



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**11 May 2020**





# COMMUNITY STRATEGIC PLAN 2018-2028

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

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

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

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

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

## RESPONSIBLE

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

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

 **Good governance and great partnerships**

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

There are 5 themes, 12 focus areas and 48 objectives



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

The infographic details the following structure:

- THEME: BELONGING**
  - Focus Area: OUR COMMUNITY (Objectives: A1, A2, A3, A4)
  - Focus Area: COMMUNITY CONNECTION AND LOCAL IDENTITY (Objectives: B1, B2, B3, B4)
- THEME: SMART**
  - Focus Area: A GROWING AND COMPETITIVE REGION (Objectives: C1, C2, C3, C4)
  - Focus Area: A PLACE OF OPPORTUNITY FOR PEOPLE (Objectives: D1, D2, D3, D4)
- THEME: GREEN**
  - Focus Area: ENVIRONMENTAL RESOURCES FOR THE FUTURE (Objectives: E1, E2, E3, E4)
  - Focus Area: INCREASED AND PROTECTED NATURAL BEAUTY (Objectives: F1, F2)
- THEME: RESPONSIBLE**
  - Focus Area: GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Objectives: G1, G2, G3, G4)
  - Focus Area: BELIEVING ESSENTIAL INFRASTRUCTURE (Objectives: H1, H2, H3, H4)
  - Focus Area: BALANCED AND SUSTAINABLE DEVELOPMENT (Objectives: I1, I2, I3, I4)
- THEME: LIVEABLE**
  - Focus Area: BELIEVING PUBLIC TRANSPORT AND ECONOMIC VIBES (Objectives: J1, J2, J3, J4)
  - Focus Area: SAFE AND SOUND FOR ALL (Objectives: K1, K2, K3, K4)
  - Focus Area: BELIEVING LIFE IS ALL ABOUT A GROWING COMMUNITY (Objectives: L1, L2, L3, L4)



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held remotely - online  
Monday 11 May 2020 at 6.30 pm,  
for the transaction of the business listed below:**

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7.2	Decline of Tenders - Contract CPA/1578 Supply and Delivery of Hydrogen Peroxide  <b>The reason for dealing with the report confidentially is that 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.</b>	

Gary Murphy  
**Chief Executive Officer**

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

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13873943

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

Section 451 of the LG Act states:

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

## 1.1 Disclosures of Interest (contd)

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

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

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

### **Recommendation**

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

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

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13874037

### **Summary**

Confirmation of minutes of the Ordinary Meeting of the Council held on 27 April 2020.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on 27 April 2020.***

### **Attachments**

**1** MINUTES - Ordinary Meeting - 27 April 2020      D13930279



## Central Coast Council

Minutes of the  
**Ordinary Meeting of Council**  
Held remotely - online  
on 27 April 2020

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### Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent (arrived 7.44pm), Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Jane Smith.

### 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), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures), Carlton Oldfield (Acting Chief Financial Officer) and Shane Sullivan (Unit Manager, Governance and Business Services).

The Mayor, Lisa Matthews, declared the meeting open at 6.30pm.

The Mayor, Lisa Matthews advised that all formal Anzac Day services were cancelled due to the COVID-19 national restrictions on public gatherings. She noted that this did not impact on the community paying their respects to our fallen and returned servicemen and women with the community holding their own driveway services across the Central Coast. In honour of our heroes a minutes silence was held.

At the request of the Mayor, Mr Gary Murphy, Chief Executive Officer advised that the meeting will be held remotely in accordance with section 747A of The Local Government Act 1993 clause 1(a)(i). Councillors were also reminded to adhere to the relevant policies and procedures including the Code of Meeting Practice and Code of Conduct. The Mayor, Lisa Matthews, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

### Apologies

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Moved:** **Councillor Pilon**

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

### Resolved

**269/20 That Council note there are no apologies or leaves of absence.**



**For:****Unanimous****Petition**

Councillor Gale tabled a petition received from the community opposing the development application DA/57958/2020 - Telecommunications Tower at Saratoga.

**Public Forum**

The Mayor, Lisa Matthews advised that due to the technical constraints Council would not be holding the Public Forum prior to the meeting and those that wish to submit a written submission were welcome to do so. The following written submissions were received prior to the meeting and distributed to all Councillors;

Item 3.1 - DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House

- Eric and Jessica Thorsby - Against
- Lucy Kilgannon - Against
- Bryce Poole - Against
- Anne Davidson and Monica O'Sullivan - Against
- Lauren Poole - Against
- Laurie Ellis - For

Item 3.4 - Greater Lake Munmorah Structure Plan - Results of public consultation

- Sarah Jane Rosen - Against
- Susan Wynn - Against
- Matthew West - Against

Item 3.6 - Supplementary Report - Amended Planning Proposal Request - Glenworth Valley

- Barton Lawler - For

Item 3.7 - Planning Proposal – Doyalson Wyee RSL Club – Pacific Hwy, Doyalson

- Brett Ellis - For

**1.1 Disclosures of Interest**

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Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Item 3.1 - DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows the developer. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Pilon declared a pecuniary interest in the matter as her employer is currently doing work for this business on two other jobs. Councillor Pilon left the meeting at 7.07pm, returned at 7.11pm and did not participate in discussion on this matter.

Councillor Marquart declared a significant non pecuniary interest in the matter as his brother owns a property in the adjoining street. Councillor Marquart left the meeting at 7.07pm, returned at 7.11pm and did not participate in discussion on this matter.

### **Item 3.4 – Greater Lake Munmorah Structure Plan - Results of public consultation**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows residents within the structure plan area.

The Chief Executive Officer, Mr Gary Murphy declared a significant non pecuniary interest in the matter as his primary place of residence is contained within the structure plan area.

This item was deferred.

### **Item 3.6 - Supplementary Report - Amended Planning Proposal Request -Glenworth Valley**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows the applicant.

This item was resolved by the exception method.

### **Item 3.7 – Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson**

Councillor Hogan declared a significant non pecuniary interest in the matter as the her employer has a working relationship and accepted donations from the applicant. Councillor Hogan left the meeting at 7.29pm, returned at 7.41pm and did not participate in discussion or voting on this matter.

The Chief Executive Officer, Mr Gary Murphy declared a less than significant non pecuniary interest in the matter as he is a member of the club. He chose to stay in the meeting and participate in discussion on this matter as it does not prejudice or influence his debate on the matter.

### **Item 4.4 – Community Support Grant Program - February 2020**

Councillor Hogan declared a less than significant non pecuniary interest in the matter as some of the organisations who have submit applications are previous employers.

This item was resolved by the exception method.

### **Item 7.3 – Notice of Motion – Ourimbah Master Plan**

The Director Roads Transport Drainage and Waste, Mr Boris Bolgoff declared a pecuniary interest in the matter as he owns property within the area.

This item was resolved by the exception method.

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

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

**Resolved**

**270/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**

**Unanimous**

### **1.2 Confirmation of Minutes of Previous Meeting**

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Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

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

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

**Resolved**

**271/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 9 March 2020 and the Extraordinary Meeting of Council held on 23 March 2020.**

**For:**

**Unanimous**

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

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Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Moved:** **Councillor MacGregor**

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

**Resolved**

**272/20 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**

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Pilon

**Resolved**

**273/20 That Council adopt the following items as a group and in accordance with the report recommendations:**

<b>Item #</b>	<b>Item Title</b>
<b>3.2</b>	<b>Planning Proposal RZ/8/2015 North Road, Wyong</b>
<b>3.5</b>	<b>Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah</b>
<b>3.6</b>	<b>Supplementary Report - Amended Planning Proposal Request - Glenworth Valley</b>
<b>4.4</b>	<b>Community Support Grant Program - February 2020</b>
<b>4.5</b>	<b>Borrowings 2020</b>
<b>4.7</b>	<b>Dredging on the Central Coast</b>
<b>4.8</b>	<b>Central Coast 7.12 Developer Contributions Plan</b>
<b>4.9</b>	<b>Local Strategic Planning Statement</b>
<b>4.10</b>	<b>Working Together Staying Strong Funding Support Program</b>
<b>7.3</b>	<b>Notice of Motion - Ourimbah Master Plan</b>
<b>7.4</b>	<b>Notice of Motion - Telecommunications Tower at Alan Davidson Oval Wyoming</b>

**274/20 That with the exception of the reports listed below, Council adopt the recommendations contained in the reports listed above:**

<b>Item #</b>	<b>Item Title</b>
<b>2.1</b>	<b>Mayoral Minute - Call on NSW Government for Financial Assistance to Councils</b>
<b>3.1</b>	<b>DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House</b>
<b>3.3</b>	<b>Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay</b>
<b>3.7</b>	<b>Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson</b>
<b>4.1</b>	<b>Update on Actions - Response to COVID-19</b>
<b>4.2</b>	<b>Amendment to Advisory Group Terms of Reference</b>

<b>Item #</b>	<b>Item Title</b>
4.3	<b>Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report</b>
4.6	<b>Investment Report for February and March 2020</b>
5.1	<b>Update on Notice of Motion - Protection of Porters Creek Wetland</b>
7.1	<b>Deferred Item - Notice of Motion - Gosford Waterfront Marina</b>
7.5	<b>Notice of Motion - Establishment of a Social Impact Taskforce</b>

**275/20 That Council defer consideration of the following items;**

<b>Item #</b>	<b>Item Title</b>
3.4	<b>Greater Lake Munmorah Structure Plan - Results of public consultation</b>
7.2	<b>Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council</b>

**For:**

**Unanimous**

## **2.1 Mayoral Minute - Call on NSW Government for Financial Assistance to Councils**

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Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Moved: Councillor Best**

**Seconded: Councillor Pilon**

**Resolved**

**276/20 That Council note representations made to the NSW Government, in a letter from the Mayor and Chief Executive Officer on 14 April 2020, to urgently deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.**

**277/20 That Council support the call for the packages to include among other things the following measures:**

- **Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs;**

- **Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.**

**278/20 That Council note, in addition to the assistance measures to be considered across all LGAs, specific to the Central Coast Council, representations have been made to the NSW Government to:**

- **provide support for the cost of conducting Local Planning Panels. State Government should recognise this as cost shifting and provide support to Councils in the conduct of these Panels. It is estimated that the cost of conducting a Local Planning Panel will reach approximately \$400,000 per year. This is an additional cost to be borne by Council and ratepayers of the Central Coast. There is no associated reduction in cost of conducting Council Meetings to counterbalance this requirement. For Central Coast the timing of this requirement is particularly onerous and some consideration of that would be appreciated by way of support and realistic timeframes; and**
- **allow council to retain State significant development developer contributions. Since the introduction of the SEPP (Gosford City Centre) 2018 developments that have a Capital Investment Value of between \$10 million but no more than \$75 million the Minister is the consent authority. This has meant that all developments within Gosford is now assessed by the Department of Planning Infrastructure and Environment resulting in hundreds of thousands of dollars in fees is now payable to the State Government when in fact council staff perform at least 50 per cent of the development assessment. Council seeks a fair share (50 per cent) of the fees paid to date and payable into the future.**

**279/20 That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.**

**280/20 That Council call on the local Federal and State Member(s), Prime Minister the Hon Scott Morrison MP, NSW Premier the Hon Gladys Berejiklian MP, Federal Treasurer the Hon Josh Frydenburg MP, NSW Treasurer the Hon Dominic Perrottet MP, NSW Local Government Minister the Hon Shelley Hancock MP, Federal Minister for Local Government the Hon Mark Coultan, Federal Opposition Leader the Hon Anthony Albanese, NSW Opposition Leader Jodi McKay MP, Federal Shadow Minister for Local Government Jason Clare MP and NSW Shadow Minister for Local Government Greg Warren MP to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.**

- 281/20** *That Council endorses Local Government NSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.*
- 282/20** *That Council support advising the LGNSW President Linda Scott of the passage of this Mayoral Minute.*
- 283/20** *That Council notes the recent \$395 million funding package to Local Government from the State Government.*
- 284/20** *That Council request that the Chief Executive Officer provide an urgent report around the details around this initiative.*

**For:**

**Unanimous**

**3.1 DA/803/2019 - 48 McLachlan Avenue, Long Jetty - Boarding House**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows the developer. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Pilon declared a pecuniary interest in the matter as her employer is currently doing work for this business on two other jobs. Councillor Pilon left the meeting at 7.07pm, returned at 7.11pm and did not participate in discussion on this matter.

Councillor Marquart declared a significant non pecuniary interest in the matter as his brother owns a property in the adjoining street. Councillor Marquart left the meeting at 7.07pm, returned at 7.11pm and did not participate in discussion on this matter.

