



Central Coast Council

Minutes of the Ordinary Council Meeting of Council Held in the Council Chamber 2 Hely Street, Wyong on 27 May 2019

Present

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

In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Bileen Nel (Director Water and Sewer), Evan Hutchings (Director Governance) and Craig Norman (Chief Finance Officer).

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

The Mayor, Jane Smith advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

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

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

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

The reports are recorded in their correct agenda sequence.

Apologies

Councillor Richard Mehrtens

Leaves of Absence

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

Resolved

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

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

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

For:

Unanimous

1.1 Disclosure of Interest

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

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

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

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

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

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

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

Moved: ***Councillor MacGregor***
Seconded: ***Councillor Gale Collins***

Resolved

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

For:

Unanimous

1.2 Confirmation of Minutes of Previous Meetings

Moved: *Councillor Gale Collins*

Seconded: *Councillor MacGregor*

Resolved

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

For:

Unanimous

1.3 Notice of Intention to Deal with Matters in Confidential Session

Moved: *Councillor Greenaway*

Seconded: *Councillor Sundstrom*

Resolved

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

Item 8.1 Davistown Wetlands Acquisition

Reason for considering in closed session:

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

That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and attachment 1 to this report remain confidential in accordance with section 10A(2)(c) of the Local Government Act as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

For:

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

Against:

Mayor Smith and Councillors Gale Collins, Pilon and MacGregor

Procedural Motion – Exception

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

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

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

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

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

For:

Unanimous

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

Moved: Mayor Smith

Resolved

That Council:

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

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

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

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

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

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

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

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

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

409/19 Request the Chief Executive Officer to:

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

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

Against:
Councillors Gale Collins, Pilon, Marquart
and Best

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

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

410/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

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

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

For:
Unanimous

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

Moved: Councillor Gale Collins
Seconded: Councillor Burke

Resolved

413/19 That Council grant consent subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.

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

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

4.1 Draft Code of Meeting Practice - Submissions

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

Moved: Mayor Smith
Seconded: Councillor Best

Resolved

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

For:
Unanimous

4.2 Councillor Remuneration

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

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

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

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

For:
Unanimous

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

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

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

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

For:

Unanimous

4.4 Draft Open Pile Burning Policy - Community Consultation Submissions Report

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

Moved: Mayor Smith

Seconded: Councillor Greenaway

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

For:

Mayor Smith and Councillor Greenaway

Against:

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

The Motion was put to the vote and declared LOST.

The matter was then at LARGE.

Moved: Councillor Best

Seconded: Councillor Marquart

Resolved

- 422/19 That Council adopt the draft Central Coast Open Pile Burning Policy, as amended. Specific amendments include:**
- a Policy Item A1 has been amended to reflect the exact wording of the Protection of the Environment Operations (Clean Air) Regulation 2010. This required removal of 'dry and dead'.**
 - b Policy Item D1 now includes Environmental Zones and Deferred Matter lands (Environmental Zones include the E2 Environmental Conservation, E3 Environmental Management and E4 Environmental Living land use zones under the Wyong Local Environmental Plan 2013 and the Gosford Environmental Plan 2014 and the land use zones 7(a) Conservation and 7(c2) Scenic Protection under the Gosford Interim Development Order 122 as part of a self approval process.**
 - c Policy Item D3 only allows for a 2m pile diameter to be consistent with the NSW Rural Fire Service and NSW Fire Brigade 'Standards for Pile Burning'.**
 - d Policy Item D5 only allows 150mm vegetation diameter to be consistent with the NSW Rural Fire Service and NSW Fire Brigade 'Standards for Pile Burning'.**
 - e Policy Item E3 clarifies that the Policy does not require approval to burn vegetation in the course of carrying out agricultural operations.**
 - f Policy Item E4 clarifies that the Policy does not require approval to burn for recreational purposes.**
 - g Matters relating to investigating reported breaches have been moved to Policy Section F4.**
- 423/19 That Council request the Chief Executive Officer to write to the Environmental Protection Authority before the draft Central Coast Council Open Pile Burning Policy can be implemented seeking the following:**
- a The listing of the Central Coast Council as an approval authority for the burning of vegetation under Part 2 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
 - b Request the removal of the former Gosford City Council from Part 1 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**
 - c Request the removal of the former Wyong Shire Council from Part 2 and 3 of Schedule 8 under the Protection of the Environment Operations (Clean Air) Regulation 2010.**

