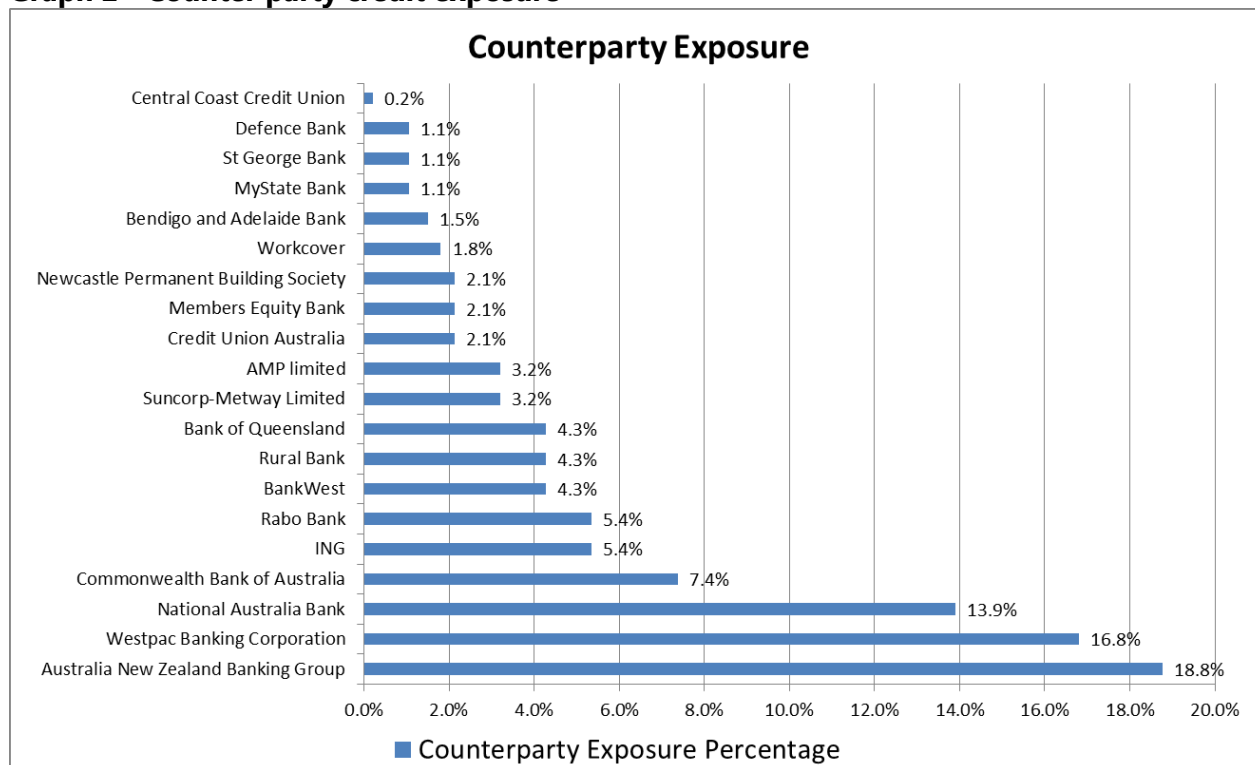
Graph 1 – Credit Exposure



* **AA/A1:** Council has provided security for self-insurance by way of a term deposit invested in an ADI (with a short term S & P rating of A1) through State Insurance Regulatory Authority (formerly WorkCover NSW). This security has been included as part of Council's investment portfolio. Council regularly conducts a review to identify the optimal security providing Council with the best return possible.