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

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

**Seconded:** **Mayor Matthews**

**Resolved**

- 285/20** *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.*
- 286/20** *That Council advise those who made written submissions of its decision.*

**For:**

**Mayor Matthews, Councillors Burke, Gale, Greenaway, Hogan, Holstein, MacGregor, Mehrstens, Smith and Sundstrom**

**Against:**

**Councillors Best and McLachlan**

**3.2 Planning Proposal RZ/8/2015 North Road, Wyong**

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

This item was resolved by the exception method.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Pilon

**Resolved**

**287/20 That Council refuse the request to amend the Wyong Local Environmental Plan 2013 on Lots 11-17 (1-5 Ingram Street & 15-17 Owen Avenue, Wyong), Lots 10-18 DP 36475 (1-13 Owen Avenue & 3-5 North Road, Wyong), and Lots 1 & 2 DP 1223082 (1 & 1R North Road, Wyong) for the following reasons:**

- a No justification has been provided to support the claim that the rezoning of the subject land from R2 Low Density Residential to R3 Medium Density Residential will achieve improved planning outcomes.**
- b No analysis has been undertaken to address the transition from the proposed R3 Medium Density Residential development to surrounding R2 Low Density Residential development. The proposal in its current form would increase the potential for land use conflict with adjoining lower density residential development.**
- c Insufficient information has been submitted to address traffic issues associated with the proposed development. No detailed design has been provided for the road upgrades required to accommodate the proposed development, and no funding mechanism has been prepared to provide monetary contribution from the developer towards the road upgrades.**
- d Insufficient information has been submitted to address flooding issues associated with the proposed development. The current concept plan is inconsistent with Planning Direction 4.3 Flood Prone Land as it proposes an intensification of residential land use on flood prone land.**
- e Insufficient information has been submitted to support and justify the proposed development. The Planning Proposal was lodged with the former Wyong Shire Council in December 2015 and numerous requests for additional information since that time have not been met.**
- f The proposal has exceeded the second extension to the Gateway Determination timeframe of 16 February 2020.**



**For:**  
**Unanimous**

**3.3 Planning Proposal Application - RZ/3/2019 - 45 Mulloway Road Chain Valley Bay**

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Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

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

**Resolved**

- 288/20 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to Lot 5 DP 1228880 (45 Mulloway Road, Chain Valley Bay) to rezone the subject sites from E3 Environmental Management to RE2 Private Recreation and E2 Environmental Conservation by amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.**
- 289/20 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 290/20 That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.**
- 291/20 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.**
- 292/20 That Council authorise staff to negotiate, prepare and exhibit a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.**
- 293/20 That Council authorise staff to prepare and exhibit site specific development controls with respect to any aspect of the proposal to support the development of the subject land.**
- 294/20 That Council consider a further report on the results of public authority and community consultation.**
- 295/20 That Council notes the need for Roads and Maritime Services to upgrade the intersection of Pacific Highway and Chain Valley Road.**

**For:** Mayor Matthews, Councillors Best, Burke, Gale, Greenaway, Holstein, Marquart,  
**Against:** Councillors Hogan and MacGregor

**McLachlan, Mehrrens, Pilon, Smith and Sundstrom****3.4 Greater Lake Munmorah Structure Plan - Results of public consultation**

Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows residents within the structure plan area.

The Chief Executive Officer, Mr Gary Murphy declared a significant non pecuniary interest in the matter as his primary place of residence is contained within the structure plan area.

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

Council deferred the consideration of item 3.4 (minute 275/20).

**3.5 Supplementary Report - Proposed Residential and Conservation Zoning for 285-335 Pacific Highway Lake Munmorah**

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

This item was resolved by the exception method.

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Pilon

**Resolved**

**296/20 That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:**

- Lot 1 DP 626787;
- Lot 2 DP626787;
- Lot 437 DP755266;
- Lot 438 DP755266;
- Lot 27 DP 755266;
- Lot 12 DP771284; and
- Lot 83 DP 650114.

**297/20 That Council rezone the subject sites from RU6 Transition to R2 Low Density Residential and E2 Environment Conservation. By amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan) whichever is in effect at the time.**

**298/20 That Council, pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**

- 299/20 ***That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.***
- 300/20 ***That Council undertakes public authority and community consultation in accordance with Gateway Determination requirements.***
- 301/20 ***That Council prepare and exhibit appropriate Development Control Plan provisions and other documents to support the development of the land subject to this planning proposal.***
- 302/20 ***That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspect of the proposal to support the development of the subject land.***
- 303/20 ***That Council consider a further report on the results of public authority and community consultation.***

***For:***

***Unanimous***

### **3.6 Supplementary Report - Amended Planning Proposal Request - Glenworth Valley**

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Councillor McLachlan declared a less than significant non pecuniary interest in the matter as he knows the applicant.

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

This item was resolved by the exception method.

***Moved: Councillor MacGregor***

***Seconded: Councillor Pilon***

***Resolved***

304/20 ***That the Council support an amended Planning Proposal applying to:***

- ***Lots 19, 20, 21, 23, 24, 25, 30, 31, 32, 33, 37, 50, 53, 64, 65, 68, 81, 82, 85, 86, 87, 89, 91, 108, 145 DP 755221,***
- ***Lots 22, 23, 32, 73, 75, 76 DP 755253,***
- ***Lots 1, 3 DP 617088,***
- ***Lot 881 DP 563889,***
- ***Lot 1 DP 1222754,***
- ***Lot 7 DP 1230083,***
- ***Lot 245 DP 48817,***
- ***Lot 7012 DP 1059767,***

- **Lot 7029 DP 93603,**
- **Lot 7035 DP 1051932,**
- **Lot 7036 DP 1059768,**
- **Lot 7303 DP 1154929, Glenworth Valley, and**
- **Lot A DP 365595,**
- **Lot C DP 382358,**
- **Lot 2 DP 1139242,**
- **Lot 882 DP 563889,**
- **part of Lot 102 DP 1139060,**
- **Lot 7039 DP 1059766,**
- **Lot 7303 DP 1161109, Calga**

**to amend the Gosford Local Environmental Plan 2014 (or draft Central Coast Local Environmental Plan), whichever is in effect at the time, to permit the following additional permitted uses (if they are not included in the Central Coast Local Environmental Plan):**

- a on land zoned E2 Environmental Conservation, development for the purpose of eco-tourist facilities and recreation facilities (outdoor);**
- b on land zoned RU2 Rural Landscape, development for the purposes of eco-tourist facilities, camping grounds and tourist and visitor accommodation;**
- c on the existing cleared areas of the land zoned E2 Environmental Conservation, comprising Lots 19, 20, 21, 23, 25, 30, 32, 33, 37, 50, 53, 64, 68, 85, 86, 87, 89, 91, 108 and 145 DP 755221, Lots 22 and 32 DP 755253, Lot 3 DP 617088, Lot 245 DP 48817, Lot 7039 DP 1059766 and Lot 7303 DP 1154929, development for the purpose of extensive agriculture.**
- d on land comprising that part of Lot 89 DP 755221 which currently accommodates the multi-purpose building and its curtilage,**
  - (i) development for the purpose of function centre, entertainment facility and food and drink premises, and**
  - (ii) the total floor area for the function centre, entertainment facility and food and drink premises is to be a maximum of 1500m<sup>2</sup> with any additions being attached to, or directly adjacent to, the existing building.**
- e on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 19, 37 and 89 DP 755221 and Lots 22 and 32 DP 755253, development for the purpose of function centre and camping ground.**
- f on the existing cleared areas of the land zoned E2 Environmental Conservation comprising part of Lots 108 and 145 DP 755221, development for the purpose of tourist and visitor accommodation.**

- 305/20** *That Council submit a revised Planning Proposal to the Minister for Planning in accordance with Section 3.35(2) of the Environmental Planning and Assessment Act 1979, requesting an amended Gateway Determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- 306/20** *That Council request delegation for Council to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.*
- 307/20** *That Council undertake community and public authority consultation, in accordance with the Gateway Determination requirements.*
- 308/20** *That the Council consider a further report on results of the agency and community consultation.*

**For:**

**Unanimous**

### **3.7 Planning Proposal - Doyalson Wyee RSL Club - Pacific Hwy, Doyalson**

Councillor Hogan declared a significant non pecuniary interest in the matter as the her employer has a working relationship and accepted donations from the applicant. Councillor Hogan left the meeting at 7.29pm, returned at 7.41pm and did not participate in discussion or voting on this matter.

The Chief Executive Officer, Mr Gary Murphy declared a less than significant non pecuniary interest in the matter as he is a member of the club. He chose to stay in the meeting and participate in discussion on this matter as it does not prejudice or influence his debate on the matter.

Councillor Vincent joined the meeting at 7.45pm and was not present for discussion on this item.

**Moved:** **Councillor Best**

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

**Resolved**

- 309/20** *That Council, pursuant to Section 3.33 of the Environmental Planning and Assessment Act, 1979, prepare a Planning Proposal applying to:*
- *Lots 1-9 DP 215878, 49-65 Wentworth Avenue, Doyalson*
  - *Lot 1 DP 503655, 80 Pacific Highway, Doyalson*
  - *Lot 11 DP 240685, 90 Pacific Highway, Doyalson*
  - *Lot 49 DP 707586, 100 Pacific Highway, Doyalson*
  - *Lot 7 DP 240685, 110 Pacific Highway, Doyalson; and*
  - *Lot 62 DP 755266, 120 Pacific Highway Doyalson*

**To rezone land from RE2 Private Recreation to R2 Low Density Residential, RU6 Transition to R2 Low Density Residential and RE2 Private Recreation, by amending the Wyong Local Environmental Plan 2013 (or Central Coast Local Environmental Plan), whichever is in effect at the time.**

- 310/20 That Council Pursuant to Section 3.34 of the Environmental Planning and Assessment Act, 1979, forward the Planning Proposal to the Minister requesting a Gateway Determination.**
- 311/20 That Council undertakes public authority and community consultation in accordance with the Gateway Determination requirements.**
- 312/20 That Council authorise staff to negotiate and prepare a Planning Agreement with respect to any aspects of the proposal to support the development of the subject land;**
- 313/20 That Council consider a further report on the results of public authority and community consultation.**
- 314/20 That Council notes the proponents offer to enter into a planning agreement with Council that ensures no commencement until suitable alternate grounds and facilities have been found for all the sporting associations currently using the site.**

**For:  
Unanimous**

#### **4.1 Update on Actions - Response to COVID-19**

---

Councillor Vincent joined the meeting at 7.45pm during discussion on this item.

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

**Resolved**

- 315/20 That Council receive the report on Update on Actions – Response to COVID-19.**

**For:  
Unanimous**

#### **4.2 Amendment to Advisory Group Terms of Reference**

---

Councillor Best left the meeting at 7.54pm and returned at 7.55pm.

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

**Resolved**

**316/20 That Council retain the current requirement in Part 5 of the standard Terms of Reference for Advisory Committee to report the minutes to Council.**

**For:**

**Unanimous**

**4.3 Reappointment of Independent Audit Risk and Improvement Committee Members and provision of the 2019 ARIC Annual Report**

---

**Moved: Councillor Smith**

**Seconded: Councillor Vincent**

**Resolved**

**317/20 That Council recognise the contribution of the three Independent External Members of Audit, Risk and Improvement Committee for their assistance and contribution over the past three years and make the following phased re-appointments:**

- a Dr Colin Gellatly (AO) be re-appointed for a period of one year;**
- b John Gordon be re-appointed for a period of two years; and**
- c Carl Millington be re-appointed for a period of three years.**

**318/20 That Council determines that the current remuneration for the three Independent External Members be maintained for the term of their reappointment, with the Independent External Members receiving \$20,920 per annum and the Chair receiving an additional 15% or \$3,138 per annum.**

**319/20 That Council note the Audit, Risk and Improvement Committee Annual Report for 2019 that is Attachment 1 to this report.**

**320/20 That the Chief Executive Officer provide a Councillor briefing on the Office of Local Government's draft Risk Management and Internal Audit Framework for Local Councils, and the recent review undertaken into Council's Enterprise Risk Management Framework.**

**For:**

**Mayor Matthews, Councillors Best, Gale, Greenaway, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrtens, Pilon, Smith, Sundstrom and Vincent**

**Against:**

**Councillor Burke**

**4.4 Community Support Grant Program - February 2020**

---

Councillor Hogan declared a less than significant non pecuniary interest in the matter as some of the organisations who have submit applications are previous employers.

This item was resolved by the exception method.

**Moved: Councillor MacGregor**

**Seconded: Councillor Pilon**

**Resolved**

**322/20 That Council support the recommendations in principle to allocate \$21,264.00 from the 2019/20 grants budget to the community support grant program as outlined in the following report and Attachment 1, subject to 2 below.**

**323/20 That Council request the Chief Executive Officer to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects**

**324/20 That Council decline applications for the reasons indicated in Attachment 2 the application be advised and where relevant, directed to alternate funding.**

**For:**

**Unanimous**

**4.5 Borrowings 2020**

---

This item was resolved by the exception method.

**Moved: Councillor MacGregor**

**Seconded: Councillor Pilon**

**Resolved**

**325/20 That Council authorises the Chief Executive Officer to present a loan proposal for its consideration at the meeting of 25 May 2020 for the sum of fifty million dollars.**

**For:**

**Unanimous**



**4.6 Investment Report for February and March 2020**

---

Councillor Vincent left the meeting at 8.20pm and returned at 8.22pm.