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

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

Against:
Mayor Smith and Councillor Greenaway

Procedural Motion

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

Resolved

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

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

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

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

First Part:

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

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

Amendment Moved: **Councillor Best**
Amendment Seconded: **Councillor McLachlan**

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

For:
Councillors McLachlan and Best

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

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

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

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

For:
Mayor Smith

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

The Motion was put to the vote and declared LOST.

The matter was then at LARGE.

Procedural Motion

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

Resolved

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

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

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

The Council resumed consideration of this item at 9.23pm.

Moved: Councillor Sundstrom
Seconded: Councillor Greenaway

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

Amendment Moved: Councillor McLachlan
Amendment Seconded: Councillor Pilon

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

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

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

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

A division was called by Councillors McLachlan and Gale Collins.

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

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

The motion was then put.

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

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

Moved: Councillor Sundstrom
Seconded: Councillor Greenaway

Resolved

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

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

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

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

The motion was put to the vote and CARRIED on the casting vote of the Mayor.

A division was called by Councillors Gale Collins and Marquart.

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

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

Casting vote of the Mayor

4.6 2018-19 Q3 Business Report

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

Moved: Councillor Best
Seconded: Councillor Holstein

Resolved

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

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

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

For:
Unanimous

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

4.7 Investment Report April 2019

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

For:
Unanimous

4.8 Making and Fixing of 2019-20 Rates and Charges

Moved: Mayor Smith
Seconded: Councillor MacGregor

Resolved

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

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

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

a Rateable land within Registered Plan 97/6.

b Rateable land within the area indicated in the Gosford Central Business District Improvement and Parking Area map (as set out in attachment 2):

i Commencing west of Mann Street, at Lot 1 DP 156665, bounded by Etna, Hills, Watt and Faunce Streets; and

- ii From Henry Parry Drive to Allotment 1, Section 96, Town of Gosford to the intersection of Erina Street, north to Donnison Street, west of Henry Parry Drive to Georgiana Terrace to include unnamed lane in DP 13734; and**
- iii Then from Allotment 4, Section 9, Town of Gosford to its intersection with the centre line of the Great Northern Railway bounded by Henry Parry, Mann Street, Georgiana Terrace, Dane Drive to the railway line and back to the point of commencement.**

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

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

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

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

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

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

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

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

Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount
Farmland	-	0.294576	\$300.00
Residential	-	0.463232	\$300.00
Mining	-	16.612570	\$300.00
Ordinary Rate Category Section 493	Ordinary Rate Sub Category Section 529	Ad Valorem Amount (cents in the \$)	Minimum Rate Amount

Business	-	1.009672	\$300.00
Business	Business Major Retail	1.514513	\$300.00
Business	Business Local Retail	1.262087	\$300.00

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

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

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

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

Name	Charge Amount
Domestic Waste Management - Availability Charge	\$70.00
Domestic Waste Management Service – Eastern Area	\$502.00
Domestic Waste Management Service – Western Area	\$445.00
Name	Charge Amount
Domestic Waste Management Service – 140 litre to 240 litre Waste Upgrade	\$133.00
Domestic Waste Management Service – 140 litre to 360 litre Waste Upgrade	\$267.00

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

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

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

Name	Charge Amount
Waste Management Service – 140 litre Waste Bin Service	\$374.00
Waste Management Service – 240 litre Waste Bin Service	\$499.00
Waste Management Service - 360 litre Waste Bin Service	\$615.00
Name	Charge Amount
Waste Management Service - 660 litre Waste Bin Service	\$2,130.00
Waste Management Service - 1.1 cubic metre Waste Bin Service	\$2,974.00
Waste Management Service - 1.5 cubic metre Waste Bin	\$4,005.00

Service	
Waste Management Service – 240 litre Recycling Bin Service	\$100.00
Waste Management Service – 360 litre Recycling Bin Service	\$133.00
Waste Management Service –240 litre Vegetation Bin Service	\$108.00

449/19 That Council apply, a proportional charge adjustment, calculated on a daily basis, where domestic waste management services or waste management services commence or cease during the 2019-20 rating year.