** **Unrated:** Unrated investment comprises of a term deposit with Central Coast Credit Union

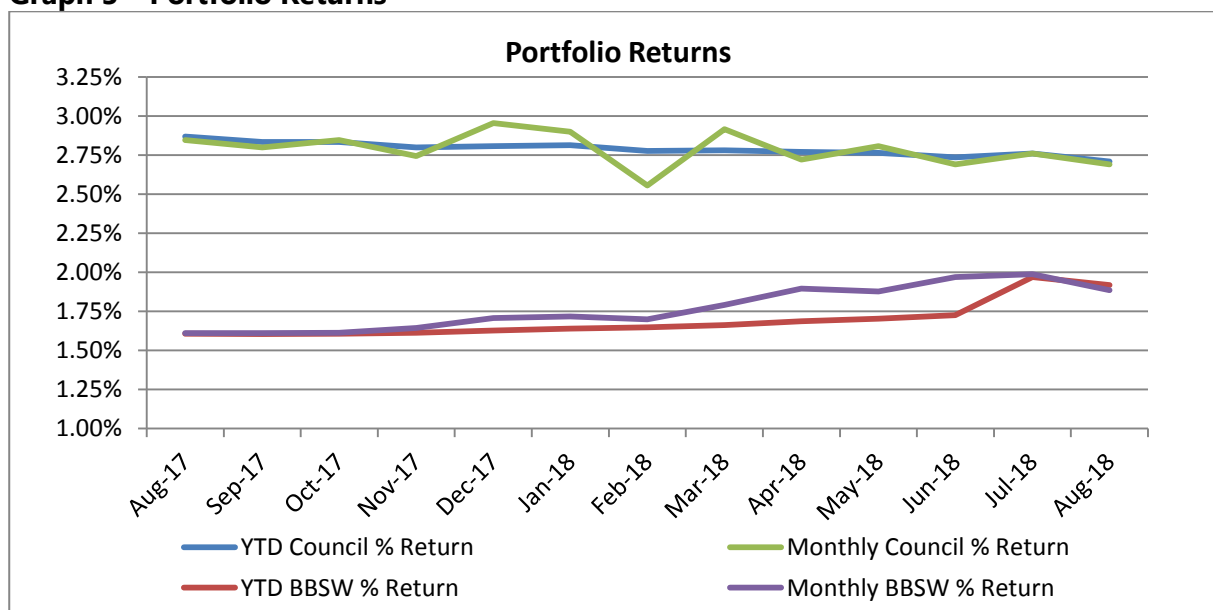
Graph 2 - Counter party credit exposure



Portfolio Return

Interest rates on investments in the month, ranged from 2.40% to 4.87%, all of which exceeded the annualised monthly Bank Bill Swap Rate (BBSW) benchmark of 1.88%. The annualised financial year to date return for August of 2.71% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Bank Bill Index of 1.92% as shown in Graph 3 - Portfolio returns.

Graph 3 – Portfolio Returns



Council's portfolio by Source of Funds

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000)
Investment Portfolio	\$467,275
Transactional accounts	\$24,445
Total	\$491,720
Restricted Funds	\$358,326
Unrestricted Funds	\$133,394

Attachment 2 details the restrictions for Council by fund as at 31 May 2018. The restrictions for August 2018 will be finalised after completion of the financial statements for the year ended 30 June 2018.

Link to Community Strategic Plan

Theme 4: Responsible

ChooseGoal

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

Attachments

- | | | |
|----------|--|-----------|
| 1 | Summary of Investments By Type at 31 August 2018 | D13327828 |
| 2 | Summary of Restrictions at 31 May 2018 | D13253035 |

Central Coast Council Summary of Investments as at 31-August-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 31 August 2018 \$	As a % of the total Portfolio	Interest Rate %
CASH AT CALL:							
Westpac Banking Corporation	Corporate Investment Account	A1	AA	Daily	15,570,226	3.33%	1.60
Workcover	At Call Deposit	A1	AA	Daily	-	0.00%	1.60
Bankwest	At Call Deposit	A1	AA	Daily	1,557	0.00%	1.75
Commonwealth Bank of Australia	Business On-line Saver	A1	AA	Daily	19,500,000	4.17%	1.20
Total Cash At Call					35,071,783	7.51%	
TERM DEPOSITS, FLOATING RATE NOTES & BONDS:							
Commonwealth Bank of Australia	Term Deposit	A1	AA	04-Sep-2018	5,000,000	1.07%	2.64
Commonwealth Bank of Australia	Term Deposit	A1	AA	11-Sep-2018	5,000,000	1.07%	2.66
ING	Term Deposit	A2	A	18-Sep-2018	5,000,000	1.07%	2.68
ING	Term Deposit	A2	A	25-Sep-2018	5,000,000	1.07%	2.69
Westpac Banking Corporation	Term Deposit	A1	AA	25-Sep-2018	4,000,000	0.86%	3.10
National Australia Bank	Term Deposit	A1	AA	02-Oct-2018	5,000,000	1.07%	2.50
National Australia Bank	Term Deposit	A1	AA	09-Oct-2018	5,000,000	1.07%	2.50
Suncorp-Metway Limited	Term Deposit	A1	A	16-Oct-2018	5,000,000	1.07%	2.50
National Australia Bank	Term Deposit	A1	AA	23-Oct-2018	5,000,000	1.07%	2.50
Suncorp-Metway Limited	Term Deposit	A1	A	30-Oct-2018	5,000,000	1.07%	2.50
Australia New Zealand Banking Group	Term Deposit	A1	AA	30-Oct-2018	5,000,000	1.07%	4.87
St George Bank	Term Deposit	A1	AA	04-Nov-2018	5,000,000	1.07%	3.00
Commonwealth Bank of Australia	Term Deposit	A1	AA	06-Nov-2018	5,000,000	1.07%	2.50
Westpac Banking Corporation	Term Deposit	A1	AA	13-Nov-2018	5,000,000	1.07%	2.52
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	14-Nov-2018	3,000,000	0.64%	BBSW + 1.27%
Westpac Banking Corporation	Term Deposit	A1	AA	20-Nov-2018	5,000,000	1.07%	2.55
Bank of Queensland	Term Deposit	A2	BBB	22-Nov-2018	5,000,000	1.07%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	05-Dec-2018	10,000,000	2.14%	2.58
National Australia Bank	Term Deposit	A1	AA	03-Jan-2019	10,000,000	2.14%	2.52
Australia New Zealand Banking Group	Term Deposit	A1	AA	29-Jan-2019	10,000,000	2.14%	2.55
Central Coast Credit Union	Term Deposit	Unrated	Unrated	16-Feb-2019	1,000,000	0.21%	2.75
Westpac Banking Corporation	Floating Rate Note	A1	AA	25-Feb-2019	5,000,000	1.07%	BBSW + 0.94%
Australia New Zealand Banking Group	Term Deposit	A1	AA	06-Mar-2019	10,000,000	2.14%	2.75
Australia New Zealand Banking Group	Term Deposit	A1	AA	20-Mar-2019	10,000,000	2.14%	2.40
National Australia Bank	Term Deposit	A1	AA	03-Apr-2019	10,000,000	2.14%	3.10
Australia New Zealand Banking Group	Term Deposit	A1	AA	17-Apr-2019	10,000,000	2.14%	2.69
Workcover	Term Deposit	A1	AA	18-Apr-2019	8,453,000	1.81%	2.72
Australia New Zealand Banking Group	Term Deposit	A1	AA	02-May-2019	10,000,000	2.14%	2.70
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-May-2019	10,000,000	2.14%	2.70
Bank of Queensland	Term Deposit	A2	BBB	27-May-2019	10,000,000	2.14%	2.75
AMP Limited	Term Deposit	A1	A	04-Jun-2019	5,000,000	1.07%	2.85
Defence Bank	Term Deposit	A2	BBB	04-Jun-2019	5,000,000	1.07%	2.86
AMP Limited	Floating Rate Note	A1	A	11-Jun-2019	5,000,000	1.07%	BBSW +1.10%
AMP Limited	Term Deposit	A1	A	18-Jun-2019	5,000,000	1.07%	2.90
ING	Term Deposit	A2	A	18-Jun-2019	5,000,000	1.07%	2.70
Bank of Queensland	Term Deposit	A2	BBB	24-Jun-2019	5,000,000	1.07%	2.75
National Australia Bank	Term Deposit	A1	AA	28-Jun-2019	10,000,000	2.14%	2.80
Bankwest	Term Deposit	A1	AA	03-Jul-2019	10,000,000	2.14%	2.80
Credit Union Australia	Term Deposit	A2	BBB	03-Jul-2019	10,000,000	2.14%	2.82
Rural Bank	Term Deposit	A2	BBB	09-Jul-2019	10,000,000	2.14%	2.85
Bankwest	Term Deposit	A1	AA	17-Jul-2019	10,000,000	2.14%	2.78
Australia New Zealand Banking Group	Floating Rate Note	A1	AA	25-Jul-2019	2,750,000	0.59%	BBSW + 0.82%
Rural Bank	Term Deposit	A2	BBB	06-Aug-2019	10,000,000	2.14%	2.85
National Australia Bank	Term Deposit	A1	AA	19-Aug-2019	10,000,000	2.14%	2.80
MyState Bank	Term Deposit	A2	BBB	03-Sep-2019	5,000,000	1.07%	2.85