Councillor Best left the meeting at 8.39pm and returned at 8.41pm.

*Moved: Councillor Gale*

*Seconded: Councillor Pilon*

- 1 *That Council receive the Investment Report for February 2020 and March 2020.*
- 2 *That the Chief Executive Officer investigate opportunities for Developer Contributions and Water and Sewer contributions to be borrowed within Council for operational matters.*
- 3 *That Council request the Chief Executive Officer to provide a further report in relation to the opportunities.*

*For:*

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

*Mayor Matthews, Councillor Greenaway,  
Hogan, MacGregor, Mehrtens, Sundstrom  
and Vincent*

The vote was declared LOST on the casting vote of the Mayor.

**4.7 Dredging on the Central Coast**

---

This item was resolved by the exception method.

***Moved: Councillor MacGregor***

***Seconded: Councillor Pilon***

***Resolved***

- 326/20 That Council note the report on Dredging on the Central Coast and the report by GHD Group Pty Ltd titled the Entrance Channel Dredging Operations Feasibility Review August 2019.***
- 327/20 That Council note that the 2020 dredging program of The Entrance Channel has commenced with a number of planning tasks completed, and initial sand berm modification and channel maintenance completed on 6 April 2020.***
- 328/20 That Council seek an independent financial cost benefit analysis of owning and operating a dredge in comparison with a contract dredge.***
- 329/20 That Council complete its commitment to dredging Ettalong (between Little Box Head and Half-Tide Rocks) in accordance with the 'Rescuing Our Waterways' funding agreement.***

***For:***

***Unanimous***

**4.8 Central Coast 7.12 Developer Contributions Plan**

This item was resolved by the exception method.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Pilon

**Resolved**

**330/20 That Council approve the draft Central Coast Section 7.11 Contributions Plans and the Central Coast Section 7.12 Contributions Plan as amended, specifically:**

**Central Coast Section 7.11 Contributions Plans**

- **Delete reference to Wyong Shire Council, either as a phrase or individual words, including logos except where occurring in titles of documents and replace, where appropriate, to references to Central Coast Council.**
- **Update references to any date or year where appropriate.**
- **Delete reference to s94 and section 94 and replace with s7.11 wherever occurring.**
- **Delete reference to repealed legislation and replace with current legislation including definitions, indexation and clause and section numbers where appropriate.**
- **Amend minor typographical errors and phrasing wherever occurring.**
- **Amend tables and text references to secondary dwellings to remove the previous discount to secondary dwellings wherever occurring.**
- **Update Plan Amendment table to reflect current amendments.**

**Central Coast Section 7.12 Contributions Plan**

- **Replace the word cycleway with shared path where ever occurring**
- **Amend the Work Schedule Table to include two columns with the headings of total actual costs and costs covered by other sources.**
- **The works schedule be changed as follows:**

**Deletion of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Malinya Road</b>	<b>356</b>	<b>Saratoga</b>	<b>\$0.6</b>
<b>Eastern Road</b>	<b>220, 221</b>	<b>Bateau Bay</b>	<b>\$0.4</b>

<b>Barrenjoey Road</b>	<b>43</b>	<b>Ettalong</b>	<b>\$0.5</b>
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**Addition of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Mannering Park</b>	<b>135-136, 349</b>	<b>Mannering Park</b>	<b>\$3.6</b>

**Change in Cost of the following shared pathways:**

<b>Route</b>	<b>Bike Plan Link ID</b>	<b>Suburb</b>	<b>Cost (\$M)</b>
<b>Magenta Boardwalk</b>	<b>348</b>	<b>Magenta</b>	<b>\$5.0</b>
<b>Tuggerawong</b>	<b>103</b>	<b>Tuggerawong</b>	<b>\$3.9</b>
<b>Kurrawa Avenue</b>	<b>357</b>	<b>Point Clare</b>	<b>\$5.0</b>
<b>Empire Bay Drive</b>	<b>88</b>	<b>Empire Bay</b>	<b>\$0.7</b>

- 331/20** That Council give public notice of its decision to approve the draft Central Coast Section 7.11 Contributions Plans as exhibited and the Central Coast Section 7.12 Contributions Plan with amendments to the works schedule within 28 days of its resolution in accordance with the requirements of the Environmental Planning & Assessment Regulations 2000.
- 332/20** That Council formally apply Section 7.11 contributions to Secondary Dwellings in the former Gosford Local Government area when the Central Coast Section 7.11 Contributions Plans and the Central Coast Section 7.12 Contributions Plan comes into effect.
- 333/20** That Council advise those persons who made submissions of Council's decision.
- 334/20** That Council provide a copy of the approved contributions plans to the Minister of Planning & Public Spaces in accordance with Section 7.18 of the Environmental Planning and Assessment Act 1979.

**For:**  
**Unanimous**

#### **4.9 Local Strategic Planning Statement**

This item was resolved by the exception method.

**Moved:** Councillor MacGregor  
**Seconded:** Councillor Pilon

**Resolved**

- 335/20** *That Council receive and note the letter from NSW Department of Planning, Industry and Environment (DPIE).*
- 336/20** *That Council endorse the draft LSPS for the purpose of public consultation.*
- 337/20** *That Council request the CEO to exhibit the draft Local Strategic Planning Statement for 28 days to allow for public consultation.*
- 338/20** *That a further report be presented to Council on the outcomes of the public exhibition.*

**For:**

**Unanimous**

#### **4.10 Working Together Staying Strong Funding Support Program**

---

This item was resolved by the exception method.

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Pilon**

**Resolved**

- 339/20** *That Council endorse the Working Together Staying Strong grant program as outlined in the following report and Guidelines (Attachment 1).*
- 340/20** *That Council allocate \$300,000 towards the program identified from savings via projects not able to be undertaken due to COVID-19.*
- 341/20** *That Council authorise the Chief Executive Officer (or their delegate) through delegated authority to make final determination and allocation of funding on each application based on staff assessment to ensure quick allocation of funds.*
- 342/20** *That Council receive a monthly information report providing an update on the program and details on funded applicants.*

**For:**

**Unanimous**

#### **5.1 Update on Notice of Motion - Protection of Porters Creek Wetland**

---

**Moved:** **Councillor Smith**

**Seconded:** **Councillor MacGregor**

**Resolved**

- 343/20** That Council note the report of Council highlighting the complexity of the process in protecting Porters Creek wetland, the level of consultation required, delays due to the diversion of staff resources to significant events facing our community and the need for consideration of other resolutions of Council.
- 344/20** That Council note the expected impact of the COVID-19 will have a significant impact on unemployment and the economy of the Central Coast.
- 345/20** That Council form a working group to;
- a** *Oversee the activities to permanently protect Porters Creek wetland in keeping with the resolutions of 25 November, 2019 (Resolutions 1213/19, 1214/19, 1215/19, 1216/19, 1217/19, 1219/19)*
  - b** *Progress the development of cleared land currently available and zoned Industrial or Business in the Warnervale area as an employment precinct focused around the following sectors: health, manufacturing, food production, renewable energy and/or waste.*
  - c** *Engage the following;*
    - a** *a Project Manager with a proven track record, for an initial period of 18 months, to oversee the development of the employment lands*
    - b** *a consultant to progress the activities required to put in place a Conservation Agreement on Porters Creek Wetland*
- 346/20** That Council appoint the following as members of the working group;
- *Mayor*
  - *Deputy Mayor*
  - *Wyong Ward Councillors*
  - *CEO, Gary Murphy*
  - *Invited representatives from relevant State agencies and focus sectors, as appropriate*
  - *Support Staff as follows: Administration support, Governance staff member and Legal Counsel*
- 347/20** As per resolution 844/19, reserve the balance of funds from savings from the Emergency Services Levy increase for the implementation of actions to protect Porters Creek Wetland including;
- *Funds adjusted to a project budget (24866) to progress the conservation agreement (\$100,000).*
  - *Porters Creek Wetland and Catchment Restoration and Monitoring Planning Project is being scoped (delivery by June 2019) to also be funded from these savings.*
  - *\$345,000 for the establishment of a Conservation Agreement.*

- 348/20** *That Council in keeping with resolution 761/17, that Council reserve funds to progress employment generating projects.*
- 349/20** *That Council note that the Working Group initially meet on a fortnightly basis for 3 months to progress these initiatives.*
- 350/20** *That Council provide a further report to Council no later than the first Ordinary Council meeting in September, 2020.*

**For:**

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

**Against:**

**Councillors Best, Gale, Marquart, McLachlan and Pilon**

A Division was called by Councillors Vincent and MacGregor

**7.1** **Deferred Item - Notice of Motion - Gosford Waterfront Marina**

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**Moved:** **Mayor Matthews**

**Seconded:** **Councillor Mehrtens**

**Resolved**

- 351/20** *That Council receive the report of Deferred Item – Notice of Motion – Gosford Waterfront Marina.*
- 352/20** *That Council recognises Gosford is the first major Waterfront city north of Sydney Harbour.*
- 353/20** *That Councillors via the Chief Executive Officer, receive a report on the opportunities available to activate the Gosford Waterfront Precinct, including review of previous Masterplan, and fast ferry terminal opportunities, reasons for these plans being rejected, traffic management issues in relation to Dane Drive, flooding and contaminated land issues in this area. It may be may be appropriate for Council to start to review what employment initiatives we can instigate, under current economic circumstances.*

**For:**

**Unanimous**

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**7.2 Deferred Item - Notice of Motion - Council request for Chief Executive Officer to investigate revenue options and modelling for Central Coast Council**

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Council deferred the consideration of item 7.2 (minute 275/20).

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**7.3 Notice of Motion - Ourimbah Master Plan**

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The Director Roads Transport Drainage and Waste, Mr Boris Bolgoff declared a pecuniary interest in the matter as he owns property within the area.

This item was resolved by the exception method.

**Moved:** **Councillor MacGregor**

**Seconded:** **Councillor Pilon**

**Resolved**

**354/20 That Council thanks the Ourimbah Region Residents Association (ORRA) for its work in representing the interests of its community in relation to the Ourimbah Master and Draft Urban Spatial Plan.**

**355/20 That Council also thank the many petitioners who supported the petition prepared by the Member for The Entrance, David Mehan MP, asking for Ourimbah's heritage to be preserved.**

**356/20 That Council will incorporate the suggestions made by ORRA and the petitioners in any plan for Ourimbah, including:**

- a That Ourimbah be classified as a 'Village'.**
- b That building heights be limited to two storeys except on the Pacific Highway between Station Street and Walmsley Road where it will remain single storey to preserve the heritage streetscape at this location.**
- c That planning controls be used to preserve the character of the heritage streetscape between the Railway Station and Post Office site on Station Street along the Highway to Walmsley Road.**
- d That the rural character and streetscape for Dog Trap Road, Ourimbah Creek Road and Baileys Road be preserved by planning controls.**

**For:**

**Unanimous**

**7.4 Notice of Motion - Telecommunications Tower at Alan Davidson Oval Wyoming**

---

This item was resolved by the exception method.