450/19 That, for the period between 1 July 2019 and 30 June 2020 in respect to overdue rates and charges, Council charge the lesser of the following:

- a the maximum rate of interest as determined by the Minister for Local Government under s. 566(3) of the Local Government Act 1993, being 7.5% per annum; or**
- b the maximum rate of interest payable on overdue rates and charges under s. 356 of the Water Management Act 2000, being the rate applicable on an unpaid judgment of the Supreme Court;**
- c and this interest to be calculated on a daily basis using the simple interest method in accordance with s. 566 of the Local Government Act 1993.**

**For:
Unanimous**

4.9 Ordinary Rates Harmonisation

Moved: Councillor Best
Seconded: Councillor Vincent

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

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

Amendment Moved: Mayor Smith
Amendment Seconded: Councillor Greenaway

1 That Council defer this matter to the Ordinary Meeting being held on 11 June 2019.

- 2 *That Council request the Chief Executive Officer to provide a response to the draft motion proposed by Councillor Best.*

For:

Mayor Smith and Councillors Greenaway, Gale Collins, Pilon, McLachlan and Holstein

Against:

Councillors Matthews, Sundstrom, Burke, Marquart, Vincent, MacGregor Hogan and Best

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

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

Procedural Motion

Moved: Mayor Smith
Seconded: Councillor Best

Resolved

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

For:

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

Against:

Councillors MacGregor

Moved: Mayor Smith
Seconded: Councillor Greenaway

Resolved

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

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

For:

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

Against:

Councillor MacGregor

Procedural Motion

Moved: *Councillor Vincent*

Seconded: *Mayor Smith*

Resolved

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

For:

Unanimous

Procedural Motion

Moved: *Mayor Smith*

Seconded: *Councillor Holstein*

Resolved

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

For:

Unanimous

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

Moved: *Mayor Smith*

Seconded: *Councillor Holstein*

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

Resolved

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

For:

Unanimous

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

Moved: Mayor Smith
Seconded: Councillor Holstein

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

Resolved

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

For:
Unanimous

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

Moved: Mayor Smith
Seconded: Councillor Holstein

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

Resolved

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

For:
Unanimous

4.13 Appointments to Tourism Advisory Committee

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

460/19 That Council resolve, pursuant to s1.11(3) of the Local Government Act 1993, that Attachment 1 to this report remains confidential as the attachment contains personnel matters concerning particular individuals and because consideration of the matter in open Council would on balance be contrary to

the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

For:

Unanimous

4.14 IPART Determination

Moved: Councillor Vincent

Seconded: Councillor Gale Collins

Resolved

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

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

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

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

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

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

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

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

For:
Unanimous

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

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

Resolved

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

For:
Unanimous

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

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

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

Resolved

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

For:
Unanimous

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

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

Resolved

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

For:
Unanimous

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

Moved: Councillor Vincent
Seconded: Councillor Gale Collins

Resolved

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

For:
Unanimous

7.1 Notice of Motion - San Remo BMX Park - Congratulations

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

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

Moved: Mayor Smith
Seconded: Councillor Holstein

Resolved

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

Resolved

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

For:
Unanimous

7.2 Notice of Motion - Innovation and Futures Reference Group

Moved: Mayor Smith
Seconded: Councillor Holstein

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

Resolved

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

For:
Unanimous

7.3 Notice of Motion - Water Management Committee

Moved: Mayor Smith
Seconded: Councillor Holstein

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

Resolved

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

For:
Unanimous

8.1 Response to Notice of Motion - Davistown Wetlands Acquisition

Moved: Mayor Smith
Seconded: Councillor Holstein

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

Resolved

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

For:
Unanimous

Questions on Notice

**Q101/19 QON - Vehicle Slogans
Councillor Louise Greenaway**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Meeting closed at 10.52pm.