Central Coast Council Summary of Investments as at 31-August-2018							
Financial Institution	Type of Investment	Short Term Rating	Long Term Rating	Maturity Date	Portfolio Balance as at 31 August 2018 \$	As a % of the total Portfolio	Interest Rate %
National Australia Bank	Term Deposit	A1	AA	03-Sep-2019	5,000,000	1.07%	2.80
Westpac Banking Corporation	Term Deposit	A1	AA	24-Sep-2019	4,000,000	0.86%	3.20
Australia New Zealand Banking Group	Term Deposit	A1	AA	15-Oct-2019	10,000,000	2.14%	2.77
Australia New Zealand Banking Group	Term Deposit	A1	AA	12-Nov-2019	10,000,000	2.14%	2.78
ING	Term Deposit	A2	A	13-Dec-2019	5,000,000	1.07%	2.83
ING	Term Deposit	A2	A	26-Feb-2020	5,000,000	1.07%	2.75
Westpac Banking Corporation	Term Deposit	A1	AA	17-Mar-2020	10,000,000	2.14%	3.10
Members Equity Bank	Floating Rate Note	A2	BBB	05-Apr-2020	10,000,000	2.14%	3.05
Bendigo and Adelaide Bank	Floating Rate Note	A2	BBB	18-Aug-2020	4,000,000	0.86%	BBSW +1.10%
Rabo Bank	Term Deposit	A1	AA	07-Sep-2020	5,000,000	1.07%	3.50
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	4,500,000	0.96%	BBSW +1.25%
Suncorp-Metway Limited	Floating Rate Note	A1	A	20-Oct-2020	500,000	0.11%	BBSW +1.25%
National Australia Bank	Term Deposit	A1	AA	10-Dec-2020	5,000,000	1.07%	2.80
Westpac Banking Corporation	Term Deposit	A1	AA	10-Dec-2020	10,000,000	2.14%	2.90
Westpac Banking Corporation	Term Deposit	A1	AA	21-Jun-2021	10,000,000	2.14%	3.06
Rabo Bank	Term Deposit	A1	AA	05-Jul-2021	10,000,000	2.14%	2.92
Newcastle Permanent Building Society	Floating Rate Note	A2	BBB	24-Jan-2022	10,000,000	2.14%	BBSW + 1.65%
Rabo Bank	Term Deposit	A1	AA	12-Dec-2022	10,000,000	2.14%	3.18
Total Term Deposit & Bonds:					432,203,000	92.49%	
TOTAL PORTFOLIO					467,274,783	100.00%	
Current					334,274,783	71.54%	
Non-Current					133,000,000	28.46%	
TOTAL PORTFOLIO					467,274,783	100.00%	

Central Coast Council

Summary of Restrictions 31-May-2018

Fund	Source of Funds	Principal Amount
		\$'000
GENERAL FUND	Loans	4,426
	Unexpended grants	15,143
	Contributions to works	5,799
	Developer Contributions	70,346
	Developer Contributions (VPA)	2,449
	Developer Contributions (Bonus Provisions)	4,821
	RMS Advances	13
	Self Insurance	8,019
	Stormwater Levy	3,636
	Waste Management (Tip Rehabilitation)	20,158
	Unexpended Contributions	0
	Other Crown Land	1,444
	Holiday Park Surplus	7,335
	Cemeteries Surplus	662
	Internal commitments	80,031
	TOTAL GENERAL FUND RESTRICTIONS	224,282
DRAINAGE FUND	Developer Contributions	26,818
	Contributions to works	100
	Internal commitments	484
	TOTAL SEWER FUND RESTRICTIONS	27,402
SEWER FUND	Developer Contributions	16,919
	Developer Contributions (VPA)	381
	Developer Contributions (Prepaid)	1,087
	Contributions to works	366
	Loans	706
	Self Insurance	285
	Internal commitments	919
	TOTAL SEWER FUND RESTRICTIONS	20,664
WATER FUND	Developer Contributions	34,621
	Developer Contributions (VPA)	2,280
	Developer Contributions (Prepaid)	56
	Unexpended grants	2,355
	Self Insurance	338
	Contributions to works	283
	Internal commitments	999
	TOTAL WATER FUND RESTRICTIONS	40,933
DOMESTIC WASTE FUND	Domestic Waste Management	43,455
	Unexpended grants	1,589
	TOTAL WASTE FUND RESTRICTIONS	45,044
	TOTAL RESTRICTED FUNDS	358,326