**Moved: Councillor MacGregor**

**Seconded: Councillor Pilon**

**Resolved**

**357/20 That Council notes community concern about the proposal by Optus to erect a telecommunication tower on the grounds of Alan Davidson Oval, Wyoming.**

**358/20 Council also notes that while a development application to erect the tower has been granted, an amended application has been declined and a decision on leasing the land to Optus has not been made.**

**359/20 That Council not grant a lease to Optus over the grounds at Alan Davidson Oval.**

**360/20 That Council directs the Chief Executive Officer to invite all telecommunication providers to develop a strategy for the co-location of telecommunications equipment which maximises service access and minimises the number of stand-alone towers required in an area.**

**361/20 That Council directs the Chief Executive Officer to review Councils processes to ensure the decision to lease Council land to a private business is considered before a development application may be made and that there be wide community consultation.**

**For:**

**Unanimous**

**7.5 Notice of Motion - Establishment of a Social Impact Taskforce**

---

**Moved: Councillor Smith**

**Seconded: Councillor Hogan**

**Resolved**

**362/20 That Council request the Chief Executive Officer to convene a Social Impacts Taskforce for an initial period of 6 months to:**

- a consider the impacts of the COVID-19 pandemic on our Central Coast community**
- b increase communication and clarify roles between organisations, agencies and all levels of government**
- c identify and monitor key measures of community wellbeing for the Central Coast**



**363/20 That Council appoint the following Councillors to the task group;**

- Councillor Smith**
- Councillor Hogan**
- Councillor Holstein**
- Councillor MacGregor**
- Councillor Vincent**

**364/20 That Council request the Chief Executive Officer to include the Director of Connected Communities and other appropriate staff on the Taskforce.**

**365/20 That Council request the Chief Executive Officer to develop a process to ensure good governance and transparency of the operation of the Taskforce.**

**366/20 That Council request the Chief Executive Officer to provide a report on the activities of the Taskforce to the first Ordinary Meeting of Council in October 2020.**

**367/20 That Council request further information through the Chief Executive Officer on any consideration from the Economic Taskforce on working with local businesses on activities that might help stem the pandemic.**

**For:**

**Unanimous**

**The Meeting closed at 9.30 pm.**



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

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13874126

### **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 as confidential.

### **Recommendation**

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

**Item 7.1- Response to Notice of Motion - World Record Opportunity for The Entrance**

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

***2(e) contains information that would, if disclosed, prejudice the maintenance of law.***

***That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that this report and Attachment 1 remain confidential in accordance with section 10A(2)(e) of the Local Government Act as it contains information that would, if disclosed, prejudice the maintenance of law and because consideration of the matter in open Council would on balance be contrary to the public interest.***

**Item 7.2- Decline of Tenders - Contract CPA/1578 Supply and Delivery of Hydrogen Peroxide**

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

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

### **Context**

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

- 2(a) personnel matters concerning particular individuals (other than Councillors),*
- 2(b) the personal hardship of any resident or ratepayer,*
- 2(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) commercial information of a confidential nature that would, if disclosed:*
  - (i) prejudice the commercial position of the person who supplied it, or*
  - (ii) confer a commercial advantage on a competitor of the Council, or*
  - (iii) reveal a trade secret,*
- 2(e) information that would, if disclosed, prejudice the maintenance of law,*
- 2(f) matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

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

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

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

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

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** DA/56500/2019 - 216 - 220 Memorial Avenue  
Ettalong Beach - Five Storey Hotel Building with  
Ancillary Restaurant/Cafe, Bar and Function  
Facilities  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2018/00020-008 - D13711658  
Author: Chris Ross, Senior Development Planner  
Manager: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

### Summary

A development application has been received for a hotel development (involving the demolition of existing structures and construction of five-storey hotel building comprising eighty-three (83) rooms in total, with ancillary restaurant, bar and function facilities) on Lots 10, 11 and 12, DP 10650, No. 216 – 220 Memorial Avenue, Ettalong Beach.

The development application is required to be reported to Council in accordance with Council's adopted *Policy for Determining Development Applications subject to Significant Public Objections* as more than 15 submissions were received during the notification period. The application received 45 submissions objecting to the proposal.

The development application has been examined having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP and A Act) and other statutory requirements with the issues requiring attention and consideration being addressed in the report.

### Essential Item

A decision of Council is required for the action to progress the application. The impact on a legislative requirement without a resolution of Council is as follows:

- The subject development application cannot be determined without a decision made by Council to meet legislative requirements pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979; and
- Council officers do not have the delegated authority to deal with the application.

<b>Applicant</b>	Squillace Architects
<b>Owner</b>	Longbeach Living Pty Ltd
<b>Application No</b>	DA 56500/2019
<b>Description of Land</b>	Lot 10, 11 and 12, DP 10650, 216 – 220 Memorial Avenue, Ettalong Beach

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

<b>Proposed Development</b>	Five-storey hotel building with ancillary restaurant, bar and function facilities and demolition of existing structures.
<b>Site Area</b>	1,442m <sup>2</sup>
<b>Zoning</b>	B2 Local Centre
<b>Existing Use</b>	Commercial premises
<b>Employment Generation</b>	Yes
<b>Estimated Value</b>	\$18,583,270 by QS Report

**Recommendation**

- 1 That Council grant consent to the development of Hotel building with ancillary restaurant, bar and function facilities, on Lots 10, 11 and 12, DP 10650, 216 – 220 Memorial Avenue, Ettalong Beach, subject to the conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and other relevant issues.**
  
- 2 That Council advise those who made written submissions of its decision.**

<b>Proposed Development</b>	Demolition of existing structures and construction of a five-storey hotel building with ancillary restaurant, bar and function facilities.
<b>Permissibility and Zoning</b>	The site is zoned <i>B2 Local Centre</i> under <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014). The proposed development is defined as ' <i>Tourist and visitor accommodation</i> ' which is permissible in the zone with consent of Council.
<b>Relevant Planning Legislation Instruments and Controls</b>	<ul style="list-style-type: none"> <li>• <i>Environmental Planning and Assessment Act 1979 – s. 4.15</i> (EP and A Act)</li> <li>• <i>State Environmental Planning Policy (Coastal Management) 2018</i></li> <li>• <i>State Environmental Planning Policy No 55 - Remediation of Land</i> (SEPP 55)</li> <li>• <i>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development</i> (SEPP 65)</li> <li>• <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014)</li> <li>• <i>Draft Central Coast Local Environmental Plan 2018</i> (Draft CCLEP 2018)</li> <li>• <i>Gosford Development Control Plan 2013</i> (GDGP 2013)</li> <li>• <i>Apartment Design Guide. Tools for improving the design of residential apartment development</i> (ADG)</li> <li>• <i>Central Coast Regional Plan 2036</i> (CCRP 2036)</li> </ul>

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

**Variations to Policies – Gosford Local Environmental Plan 2014**

<b>Policy</b>	<b>Clause / Description</b>	<b>Variation</b>
<b>Gosford Local Environmental Plan 2014</b>	Clause 4.3(2) Height of Buildings	Maximum height of 17m is permitted. The proposed development has a maximum height of 18.7m, resulting in a 1.7m (or 10%) non-compliance with the development standard. An area of approximately 35m <sup>2</sup> extends above the 17m height limit, which includes: <ul style="list-style-type: none"> <li>• lift over-run and attached bar area, toilet facilities, (exceeds height by 1.7m or 10%),</li> <li>• plant/equipment and balustrading (exceeds height by 0.6m or 3.5%).</li> </ul>

**Variations to Policies – Gosford Local Environmental Plan 2014**

<b>Policy</b>	<b>Clause / Description</b>	<b>Variation</b>
<b>Gosford Local Environmental Plan 2014</b>	Clause 4.3(2) Height of Buildings	Maximum height of 17m is permitted. The proposed development has a maximum height of 18.7m, resulting in a 1.7m (or 10%) non-compliance with the development standard. An area of approximately 35m <sup>2</sup> extends above the 17m height limit, which includes: <ul style="list-style-type: none"> <li>• lift over-run and attached bar area, toilet facilities, (exceeds height by 1.7m or 10%),</li> <li>• plant/equipment and balustrading (exceeds height by 0.6m or 3.5%).</li> </ul>

**Variations to Policies – Gosford Development Control Plan 2013**

<b>Policy</b>	<b>Clause / Description</b>	<b>Variation</b>
<b>Gosford Development Control Plan 2013</b>	4.2.5.3 Street Setbacks and Active Laneway Setbacks.	<ul style="list-style-type: none"> <li>• A 3m setback is recommended to the unnamed southern laneway and the unnamed eastern laneway.</li> <li>• The proposal would meet this requirement for 70% of the southern setback, with the remaining 30% reducing this setback to nil setback</li> <li>• The eastern setback is proposed to have a nil setback.</li> </ul> <p>These variables are assessed within <b>Attachment 3</b> GDCP 2013 Compliance Table.</p>

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

Policy	Clause / Description	Variation
<p><b>Gosford Development Control Plan 2013</b></p> <p><b>Gosford Development Control Plan 2013</b></p>	<p>7.1 carparking</p>	<p><b>Required Car Parking</b></p> <ul style="list-style-type: none"> <li>• 1 space per accommodation Unit = 83</li> <li>• 1 space per 2 persons employed and on duty = (20 staff on duty = 10)</li> <li>• 1 space per 30m<sup>2</sup> of restaurant / 438m<sup>2</sup> GFA restaurant and function rooms = 14.6 (15)</li> </ul> <p><i>Total required spaces = 108</i></p> <p><b>Proposed Car Parking</b></p> <ul style="list-style-type: none"> <li>• 77 car spaces in total are proposed for the site, 4 of which are disabled spaces. In total there would be a shortfall of 31 car parking spaces if the hotel component of the proposal is calculated at 100% occupancy over the year.</li> <li>• Destination NSW Australian Accommodation Monitor by Tourism Region latest statistics (2017-2018) show that on average across all NSW regions an occupancy of 79.6% was achieved. For the Central Coast in the same period an average occupancy of 69.8% was achieved.</li> </ul> <p>As discussed further within this report, the proposed development is anticipated to run at an 80% average occupancy. If car parking spaces were to be calculated at the intended and probable occupancy the shortfall is reduced to 15 car parking spaces.</p> <p>Contributions Plan No. 72 applies to the subject site, providing that contributions can be made in situations where there is a shortfall of parking spaces. The plan has the remaining capacity to offset 13 parking spaces. The applicable contribution has been calculated as 13 (car spaces shortfall) x \$7,905 = \$102,765.00.</p> <p>As such, with the contributions in lieu of car parking spaces considered, the total shortfall of car parking</p>



**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

Policy	Clause / Description	Variation
		<p>spaces is 2 and not considered to be contrary to the public interest.</p> <p>A condition is recommended to be imposed requiring the contribution to be paid prior to the issue of any Construction Certificate</p>

**Background**

Council has received Development Application for a Hotel building with ancillary restaurant, bar and function facilities and demolition of existing structures on land at No. 216 – 220 Memorial Avenue, Ettalong Beach. The application was lodged on 13 May 2019.

**The Site**

The site consists of three parcels of land, being lots Lot 10, 11 and 12, DP 10650, commonly known as No. 216 – 220 Memorial Avenue, Ettalong Beach. The subject land is located on the eastern side of Memorial Avenue, opposite the Ettalong Diggers Club and to the north of the recently completed 'Atlantis' residential apartment development (note that there is a laneway separating the Atlantis development and the subject land).

The site is irregular in shape, with:

- A frontage of 38.46m to Memorial Avenue,
- A secondary frontage of 43.67m to an Unnamed Lane ('Unnamed Lane') to the south,
- A rear frontage of 29.22m to an Unnamed Lane ('Rear Lane') to the east, and
- A northern boundary of 42.68m adjoining an existing single level commercial complex.

The land has no discernible fall, with the north east corner of the site being RL 4.35m AHD and the south west corner of the site being RL 4.30m AHD.

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)



Figure 1 - Aerial photograph of the site, (outlined in blue)

The subject site is zoned *B2 Local Centre* under *Gosford Local Environmental Plan 2014* (GLEP 2014), (refer to Figure 2). The proposed development is defined as 'Tourist and visitor accommodation' which is permissible in the zone with consent of Council.



Figure 2 - Zoning of the site (edged in blue)

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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### Surrounding Development

Surrounding development consists of:

- A recently completed mixed use development of 58 residential units and 6 commercial tenancies across an unnamed laneway to the south of the proposal, at No. 47 – 50 The Esplanade Ettalong, approved by NSW Department of Planning in 2010 (seen in Figure 3);
- The Mantra Ettalong site across Memorial Avenue to the west, containing the Ettalong RSL club on ground floor with 8 levels of serviced apartments above (shown in Figure 6);
- Single storey mixed tenancy commercial buildings are located to the north and across the rear laneway to the east (shown in Figure 3).



**Figure 3 – Site from Memorial Avenue looking generally south east. Note the existing single-storey commercial (left of frame) and the approved 'Atlantis' residential apartment development.**



**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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**Figure 4 – Site from Memorial Avenue looking generally north**



**Figure 5 – Atlantis development interface across unnamed lane looking generally north east. The subject land is to the left of the unnamed laneway.**

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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*Figure 6 – Atlantis development interface across unnamed lane looking generally west toward the Mantra*



*Figure 7 – view of Atlantis from rear unnamed laneway looking south*



**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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**The Proposed Development**