Item No: 6.1
Title: QON - Q78/18 - Wallarah Coal Funds
Department: Finance and Information



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13311207

Author: Vivienne Louie, Unit Manager, Financial Performance

Executive: Brian Glendenning, Executive Manager, Governance

6.1 QON - Q78/18 - Wallarah Coal Funds

The following question was asked by Councillor Bruce McLachlan at the Ordinary Meeting on 28 May 2018:

The budget is \$64,000 for surplus this year. We gave away \$200,000 for the coal last week. I was just wondering, and correct me if I'm wrong, we were given \$17million for Kangy for environmental land purposes. Could the \$200,000 be taken from the \$17million that was paid for the Kangy land?

On 28 May 2018 Council resolved as follows:

492/18 That the Council provide funding of \$200,000 to Australian Coal Alliance Incorporated for the specific purpose of engaging a suitable expert(s) to provide evidence in the proceedings in respect of the issues of concern to the Council, noting leave must first be granted in the judicial review proceedings for such expert evidence to be presented.

That \$200,000 funding was provided for in the adopted budget the 2017-18 financial year.

Council received \$2.66 million for the Kangy Angy land acquired for the rail maintenance facility, not \$17 million. The proceeds and corresponding gain on disposal of the land was accounted for in the 2016-17 financial year, and is not a separate restricted fund available for reallocation to specific purposes (such as, for example, the implementation of resolution 492/18 of 28 May 2018).

Attachments

Nil.



Item No: 6.2
Title: QON - Q116/18 - Terrigal Beach
Department: Assets, Infrastructure and Business

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13304313
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

6.2 QON - Q116/18 - Terrigal Beach

The following question was asked by Councillor Sundstrom at the Ordinary Meeting on 23 July 2018 :

I recently reported a matter concerning the exposure of some old infrastructure (concrete and timber I understand) that had been buried in the sand at the southern end of Terrigal Beach. The reply I received indicated that there were some benefits by way of protection of the boardwalk from the effects of wave action. Since receiving the reply I have been notified that two swimmers have been injured by contact with the exposed old infrastructure. My questions are what actions could the council reasonably take to protect the community from injury and what responsibility does council have to provide a safe area for recreation by residents and visitors?

On 25 July, 2018 Council removed concrete and timber remnants from the old seawall that were still in place at the southern end of Terrigal beach.

The exposed timber was removed and pieces of the old concrete steps were relocated higher up the beach and towards the southern end. Much of the old concrete in the southern corner has been left in place amongst all the other rocks in that area. It is expected that sand will return to cover the remaining concrete before summer. If sand doesn't return before summer, Council staff will reassess removing the old concrete stairs off the beach.

Attachments

Nil.

Item No: 6.3
Title: QON - Q118/18 - Developer Contributions
Department: Environment and Planning



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13317725

Author: Matthew Prendergast, Unit Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

6.3 QON - Q118/18 - Developer Contributions

The following question was asked by Councillor Rebecca Gale Collins at the Ordinary Meeting on : 23 July 2018

What's the current balance of developer contributions section 94 since the amalgamation?.

The total contributions balance excluding amounts received from Voluntary Planning Agreements (VPAs) is \$103,122,565, as of 30 June 2018.

This can be broken down as follows:

Former Wyong	\$61,915,595 (excluding VPAs)
Former Gosford	\$41,206,970
Former Wyong VPAs	\$ 5,249,431

Balance of contributions as of the 12 May 2016.

Former Wyong	\$25,572,982
Former Gosford	\$23,030,308
Former Wyong VPAs	\$ 4,995,960

The current value of works funded by contributions under the adopted deliver plan for 2018/2019 year is \$7,031,258. The works are listed below:

- Design a new leisure provision area in the North Wyong / Wyong
- Upgrade Wadalba Wildlife Corridor
- Design and construct local playspace at Gosford Lions Park
- Upgrade Terrigal rock pool
- Construct Austen Butler Oval carpark – Woy Woy
- Upgrade Warnervale Oval
- Upgrade Boomerang Road and Warrigal Street – The Entrance
- Upgrade Boomerang Road and Eloora Road intersection – Long Jetty
- Upgrade Lake Road - Stage 2 - Tuggerah
- Upgrade McLachlan Avenue - Stage 2 – Long Jetty
- Design and upgrade Nirvana Street and Stella Street intersection – Long Jetty
- Design and upgrade Torrens Avenue and Fairview Avenue intersection – The Entrance
- Upgrade Eloora Road drainage - Stage 2 – Long Jetty
- Upgrade Everglades Catchment drainage - Stage 2 – Woy Woy
- Upgrade Louisiana Road drainage - Warnervale
- Install traffic and pedestrian improvements - Stage 1 - Terrigal
- Construct footpath on Brougham Street – East Gosford

Attachments

Nil.

Item No: 6.4
Title: QON - Q123/18 - Ettalong Dredge Plan
Department: Assets, Infrastructure and Business



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-03 - D13304407
Author: Ben Fullagar, Section Manager, Coastal Protection
Manager: Peter Ham, Unit Manager, Waterways and Coastal Protection
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

6.4 QON - Q123/18 - Ettalong Dredge Plan

The following question was asked by Councillor McLachlan at the Ordinary Meeting on 23 July 2018:

"Can we please get a copy of the dredge plan for Ettalong Beach. I understand in conversation with someone from public works that the spoil was going to be placed along the surf break at the box to try and enhance the break. Apparently there was a meeting with the board riders at Ettalong and someone from public works and there was some liaison with the local board riders and it would be nice to know what the dredge plan is?"

The current dredging is being carried out by the New South Wales Government.

Below is a link to the NSW Department of Industry – Crown Lands webpage. An update on the Ettalong Channel dredging program was posted on 17 August 2018 which includes a map and responses to Frequently Asked Questions.

<https://www.industry.nsw.gov.au/lands/public/notifications/ettalong-channel> -

Any further inquiries may be made via phone on: **1300 886 235** or by email to cl.enquiries@crownland.nsw.gov.au,

Attachments

Nil.



Item No: 6.5
Title: QON - Q125/18 - Winney Bay Q23/18 and
QON - Q128/18 - Winney Bay Report
Department: Assets, Infrastructure and Business

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13309082
Author: Luke Sulkowski, Unit Manager, Natural and Environmental Assets
Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management
Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

Q125/18 Winney Bay Q23/18

The following question was asked by Councillor Louise Greenaway at the Ordinary Meeting on 23 July 2018:

In answer to Question on Notice Q23/18 regarding Winney Bay at page 269, it states "This project is permitted without consent under Part 5 of the Environmental Planning & Assessment Act".

What is the reason that the project is permitted without consent and under what section under Part 5?

Q128/18 Winney Bay Report

The following question was asked by Councillor Jillian Hogan at the Ordinary Meeting on 23 July 2018:

In regards to the Winney Bay report on page 269 it states that Council didn't need authority via a Development Application process and that the project is permitted without consent under Part 5 of the Environmental Planning and Assessment Act 1979. It is my interpretation of that section that we did need approval due to the environmental impact.

Could staff provide clarification on the section and also provide the documentation on the impacts that were assessed in November 2017?

Cr Greenaway's Question – Q125/18

What is the reason that the project is permitted without consent...?

Section 4.1 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") provides:

If an environmental planning instrument provides that specified development may be carried out without the need for development consent, a person may carry the development out, in accordance with the instrument, on land to which the provision applies.

State Environmental Planning Policy (Infrastructure) 2007 (iSEPP) is an environmental planning instrument made under and for the purposes of the EP&A Act. Cl. 65(3)(a) of iSEPP relevantly provides:

3. Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

(a) development for any of the following purposes:

- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
- (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,*
- (iii) visitor information centres, information boards and other information facilities,*
- (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
- (v) landscaping, including landscape structures or features (such as art work) and irrigation systems,*
- (vi) amenities for people using the reserve, including toilets and change rooms,*
- (vii) food preparation and related facilities for people using the reserve,*

The Winney Bay project is development for purposes set out in cl. 65(3)(a) of the iSEPP, and so is development that s. 4.1 of the EP&A Act provides may be carried out without development consent. As a public authority, Council was required to, and did, assess the environmental impacts of that development under Part 5 of the EP&A Act.

(cont.) under what section under Part 5?

Section 5.5 is the most directly relevant section within Part 5 of the EP&A Act. Other sections within the EP&A Act are also relevant to interpreting Council's obligations under Part 5 of that Act.

Cr Hogan's question Q128/18

It is my interpretation of that section that we did need approval due to the environmental impact. Could staff provide clarification on the section...?

Section 5.5 is the most directly relevant section within Part 5 of the EP&A Act. Other sections within the EP&A Act are also relevant to interpreting Council's obligations under Part 5 of that Act.

Could Council staff...also provide the documentation on the impacts that were assessed in November 2017?

Impacts on air, water, soil, flora and fauna, waste, energy, and socio economic factors were all considered as part of the Part 5 assessment. Questions on notice are not a mechanism to secure the public release of information to the public.

The relevant documents have been provided to Councillors, for the purpose of exercising their civic functions, via the Hub and the Chief Executive Officer is considering whether those documents should be proactively released pursuant to that Act.

Members of the public who seek to have access to that information may make a request or application to Council under the *Government Information (Public Access) Act 2009*. Details on those processes are set out at <https://www.centralcoast.nsw.gov.au/council/news-and-publications/access-to-information>

Attachments

Nil.

Item No: 6.6
Title: QON - Q127/18 - Council Asset Protection Zone Maintenance
Department: Assets, Infrastructure and Business



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13309106

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

Manager: Brett Sherar, Acting Senior Manager, Property and Asset Management

Executive: Boris Bolgoff, Acting Director, Assets, Infrastructure and Business

6.6 QON - Q127/18 - Council Asset Protection Zone Maintenance

The following question was asked by Councillor Vincent at the Ordinary Meeting on 23 July 2018:

Local residents have raise concerns that Council may no longer be able guarantee that Crown or Council Asset Protection Zones (APZ) backing on to residential housing will be maintained in perpetuity.