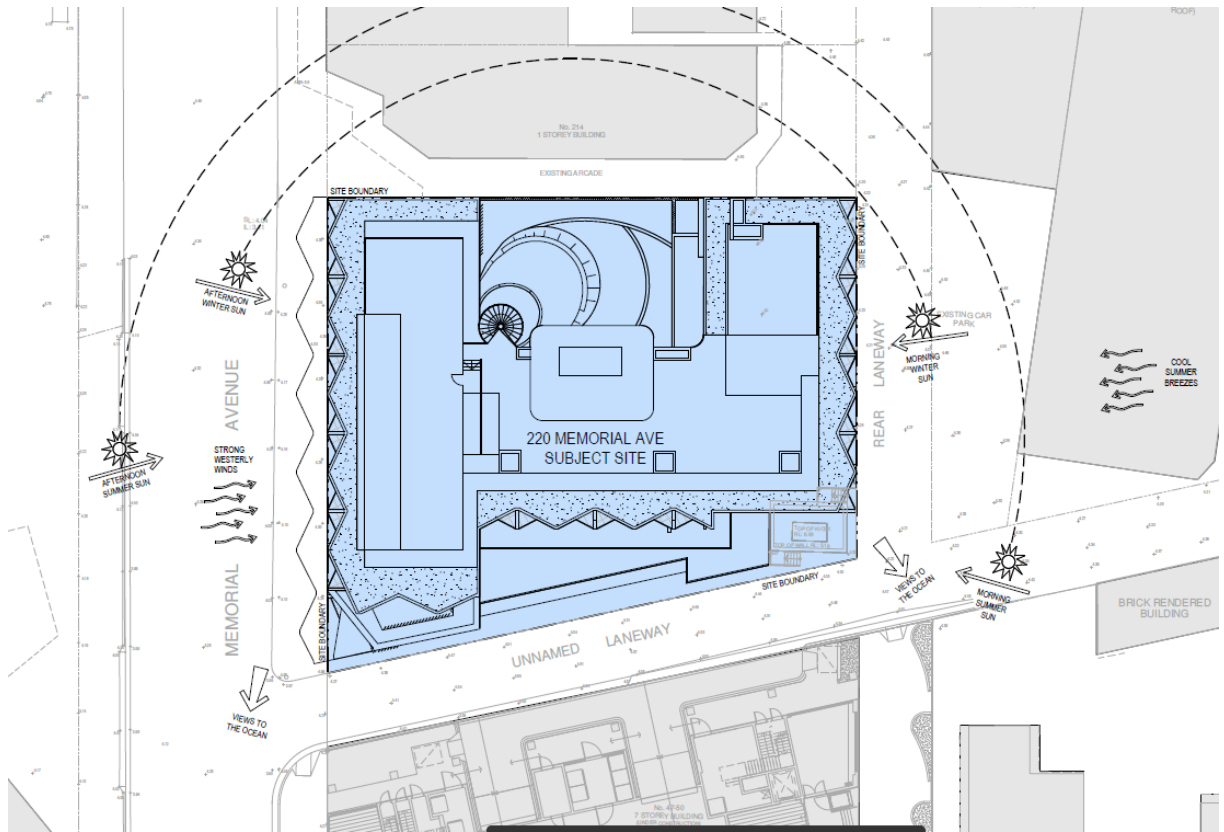
The proposal seeks approval for the construction of a hotel development comprising eighty-three rooms in total, with ground floor reception area, restaurant, conference facilities, terraced garden with seating, kitchen and ancillary facilities and rooftop bar and pool area (refer figure 8 through 12). A total of 77 car parking spaces, including 8 tandem valet car parking space is proposed within two levels of basement, accessed via the rear, eastern laneway. Details as follows:

- Demolition of existing single level commercial building on No. 216 Memorial Avenue;
- Excavation and creation of two basement levels to be accessed from the rear, eastern unnamed lane containing seventy-seven (77) car spaces, eight (8) of which are tandem spaces on the lowest floor (for valet parking services and similar);
- Four floors of tourist accommodation consisting of:
  - Ground Floor containing a reception area, restaurant, conference facilities, terraced garden with seating, kitchen and ancillary facilities;
  - Levels 1-3 containing twenty-three (23) hotel rooms per level including one (1) accessible room per level; and
  - Level 4 will contain fourteen (14) rooms, eight (8) of which are to be double sized rooms, including one accessible room; and
- A rooftop terrace with a bar and seating, a pool deck area and infinity pool, and associated facilities as well as plant services which are to be accessible from a non-public trafficable roof area.



**Figure 8 – Render of proposed hotel development**

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**



**Figure 9 – Proposed site plan**



**Figure 10 – Proposed northern elevation**

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

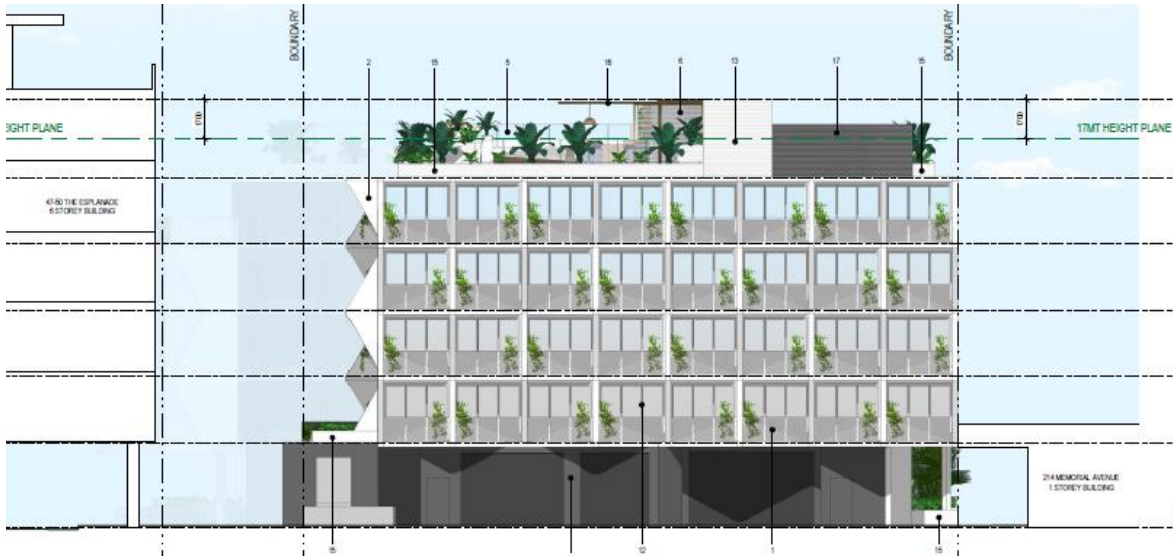


Figure 11 – Proposed eastern elevation



Figure 12 – Proposed southern elevation



2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

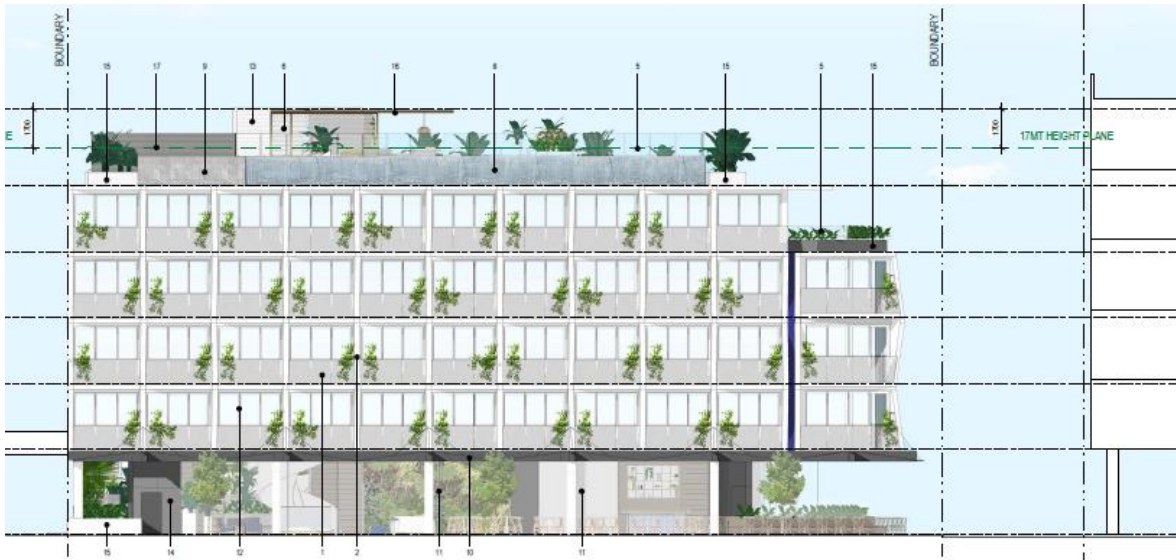


Figure 13 – Proposed western elevation



Figure 14 – Proposed section showing distance achieved between proposed hotel rooms and the existing Atlantis development (15m) (dashed in red)

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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**History**

Council's records show that the following applications were previously lodged on this site:

*216 Memorial Avenue:*

- [DA2638/1982](#) Development Application - Shop - Commercial premises.

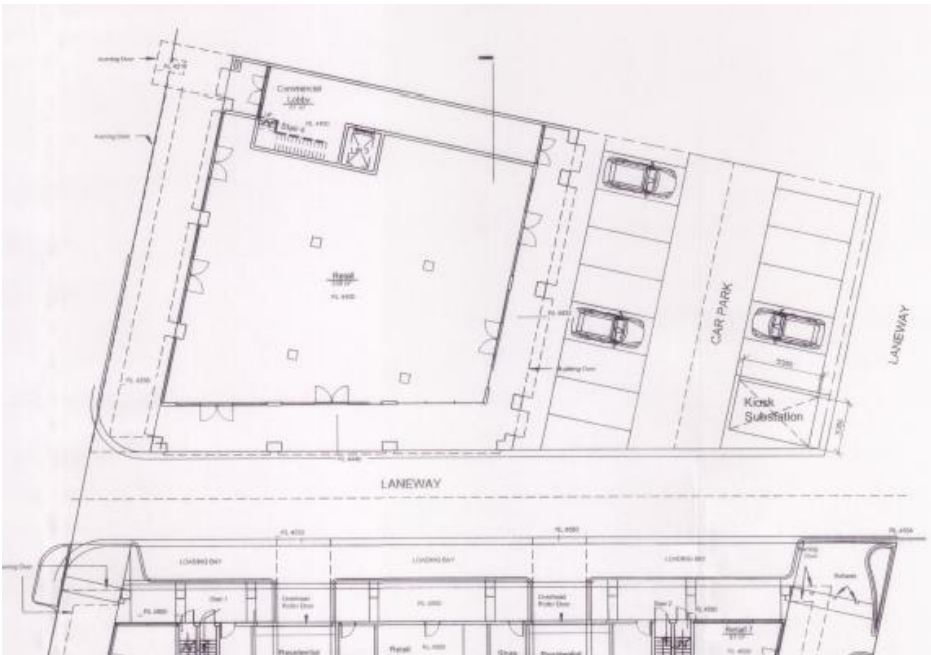
In addition, a number of minor applications have been lodged and approved since the mid 1980's for various uses within the existing commercial premises. These are of little relevance to the site history in planning terms.

*220 Memorial Avenue:*

- [MP 09 0121](#) Major Project Development Application – Commercial/Retail Premises

The site has an existing approval issued by the NSW Department of Planning, dated 24 November 2010 in which approximately 2/3 of the area subject to this application (No. 220 Memorial Ave) was identified as Stage 2 of Application MP 09\_0121, being a two storey commercial/retail building (refer Figure's 15 and 16). Stage 1 of the development (the 'Atlantis' development) is complete.

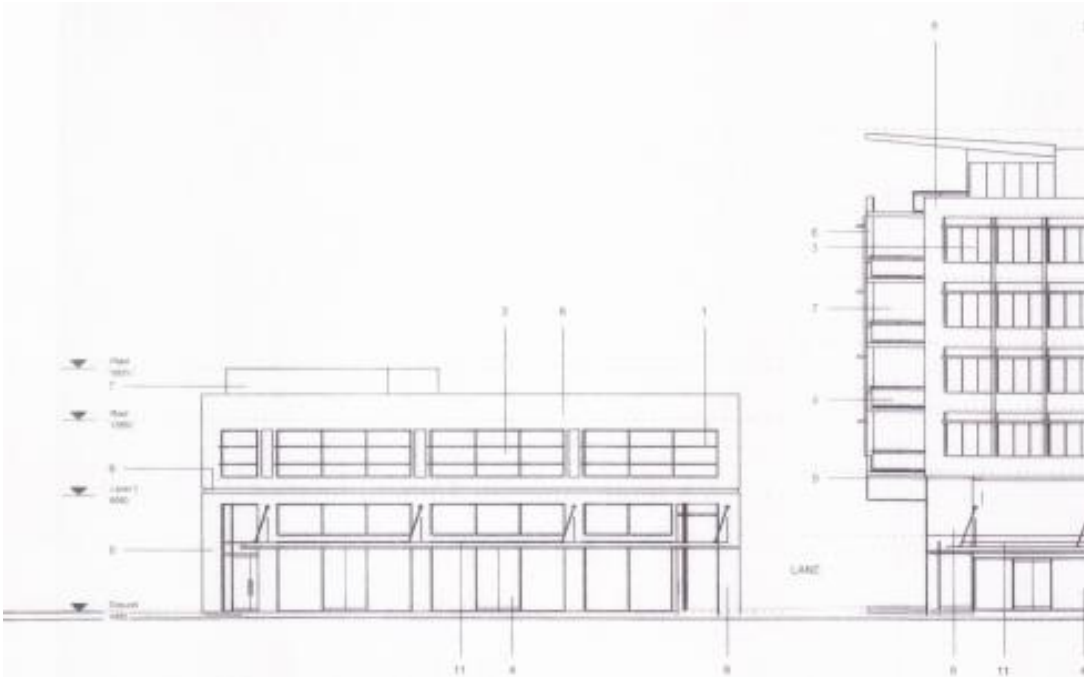
The subject application proposes an alternative use as a hotel (incorporating additional land), rather than the commercial/retail uses approved as part of the 'Atlantis' development.