Could staff please advise:

- 1 If Council is maintaining APZs to the same level prior to the merger and administration of Wyong and Gosford Councils?*
- 2 If the same budgets and resourcing levels are in place to ensure that there is adequate fire protection for residents adjoining reserves with fire risks.*

- 1 Council has not reduced the standard or frequency of maintenance applied to Asset Protection Zones (APZ's or firebreaks) since amalgamation, but has made efforts to continue to enhance the organisations capacity in APZ maintenance.
- 2 The same staffing levels are applied to the program as were applied prior to amalgamation (one plant operator, supported by one Community Service Order worker supervisor), the program is also supported by contractors. Notable changes to resourcing however have included the following:
 - a. Procurement of a Ventrac tractor to support firebreak maintenance. This item of machinery has demonstrated a greater capacity to work in wetter areas (many APZ's are on wetland fringes) compared to previous larger tractors utilised in the past. It is also able to carry and use other different tools (such as small stump grinders to enhance and maintain access for slashing) and is smaller and more manoeuvrable. This has demonstrated some productivity and efficiency gains in the APZ maintenance program.

- b. Application of Council funds to the program. Prior to amalgamation both Councils were fully reliant on Rural Fire Service contributions towards the program. This funding is never guaranteed, the size of it is unknown until receipt of funds, and the funds are often not received until late in the financial year (confirmation of funds in some recent years has not occurred till more than half way through the year). This had made program delivery extremely difficult. Funds are now allocated toward the program as part of Council's budget development process prior to confirmation of receipt of any external funds.

\$807K was spent on APZ maintenance in 2017/18, and \$832K is allocated to the equivalent program in 2018/19. This does not include fire trail maintenance programs, or capital works associated with fire breaks or fire trails. It is also recognised that the neighbouring private landowner bears responsibilities in regards to bush fire hazard mitigation (such as property maintenance) and that in accordance with Planning for Bush Fire Protection requirements, new developments are required to manage the risk of bush fire within the bounds of the development, reducing Council's obligations for bush fire management at the urban/ bushland interface.

Attachments

Nil.

Item No: 6.7
Title: QON - Q130/18 - GCC Planning Investigations
Department: Environment and Planning



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13317720

Author: Matthew Prendergast, Unit Manager, Strategic Planning

Executive: Scott Cox, Director, Environment and Planning

6.7 QON - Q130/18 - GCC Planning Investigations

The following question was asked by Councillor Troy Marquart at the Ordinary Meeting on 13 August 2018 :

It is my understanding that the former Gosford Council completed planning investigations in regards to the broader Erina Town Centre and Erina Valley Precinct 3 in 2012. Can you please confirm if this is correct? Please confirm the current status of this particular planning project?

Please confirm budget allocated to this planning and/or costs spent to this date.

Background

In 2008, the NSW State Government prepared the Central Coast Regional Strategy 2006-31 (CCRS) to manage the growth of the Central Coast region. The CCRS designated Erina as a Town Centre and identified it as a suitable location to accommodate future growth of the former Gosford Local Government Area.

In 2009, when the former Gosford City Council (fGCC) was preparing the *Gosford Local Environmental Plan 2014* (GLEP 2014) (the citywide standard instrument LEP) the former Department of Planning (DoP) issued a certificate to allow public consultation on the GLEP 2014. The certificate also required Council to undertake further planning work including:

- A broad review of the Erina planning controls in line with the CCRS, with the scope of work to be agreed to by the DoP;
- Subsequent directions from the DoP resulted in the area commonly known Erina Valley being included in the Erina Study Area;
- Review of urban fringe zonings in accordance with the CCRS;
- Addressing consistency with and implementation of the E zone practice note (PN09-002) and amending zones and other planning provisions as required.

In response to these directions and as part of its strategic planning to implement the CCRS the fGCC initiated strategic planning work for the suburb of Erina, see study area in Figure 1.

Strategic Studies

In 2012/13, the Erina 'land capability overview' was funded by the Council and carried out by JBA Consulting. This was the initial step in preparing a comprehensive planning strategy for Erina. The Erina 'land capability overview' did the following:

- Investigated physical constraints and opportunities;
- Developed draft guiding principles for areas subject to possible change in Erina;
- Prepared land use options for areas subject to possible change that required further investigation as the strategy progressed;
- Identified additional studies which would be required in order to further investigate any potential changes to zonings, planning controls etc.

The study divided the suburb of Erina into seven geographic precincts in order to better focus investigations and planning. The area commonly referred to as Erina Valley was defined as Precinct 3 (see Figure 1 below).



Figure 1: Study Area Source: Erina Land Capability Overview

The Erina 'land capability overview' determined that prior to a structure plan being prepared and recommendations for changes to zonings or planning controls being made, a series of detailed technical studies would need to be undertaken. These included studies relating to Flora and Fauna, Riparian Corridors, Heritage, a Land Capability and Soil Contamination, Water and Sewer, Economic Feasibility, Traffic, Transport and Connectivity.

A number of these detailed studies were undertaken by fGCC between 2013 and 2015 including a Flora and Fauna Study, a Riparian Study, a Heritage Study, a Land Capability and Soil Contamination Study and preliminary advice regarding Water and Sewer. The studies identified a number of environmental considerations and land constraints particularly with regard to the Erina Valley area where flooding, riparian and flora and fauna issues were of particular concern.

In 2014 the fGCC was briefed at a Strategy Policy Forum on the 'status' of the ongoing investigations and the proposed commencement of the Environmental and Urban Edge Zone Review.

Due to the constraints identified in the abovementioned studies and the commencement of the Environmental and Urban Edge Zone Review, further strategic planning work for Erina was placed "on hold" until the outcomes of the Environmental and Urban Edge Zone Review were determined.

Environmental and Urban Edge Zone Review

In response to the DoP's requirement for additional work to be undertaken with regards to:

- Review of urban fringe zonings in accordance with the CCRS;
- Addressing consistency with and implementation of the E zone practice note (PN09-002) and amending zones and other planning provisions as required.

Council initiated the Urban Edge and Environmental Zones Review in 2014. This review incorporates all land in GLEP 2014 identified as Deferred Matters lands, including Erina and Erina Valley. These lands are still under the *Gosford Interim Development Order 122* (IDO) and include the zones of Conservation 7(a) and Scenic Protection (7c2).

The aim of the Urban Edge review is to update and replace the zones of the IDO with the new environmental protection zones (E zones) introduced by the NSW State Department of Planning and Environment (DoPE) as background on the Standard Instrument LEP. The detailed studies of land at Erina and Erina Valley were included as part of the information for the review. The zoning recommendations will be implemented through the Consolidation Planning Proposal, which will rezone all Deferred Matters lands to a new standard instrument LEP zone.

Based on the methodology outlined in the Department of Planning and Environment, E zone practice note (PN09-002) and the outcomes of the detailed studies carried out as part of the Erina Strategic Plan work, the E zone review determined that land in Erina Valley was appropriate to be zoned E4 Environmental Living (refer to map below) due to servicing, flooding and environmental constraints.



Figure 2: Erina Valley Proposed Zoning Source: Environmental and Urban Edge Zone Review – Report on the Zoning of the Deferred Matters in Gosford Local Environmental Plan 2014, August 2017

Budget

Expenditure on the Erina studies to date is outlined below:

Study	Consultant	Consultants Fee (incl GST)
Erina Land Capability Overview	JBA Planning Pty Ltd	\$85,520
Erina Flora and Fauna Study	Geolink Environmental Management and Design	\$91,569
Riarian Assessment	Niche Consulting	\$23, 306
Land Capability & Soil Contamination	WSP Environmental Pty Ltd	\$51,150

Erina Indigenous and European Heritage Study	Archaeological & Heritage Management Solutions	\$39,866
Preliminary advice regarding Water and Sewer	Gosford City Council In house advice	
TOTAL		\$291,411

Current Status

In 2016 the Department of Planning and Environment (DPE) released the Central Coast Regional Plan 2036 (CCRP2036) an updated strategic planning document for the Central Coast Region. The CCRP does not direct Council to undertake further work on planning for Erina Valley, rather the CCRP contains the following Directions and Actions relating to Erina:

Direction 2: Focus economic development in the Southern and Northern Growth Corridors

Action 2.5: Plan for a growing and vibrant mixed use centre at Erina that is well-connected and has enhanced urban amenity.

The Southern Growth Corridor extends along the Central Coast Highway from Somersby to Erina. The Southern Growth Corridor does not extend into the rural residential areas of Erina Valley.

Council's Strategic Planning Unit are currently preparing the Somersby to Erina Corridor Strategy. Studies prepared as part of the previous investigations relating to Erina have been used to inform the Somersby to Erina Corridor Strategy. Councillors were briefed on this strategy on 20 August 2018, and a report will soon be brought to Council requesting endorsement for public exhibition.

The rezoning of those lands which are identified as Deferred Matters under Gosford Local Environmental Plan 2014 will be undertaken as part of the Consolidated Central Coast Local Environmental Plan (CCLEP). The CCLEP has received Gateway Approval from DPE to undertake public consultation. It is expected that the planning proposal will be on exhibition in October 2018.

Attachments

Nil.



Item No: 6.8
Title: QON - Q133/18 - Position on Round Up
Department: Governance

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13314771

Author: Heidi Pegg, Section Manager Environmental Reporting Governance and Business

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

Executive: Brian Glendenning, Executive Manager, Governance

6.8 QON - Q133/18 - Position on Round Up

The following question was asked by Councillor Sundstrom at the Ordinary Meeting on 13 August 2018 :

With reference to the recent decision in the courts in the USA regarding the effects of glyphosate; What is the council policy on the use of this product?

Central Coast Council does not currently have a policy on the use of herbicides, however Council is bound by and works within legislative requirements relating to herbicide use.

Council released a media statement on 23 August 2018 responding to the community concern around the use of herbicides.

The media release is located on Council's website and states Council's position on the matter. A copy of the media release is provided as Attachment 1.

Attachments

1 Media enquiry response- Herbicides Roundup D13319550

MEDIA ENQUIRY RESPONSE

23 August 2018 on Central Coast Council website

CENTRAL COAST COUNCIL USE OF HERBICIDES

Central Coast Council understands community concern over the use of herbicides in light of recent news coverage around the USA civil law suit connected to 'RoundUp' a commonly used herbicide.

Council's Unit Manager of Natural and Environmental Assets, Luke Sulkowski, said that the health and safety of Council workers and the community are taken very seriously and Council ensure responsible practices are in place for the safe use of herbicides whilst protecting the environment.

"Council applies herbicides containing glyphosate for the purpose of weed control within the Central Coast Local Government Area. Weed control is essential for the management of our local waterways, biodiversity, property and assets, and our natural and built environments", said Mr Sulkowski.

"Glyphosate is registered for use in Australia by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The APVMA advise that products containing glyphosate can be used safely in accordance with directions on the label.

"Council staff who apply pesticides are appropriately trained in accordance with the requirements of the Pesticides Act 1999 and application occurs in accordance with directions on the label. Application of any herbicides within a public area is notified in accordance with Council's Pesticide Use Notification Plan (which includes herbicides, insecticides, algaecides). This plan was developed in consultation with the community and approved by the NSW Environment Protection Authority. In addition, herbicide application within waterways is undertaken in accordance with an Environment Protection Licence (EPL) issued and regulated by the NSW Environment Protection Authority".