**Figure 15 – Existing approval of two storey commercial/retail building on 220 Memorial Avenue, comprising 2/3 of the subject site**

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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**Figure 16 – Existing approval of two storey commercial/retail building on 220 Memorial Avenue, comprising 2/3 of the subject site**

No other applications of relevance are contained in Council records.

#### **Section 4.15(1)(d) of the EP&A Act: Submissions**

##### **Public Consultation**

The Development Application was notified in accordance with Part 7.3 - Notification of Development Proposals of GDCP 2013 from Thursday, 23 May 2019 until close of business on Thursday, 6 June 2019. A total of 46 submissions were received during the notification period. The following is a summary of the issues raised in the notification period:

- ***The proposed building is out of character with the Ettalong Beach Village Centre***

*Comment:*

The development site sits within the *Ettalong Beach: Mainstreet Centre* character area as defined within Chapter 2.1 of GDCP 2013. The character statement provides, amongst a host of elements, that the area:

*'... should remain a mixed-use centre that provides a range of services and accommodation for local residents as well as visitors, where scenic potential of a prominent backdrop to Brisbane Water and the Hawkesbury is enhanced by new*

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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*developments that encourage high levels of street activity and also achieve improved standards of amenity plus urban-and-civic design quality. Disguise the scale and bulk of new buildings. All visible facades should employ extensive windows that are shaded by lightly-framed balconies, verandahs or exterior sunshades, plus painted finishes and some board or sheet cladding rather than expanses of plain masonry.'*

The proposed development would offer a high level of street activity through the glazed ground floor facades to both Memorial Avenue and the unnamed laneway to the south, which contain the hotel lobby, a restaurant and conference/function rooms.

The proposed hotel, containing 83 rooms, a rooftop pool and bar area, and the ground floor restaurant and conference/function rooms will provide additional services and accommodation for locals and visitors.

Whilst the built form does not step the upper three floors back from the nil setback of the first two floors to Memorial Avenue, it does step back from the unnamed southern laneway from the fourth floor, and again further for the rooftop pool area. The design is therefore articulated in a manner that offers an appropriate curtilage to the Atlantis development, and through the incorporation of a varied balcony design does not appear as a single unbroken 5 storey wall to any frontage. In addition, the building proposed is of a similar scale, yet a storey lower, to that of the Atlantis building and does not detract from the visual prominence of said building.

For the reasons above, and additionally throughout this report, the proposed built form is not considered to be in conflict with the envisaged character of the area.

- ***The development and the roof pool and bar are over height limit***

*Comment:*

*Gosford Local Environmental Plan 2014* identifies that site as having a 17m height limit. The proposal would result in a built form that exceeds the 17m height limit for the site by 1700mm, for the lift overrun and separate bathroom facilities located on the roof of the building. In total approximately 35m<sup>2</sup> of roof area is higher than the 17m height limit.

The elements of the roof level which exceed the 17m height limit are:

- The lift overrun which joins and forms a part of the roof top bar structure, the top of which reaches a maximum height of 18.7m and located generally centered to the overall site;

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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- Adjacent to the bar and lift overrun, to the east are the rooftop bathrooms which also reach a maximum height of 18.7m. The bathroom structure is setback from the eastern boundary by 3m;
- Plant and building services are to be within a screened structure to the north of the rooftop bathrooms and reach a maximum height of 17.6m. This area will be located with a 3m eastern setback matching that of the bathroom structure; and
- A clear glass balustrade which surrounds the pool deck, located on the western side of the roof. The balustrade is setback from the site boundary by 3m at the shortest separation.

The lift overrun/bar and the bathrooms exceed the height limit by 1.7m which is a 10% exceedance. The building plant/services and pool balustrade exceed the height limit by 0.6m which is a 3.5% exceedance.

For reference, the floor level of the rooftop bar area is 15.9m and the floor level of the pool deck area is 16.6m.

- ***Car parking proposed is inadequate and does not meet Gosford Development Control Plan and there will be an increased demand for on street parking***

*Comment:*

The proposal is for a hotel development containing 83 hotel rooms, ground floor restaurant and function/conference centre totaling 438m<sup>2</sup>, and a rooftop pool area and bar of 143m<sup>2</sup> with up to 20 staff members on shift at any given time. The rooftop pool area and bar is to be accessed only by guests of the hotel.

Basement car parking accommodating 77 spaces has been proposed, eight of which are tandem spaces on the lowest floor (for valet parking services and similar).

In total there would be a shortfall of 31 car parking spaces if the hotel component of the proposal is calculated at 100% occupancy over the year.

Destination NSW, Australian Accommodation Monitor by Tourism Region latest statistics (2017-2018) show that on average across all NSW regions an occupancy of 79.6% was achieved. For the Central Coast in the same period an average occupancy of 69.8% was achieved. More recently, the Destination NSW, NSW Tourist Accommodation Snapshot (September Quarter 2019) shows that the average occupancy of establishments with over 10 rooms across the state was 76%, with regional NSW averaging 62%.

The applicant proposes that the development is anticipated to run at an 80% average occupancy.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

This figure is in line with the figures reported by Destination NSW and is further supported by the CEO of the Ettalong Beach War Memorial who stated within their public submission on the application that the Mantra “during the cooler months can rarely have an occupancy above 20% on Monday, Tuesday, Wednesday and Thursday”. “On Friday and Saturday nights the occupancy reaches anywhere from 50% to 80%”.

If car parking spaces were to be calculated at the intended and probable occupancy of 80%, the shortfall is reduced to 15 car parking spaces.

Contributions Plan No. 72 applies to the subject site, providing that contributions can be made in situations where there is a shortfall of parking spaces. The plan has the remaining capacity to offset 13 parking spaces. The applicable contribution has been calculated as 13 (car spaces shortfall) x \$7,905 = \$102,765.00.

As such, with the contributions in lieu of car parking spaces considered, the total shortfall of car parking spaces is 2.

The allocation of the car parking spaces is set out in the table below:

<b>Parking Type</b>	<b>Rate</b>	<b>Extent</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies</b>
<b>Casual Accommodation</b>	1 space per accommodation unit.	83 rooms	83	77	No
	Plus 1 space for every 2 persons employed and on duty	20 staff	10		
<b>Restaurant</b>	1 space per 30m <sup>2</sup> gross floor area	438sqm (ground floor only accessible to public)	14.6 (15)	0	No
<b>Total parking spaces</b>			108	77	No

*Contributions Plan No 72 – ‘Car Parking at Ettalong Beach’* applies to the subject land. As per *Contributions Plan No.72*:

*Proposed new development in the Ettalong Beach Business District must generally include sufficient off-street car parking facilities to satisfy the demand for parking likely to be generated by the development. However, it is recognised that in some circumstances this may not be practical. In such cases, a monetary contribution is required to be paid to Council.*

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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The proposed development does not comply with parking requirements of Chapter 7 of the Gosford DCP.

The proposed development would provide 31 fewer car parking spaces than would be required to meet the rates specified within GDCP 2013, however when calculated at 80% occupancy the shortfall is reduced to 15 car parking spaces.

Further, it is likely that such a development would have a degree of cross-utilisation within the commercial centre (ie those parking at the hotel may utilise other commercial facilities, and vice-versa), however it is noted that there may be additional demands upon the existing on street parking of the Ettalong Village Town Centre, and as such it would be appropriate to levy the development with contributions as per Council's *'Contributions Plan No. 72 Car Parking Ettalong Beach'* to cover the shortfall.

Appropriate condition (recommended Condition C 2.11) has been included that require the payment of contributions toward *Contributions Plan No. 72 Car Parking Ettalong Beach* should consent be granted to the development.

- ***Rooftop bar not suitable for the area***

*Comment:*

The proposed rooftop terrace lounge and pool area is a design feature that is accessible only to guests of the hotel. The bar area, referred to as the 'terrace lounge' on plan is located a minimum 5m from the eastern boundary, and 8m to 12m from the southern boundary, adjacent to the 'Atlantis' development.

The pool deck and infinity edge pool are located a 2.5m from the western, Memorial Avenue boundary, 3m from the northern boundary, and 7.5m to 9m from the southern boundary.

Hours of operation for the rooftop bar and pool are in accordance with the *Environmental Noise Impact Assessment* prepared by Acoustic Logic, dated 04 April 2019 that was lodged with the development application.

The Rooftop bar is proposed to operate from 8:00am – 9:00pm, 7 days per week, with a maximum capacity of 60 patrons. It is not likely to be a highly visible element of the development, and not considered to detract from the high standards of amenity offered through the design of the building.

In addition, because the rooftop bar is only to be available to guests of the hotel it is not envisaged that there would be uncontrolled and excessive noise generated through the use of the area. It would be in the interest of the management to ensure the rooftop is managed in a manner that provides the highest level of amenity to those choosing to stay within the hotel.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

- The development will cause loss of solar access and privacy to residents in the Atlantis building to the south***

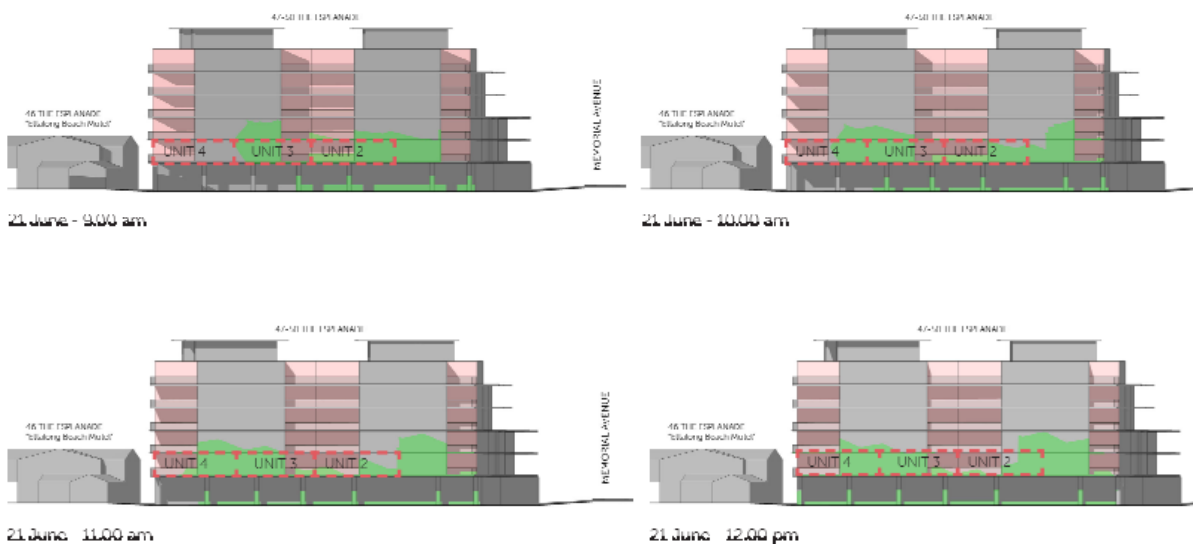
*Comment:*

The proposal will cause additional overshadowing to the Atlantis development at 47-50 The Esplanade. Although not applying to the development proposed, the *Apartment Design Guide* (ADG) provides suitable general guidelines in relation to the effects new buildings may have upon existing residential flat buildings. Of relevance is Objective 3B-2 of the ADG which offers guidance on overshadowing of neighbouring properties during winter. Per the ADG:

*Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*

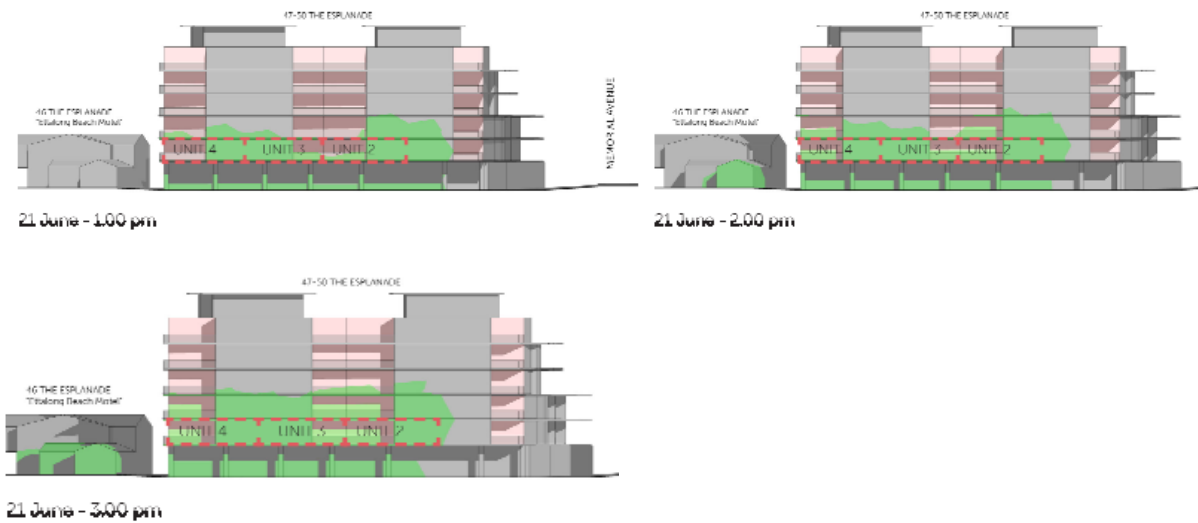
Solar diagrams shown below indicate that the north facing units of the Atlantis development self-shade due the balcony depths and location of bedroom elements of the building. Further, only three units of the Atlantis development would have their solar access reduced to less than 3 hours at mid-winter, being Units 2, 3, and 4, all located on the first floor of the development. Unit 2 appears to be affected the most, however it does retain existing levels of solar access (approximately 2 hours of direct solar access) between 11am and 1pm.