The Pesticide Use Notification Plan and EPL can be found on Council's website:

<http://www.s.centralcoast.nsw.gov.au/environment-and-waste/environmental-management-and-planning/environment-protection-licences>

Further information regarding the perceived health concerns associated with the use of glyphosate can be found on the APVMA website: <https://apvma.gov.au/node/13891>



Item No: 7.1
Title: Notice of Motion - 2019 State and Federal Election Funding Opportunities
Department: Councillor

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13332932

Author: Greg Best, Councillor

Bruce McLachlan, Councillor

Councillors Best and McLachlan have given notice that at the Ordinary Council Meeting to be held on 24 September 2018 they will move the following motion:

- 1 That Council recognises the potential and significant electoral funding opportunities that now exist in the lead up to the 2019 State and Federal Elections.***
- 2 That Council, through its now significant influence as the States third largest LGA, seeks to leverage electoral funding opportunities.***
- 3 That Council, through a bipartisan approach and in partnership with community and industry, seek to identify and prioritise key projects to be advanced for funding consideration.***

Resources must be authorised by Directors for inclusion

Councillors Note

Colleagues, with the State and Federal Elections looming, likely to be held early 2019, I believe it is incumbent upon us to show leadership and reach out to government for our communities fair share.

With both levels of government now in receipt of billions of dollars of unallocated revenues, this is an ideal time to responsibly advance key projects on behalf of our community for funding consideration.

History has proven if we work together, take a bipartisan approach, we can achieve much. This was highlighted when Gosford and Wyong Councils joined forces to successfully secure the \$120 million Mangrove Mardi (M to M pipeline) funding.

The 2019 election cycle will be our first test/ opportunity as now the third largest Council in NSW. It is self- evident that working as one we can achieve significant opportunities on behalf of our community.

Attachments

Nil.

Item No: 7.2
Title: Notice of Motion - Council's Genuine Appreciation
Department: Councillor



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13332962

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 24 September 2018 he will move the following motion:

- 1 *That Council recognises the outstanding contribution over the years made by Mr Brian Glendenning in his role as Council's Legal Counsel.***
- 2 *That Council further takes this opportunity to thank Mr Glendenning for his leadership and professionalism as Council's Acting General Manager in what can be best described as a particularly challenging period.***
- 3 *That Council respects Mr Glendenning's decision to move on and wishes him and his family every success in their future endeavours.***

Attachments

Nil.

Item No: 7.3
Title: Notice of Motion - Special Commission of Inquiry into Mangrove Mountain and Spencer illegal dumping
Department: Councillor



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13333343

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary to be held on 24 September 2018 he will move the following motion:

- 1 That Central Coast Council support a NSW Government Special commission of Inquiry into the Mangrove Mountain and Spencer landfill and dump sites.***
- 2 That Council write to the relevant NSW Minister(s) and Shadow NSW Minister(s) as well as the NSW Upper House cross bench spokespersons on the environment to inform them of our decision to support this Special commission of Inquiry.***

Attachments

Nil.

Item No: 7.4
Title: Notice of Motion - Local Procurement Policy and Buy Local Campaign for Central Coast Council
Department: Councillor



24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13333357

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary Meeting to be held on 24 September 2018 he will move the following motion:

- 1** *That Central Coast Council request CEO Gary Murphy instigate necessary steps to formulate and develop a local procurement policy for Council in consultation with relevant staff and councillors with a view to this policy being included in next years operational budget and adopted by Council as soon as possible.*
- 2** *That this local procurement policy consider relevant options to engage local labour and local businesses products and services in the delivery of council services that are not delivered by directly employed staff or council directorates.*
- 3** *That we consider favouring local workers and local businesses in the tendering processes as an option, or consider if weightings or ratios are appropriate for these tenders to encourage the use of local workers and businesses in delivering services and stimulating our local economy through the fiscal activity of Central Coast Council.*
- 4** *That Council consider support for a buy local campaign that promotes and encourages the purchase and use of local businesses services and products by our local community similar to the buy Australian made campaign that has been so successful at the national level for Australian businesses.*
- 5** *The Council recognise the unique skills, products, produce and exceptionally high quality of our local workforce and small businesses particularly in the agriculture, construction and manufacturing sectors and seek to promote these to strengthen our local economy and local community.*

Attachments

Nil.



Item No: 7.5
Title: Notice of Motion - Woy Woy Rail Underpass –
Development of a Business Case
Department: Councillor

24 September 2018 Ordinary Council Meeting

Trim Reference: F2018/00020-04 - D13334299

Author: Jane Smith, Mayor

Mayor Smith has given notice that at the Ordinary Meeting to be held on 24 September 2018 she will move the following motion:

That Council make representation to the State Government in order to secure funding for the development of a Business Case for the construction of a new railway underpass at Woy Woy so as to remove the Rawson Road level crossing.

Background

Rawson Road in Woy Woy experiences high daily traffic volumes and has pedestrians and cyclists passing through the level crossing regularly. This road is the main arterial link to and from Woy Woy Road. The level crossing also provides an important east/west connection to adjoining suburbs on the west side of the rail line.

Benefits of the program include:

- removing significant risk to the railway corridor;
- improving emergency evacuation routes during natural disaster events;
- improving vehicle access to Woy Woy and southern beach areas;
- reducing commuter travel times;
- reduced traffic congestion and delay.

Attachments

Nil.