The proposal, therefore, does not have an unacceptable shadow impact on the adjacent development.





## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)



**Figure 17 – Solar diagrams showing impact upon the northern units of the adjacent Atlantis development.**

Privacy concerns relate to building separation and the closeness of the proposed hotel rooms to the existing units within the Atlantis development. The relevant Objective, 2F of the ADG holds that for buildings up to four storeys, a minimum of 12m separation is required and for the 5<sup>th</sup> storey up, a separation distance of 18m is required.

The ADG states that:

*Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.*

The proposal would achieve the intent of the separation objective, being generally setback from the centre of the unnamed lane that divides the subject site from the Atlantis development by at least 6m below 4 storeys and by 9m on the 5th storey.

On floors 1-3 inclusive the closest room opening is at least 12m from a window or balcony of the Atlantis development. In almost all cases the separation distance is significantly greater than the 12m, and in turn greater than the minimums detailed within the objectives of the ADG.

As indicated in figure 18, elements of two rooms on the fourth floor (rooms 405 and 411) would be sited closer to the adjacent development than desired, however the rooms would have no windows or doors facing the existing units.

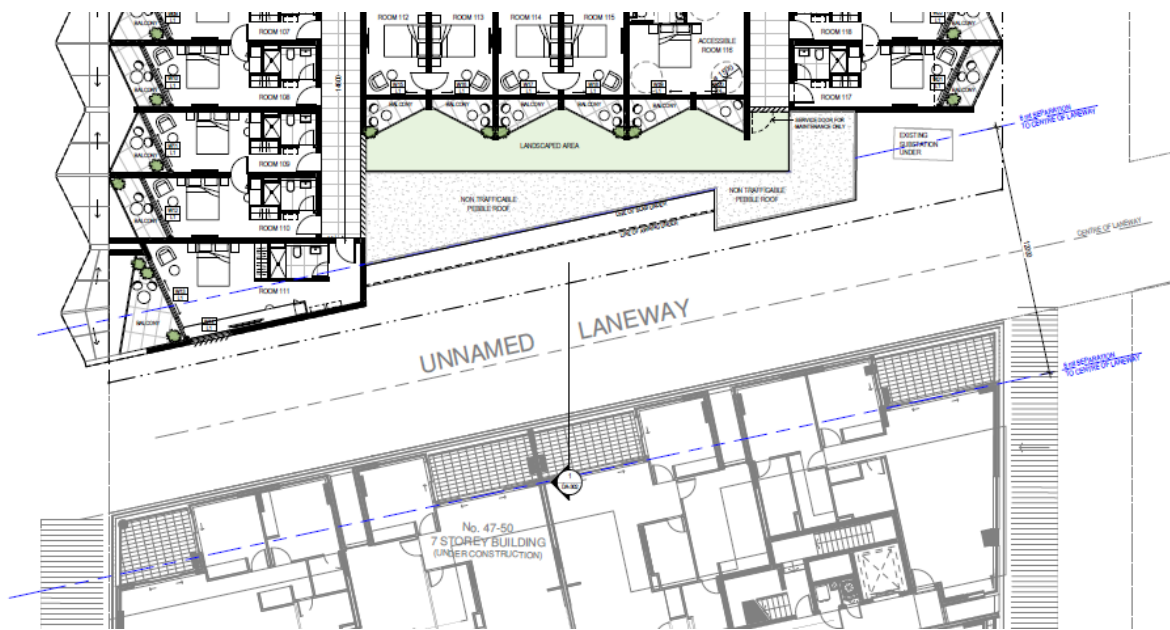
Room 405 also utilises the footprint of the floors below to an extent, however proposes a terrace from a room within the desired setback distance.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

This terrace offers garden beds and screening in a manner that will effectively occlude the area from the adjacent Atlantis development whilst still affording room 405 a larger useable outdoor area than any other room within the proposed development (Screening shown on plans but not on elevations). Condition C 2.12(a) requires screening to be installed as indicated on plans, to a minimum height of 2.0m and angled in a manner that prevents direct sightlines to any aspect of the Atlantis development).

Room 411 is positioned in a manner that utilises the building footprint of the floors below and offers no openings in the southern wall closest the Atlantis development.

As shown in Figure 18 and 19, where the development does not achieve the required separation from the centre of the Lane, the proposal has allowed for blank walls or privacy louvres. The proposal's impact on the neighbouring 47-50 The Esplanade is therefore compliant with the relevant objectives of the ADG and is not considered to cause any significant adverse impacts to residential units within the Atlantis development.



**Figure 18 – Separation of the proposed hotel to the existing Atlantis development ON LEVELS 1-3. (blue line to blue line is 12m. Image showing apportioned 6m setback from centre of laneway into each of the developments)**

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

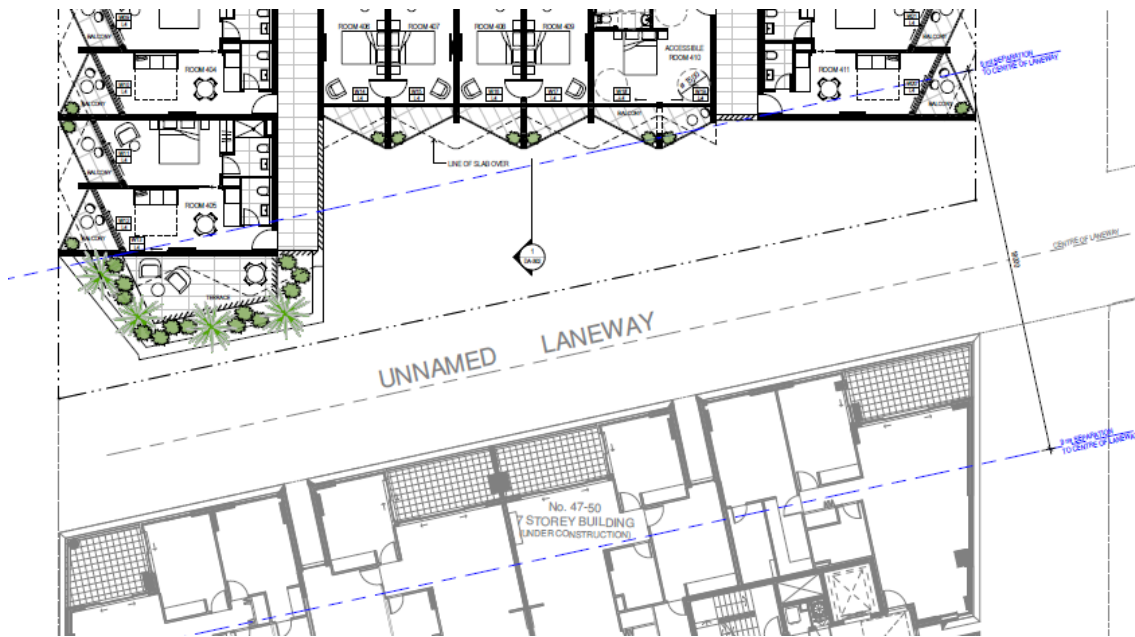


Figure 19 – Separation of the proposed hotel to the existing Atlantis development ON LEVEL 4. (blue line to blue line is 18m. Image showing apportioned 9m setback from centre of laneway into each of the developments)

- ***The owners of apartments in the Atlantis development were not told of plans for a 5 storey development to take place on this site, previously approved as a 2 storey commercial building as Stage 2 of the Atlantis development.***

Comment:

Noted. There is no planning reason for this to cause the current development application to be void. A new DA would override that previously issued on the site.

- ***There is already a hotel across the road, there is no need for another***

Comment:

Noted. There is no planning reason for this to cause the current development application to be void. The applicant has likely spent time considering what type of development best meets their needs prior to lodgment of the application.

- ***There are enough bars in the area and more are not necessary***

Comment:

It is not clear where the concern relating to the inclusion of a bar has arisen, as the application seeks consent for a bar on the rooftop, only available for use by guests of the hotel. It is usual practice for tourist accommodation to include a bar, restaurant and other amenities/facilities for patrons.

## **2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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The ground floor restaurant and conference facilities are not proposed to be run as a bar. It is likely that a restaurant would serve alcohol, however licencing for such a venue, and indeed the rooftop bar, is a matter to be determined by NSW Liquor and Gaming.

The inclusion of a bar and a restaurant is not considered to be contrary to the public interest.

### **Public Authority Consultation / Approvals**

Nil

### **Internal Consultation**

The application was referred to the following internal officers and the following comments have been provided:

- Architect

Council's Architect has reviewed the proposed development and generally supports the proposed development, noting that the development is generally consistent with the objectives and controls of both parts 2.1 and 4.2 of the GDCP 2013.

- Engineering

Council's Development Assessment Engineer has reviewed the application and supports the proposal subject to conditions.

- Traffic/ Transport

Council's Traffic and Transport Planner has reviewed the application and generally supports the proposal, however notes that there appears to be an error with the directional arrows shown for each level of the carpark.

A condition that the arrows are reversed and drawn in accordance with Australian Standards is to be included.

- Waste Services (Garbage)

Council's Waste Services Officer has reviewed the application and supports the proposal subject to conditions.

- Liquid Trade Waste

Council's Liquid Trade Waste unit has reviewed the application and supports the proposal subject to conditions

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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- Building

Council's Building Surveyor has reviewed the application and supports the proposal subject to conditions.

**Ecologically Sustainable Principles**

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

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is not considered to result in any adverse impacts on the site. The proposal incorporates substantial landscaping with street trees, an extensive atrium planting schedule, numerous planter box elements on all floors, and rooftop gardens. The proposed plantings will dramatically increase the amount of vegetation and aid in the retention and re use rainwater on site. The development is unlikely to have any significant adverse impacts on the environment.

The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. As such, the proposed works will not decrease environmental quality for future generations.

**Climate Change**

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

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts.

The ground floor level of the proposed development is 4.3m AHD, which is unlikely to be affected by sea level rise during the lifetime of the building.

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

**Assessment:**

Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and other statutory requirements including Council's policies, the assessment has identified the following key issues, which are elaborated upon for Council's information.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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***Draft Central Coast Local Environmental Plan 2018***

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2018, the zoning of the subject site retains the existing zoning and development controls.

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

The provisions of SEPP Coastal Management require Council to consider the aims and objectives of the SEPP when determining a development application within the Coastal Management Areas. The Coastal Management Areas are areas defined on maps issued by the NSW Department of Planning and Environment. The subject property is mapped coastal environment area and a coastal use area under the SEPP.

Council has considered the proposed development and it is concluded the proposal is consistent with cl. 14 of SEPP Coastal Management 2018 and no further objection is made in this regard.

***State Environmental Planning Policy No 55 – Remediation of Land***

The provisions of this *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) apply however, the site has a history of being utilised as residential and commercial premises and so contamination is not likely to be present. In accordance with cl. 7(2) of the SEPP, no further consideration is required in this regard.

***State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.***

SEPP 65 applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component. The subject application is none of these and is classified as a *hotel* under GLEP 2014. As such SEPP 65, and in turn the Apartment Design Guide (ADG) does not apply to the development.

That said, elements of the ADG are relevant in considering the design quality of the subject development, namely Objective 2F, regarding separation of buildings, and Objective 3B-2, regarding solar access to neighbouring properties.

Both Objective 2F and 3B-2 have been discussed earlier within this report (pages 20 -23) and the development is found to be consistent with the objectives.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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***Gosford Local Environmental Plan 2014 GLEP 2014)***

***Zoning and Permissibility***

The subject site is zoned B2 Local Centre under the provisions of *Gosford Local Environmental Plan 2014* (GLEP 2014). Development for the purposes of *Tourist and visitor accommodation* is permissible within the B2 Local Centre zone. The proposal has been considered with regard to the objectives of the control in accordance with the cl. 2.3(2) of GLEP 2014:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposed hotel development would provide new business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. The provision of 83 hotel accommodation rooms with ancillary restaurant/café and conference facilities will offer new accommodation options for visitors to stay in the area, and through the inclusion of the ground floor restaurant/café and conference facilities, the opportunity for residents and those working in the area to utilise the new food and event offerings that will be available.

- *To encourage employment opportunities in accessible locations*

The proposed hotel will employ a number of people, with up to 20 staff on premises at any given time. It would also be reasonable to expect the ongoing operation of the hotel to have a flow on effect to other supportive industries in the locality. The hotel is accessible by regular public transport services and is easily accessible by local residents who gain employment with the hotel and choose to walk or cycle to the area.

- *To maximise public transport patronage and encourage walking and cycling.*

The location of the hotel is such that existing walking and cycling pathways connect it to the wider locality. Ettalong waterfront pathway links through from Booker Bay to Umina and is well utilised.

Numerous bus routes service the Ettalong centre, and the Palm Beach Ferry service stops approximately 600m walk from the site.

- *To provide for residential uses, but only as part of a mixed-use development.*

No residential dwellings are proposed as part of this development.

- *To ensure that development is compatible with the desired future character of the zone.*

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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The development site sits within the *Ettalong Beach: Mainstreet Centre* character area as defined within Chapter 2.1 of GDCP 2013.

The proposed development has been assessed against the appropriate character statement and is found to not be in contravention to the desired future character of the area.

The proposed development would offer a high level of street activity through the glazed ground floor facades to both Memorial Avenue and the unnamed laneway to the south, which contain the hotel lobby, a restaurant and conference/function rooms.

The hotel promotes high levels of on-street activity by providing a ground floor restaurant/café that provides continuity of glazed windows and indoor/outdoor dining options. The hotel design incorporates awnings, colonnades or balconies in all buildings to provide sheltered pedestrian settings contributes to high levels of visible activity along all streets by surrounding upper storeys with balconies that accommodate guest's outdoor recreation.

- *To promote ecologically, socially and economically sustainable development.*

The application included a Section J report that indicates the proposed development is capable of compliance with Section J of the National Construction Code, being Energy Efficiency.

- *To ensure that the town centres of Erina and Woy Woy are recognised as providing a higher level, and greater diversity, of services and facilities to serve a wide population catchment from numerous localities and as key public transport nodes, secondary to Gosford City Centre.*

The proposed development does not detract from the town centres listed as being recognised as being higher order town centres, second to Gosford City Centre in terms of services and facilities offered to the community.

- *To ensure that village centres such as Avoca, East Gosford, Ettalong Beach, Kincumber, Lisarow, Niagara Park, Terrigal, Umina Beach, West Gosford and Wyoming are recognised as providing a broad range of services and facilities to serve the population of the locality.*

The proposed development will aid in the Ettalong Beach village centre providing a broad range of services and facilities to serve the population of the locality.

- *To ensure that villages are recognised as providing local level services and facilities and are developed at a scale that reflects their population catchment and as a focus for public transport routes.*



**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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The proposed development is of a scale that compliments the existing Atlantis and Mantra developments and is sited close to several public transport options. The development is not considered to be contrary to this objective.

- *To ensure that the different roles of villages are recognised with some villages being key tourist destinations with boutique activities in addition to serving the needs of local residents, while other villages are purpose-built centres to serve the needs of the local population.*

Ettalong Beach is a key recognised tourist destination and the proposed hotel development is considered an appropriate development response to the site. The inclusion of ground floor restaurant/café will further support the hotel development establish itself as a destination location.

- *To encourage the residential population of villages and town centres to contribute to the vitality of those locations.*

The development is not considered to be contrary to this objective.

**Development Standards**

An assessment of the proposed development against the relevant planning controls is detailed below.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance with Controls</b>	<b>Variation %</b>	<b>Compliance with Objectives</b>
<b>cl. 4.3 (Height of Buildings)</b>	17m	18.7m	No	10%	Yes
<b>cl.4.4 (Floor Space Ratio)</b>	2:1	2:1	Yes	Nil	Yes

*4.3 Height of Buildings*

The provisions of cl. 4.3 (Height of Buildings) within GLEP 2014 establish a maximum height limit for buildings. The applicable height control indicated on the GLEP 2014 Height of Buildings map is 17m. The proposed development generally complies however has some elements that result in a maximum height of 18.7m, or 10%, non-compliance with the development standard. This variation has been assessed in accordance with cl.4.6 of GLEP 2014.

The elements of the roof level which exceed the 17m height limit are:

## 2.1 **DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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- The lift overrun which joins and forms a part of the roof top bar structure, the top of which reaches a maximum height of 18.7m and located generally centered to the overall site;
- Adjacent to the bar and lift overrun, to the east are the rooftop bathrooms which also reach a maximum height of 18.7m. The bathroom structure is setback from the eastern boundary by 3m;
- Plant and building services are to be within a screened structure to the north of the rooftop bathrooms and reach a maximum height of 17.6m. This area will be located with a 3m eastern setback matching that of the bathroom structure; and
- A clear glass balustrade which surrounds the pool deck, located on the western side of the roof. The balustrade is setback from the site boundary by 3m at the shortest separation.

The lift overrun/bar and the bathrooms exceed the height limit by 1.7m which is a 10% exceedance. The building plant/services and pool balustrade exceed the height limit by 0.6m which is a 3.5% exceedance.

For reference, the floor level of the rooftop bar area is 15.9m and the floor level of the pool deck area is 16.6m.

### *4.4 Floor Space Ratio*

The provisions of cl. 4.4 (Floor Space Ratio) within GLEP 2014 establish a maximum floor space ratio (FSR) for buildings. The applicable FSR control is 2:1, which permits a maximum gross floor area of 2,884m<sup>2</sup>. The proposed development would result in a gross floor area of 2942m<sup>2</sup>, equating to an FSR of 2.04:1, which meets the mapped FSR of 2:1. The minor variance of 58m<sup>2</sup> noted in the figures may be attributed to calculation errors. Council's Senior Development Planner considers the proposal to comply with this control.

### *4.6 Exceptions to Development Standards*

A formal submission in accordance with Clause 4.6 of the Gosford LEP 2014 (Exceptions to Development Standards) has been provided by the applicant for the non-compliance associated with building height (cl. 4.3 GLEP 2014).

In accordance with cl. 4.6(4) of GLEP 2014, development consent must not be granted for a development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in subclause (3). Subclause 3 provides:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The cl. 4.6 of GLEP 2014 request submitted by the applicant states how strict compliance with the development standards is unreasonable or unnecessary (having regard to the decision in *Wehbe v Pittwater Council [2007] NSW 827*) and how there are sufficient environmental planning grounds to justify the contravention. The submission from the applicant is summarised below:

- *The proposed development sites the areas of height exceedance in locations that do not have any negative impacts on solar access to surrounding development or the public domain, privacy of surrounding development or view corridors. By setting back the taller structures from the roof edge, the height exceedances will be largely obscured from view from the public domain. To the extent that they may be seen from the public domain, all elements have been integrated into the architectural design of the building.*
- *The increased height sought as part of this proposal enables the use of the roof terrace for a pool, bar and lounge which will support tourism and employment in Ettalong Beach while having a negligible negative environmental impact. On balance, the proposal will have a positive contribution to the surrounding area that would be diminished under a height compliant proposal.*

In order to demonstrate if the proposal has merit, consideration of the proposed **building height** non-compliance has been provided with regard to the objectives of the control contained within cl. 4.3(1) of GLEP 2014:

- a) to establish maximum height limits for buildings*

The maximum height limit for buildings has been identified for this property.

- b) to permit building heights that encourage high quality urban form*

The proposal takes inspiration from world-class beach hotels and resorts resulting in a design that is well suited to its location within Ettalong Beach and capable of achieving a high-quality built form.

The building's external wall height remains below the height limit at 15m and the visual impact of the proposed exceedances has been minimised through the well-considered location and design of structures.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

Figure 20 shows the elements of the proposed building form that would extend beyond the height controls.



**Figure 20 – Western elevation showing Memorial Avenue frontage with the 17m height plans dashed in red.**

- c) *to ensure that buildings and public areas continue to receive satisfactory exposure to sky and sunlight*

The proposed height exceedances situated on the eastern portion of the roof area contribute in a minor way to the overshadowing on the unnamed rear lane and the rear parking area of 46 The Esplanade between 2pm and 3pm in midwinter (figure 21 - 24). The height non-compliances sought do not contribute to the overshadowing of any habitable space, landscaped common area, or area in which the public are likely to gather.

2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

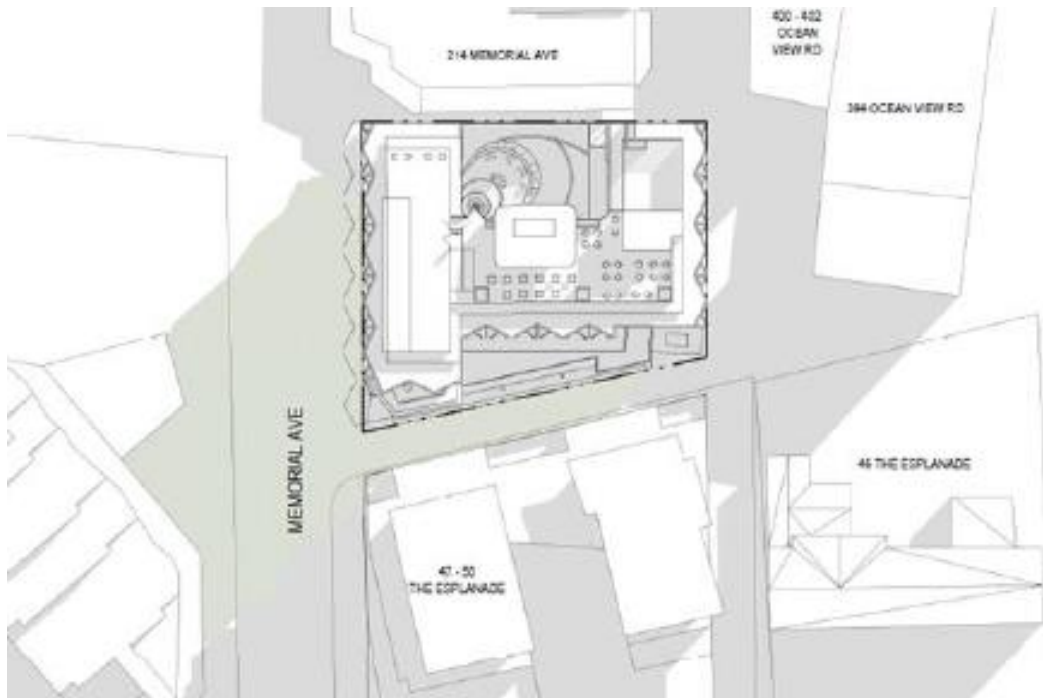


Figure 21 – 9am shadow diagram showing extent of shadow cast by non-compliant roof elements

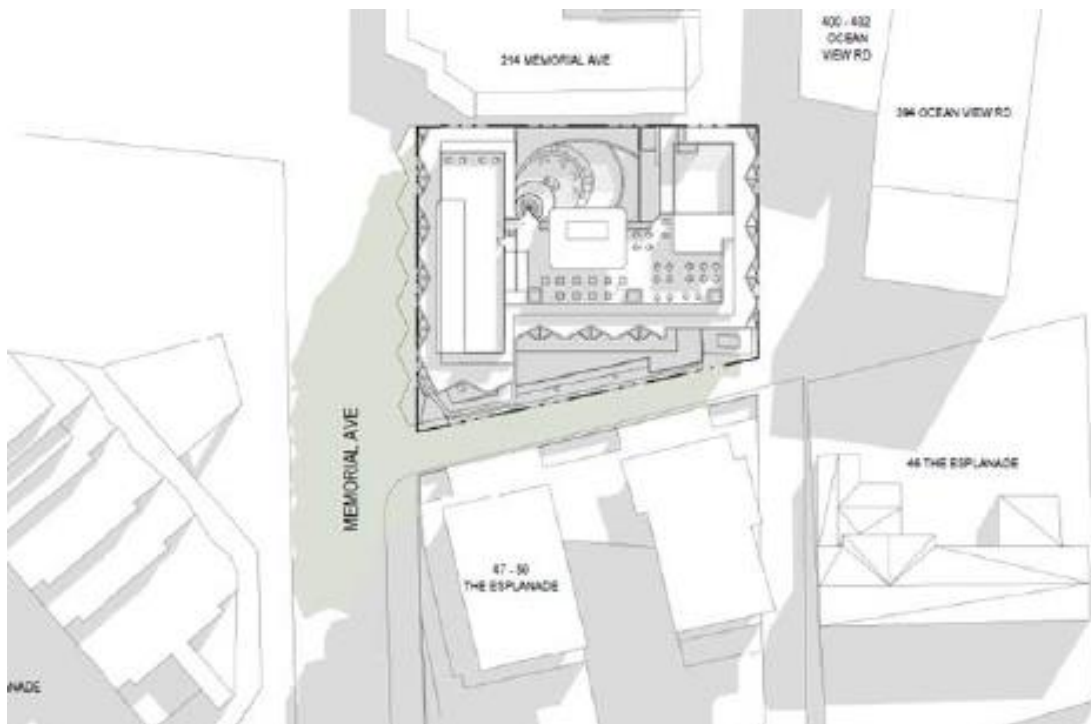


Figure 22 – 10am shadow diagram showing extent of shadow cast by non-compliant roof elements

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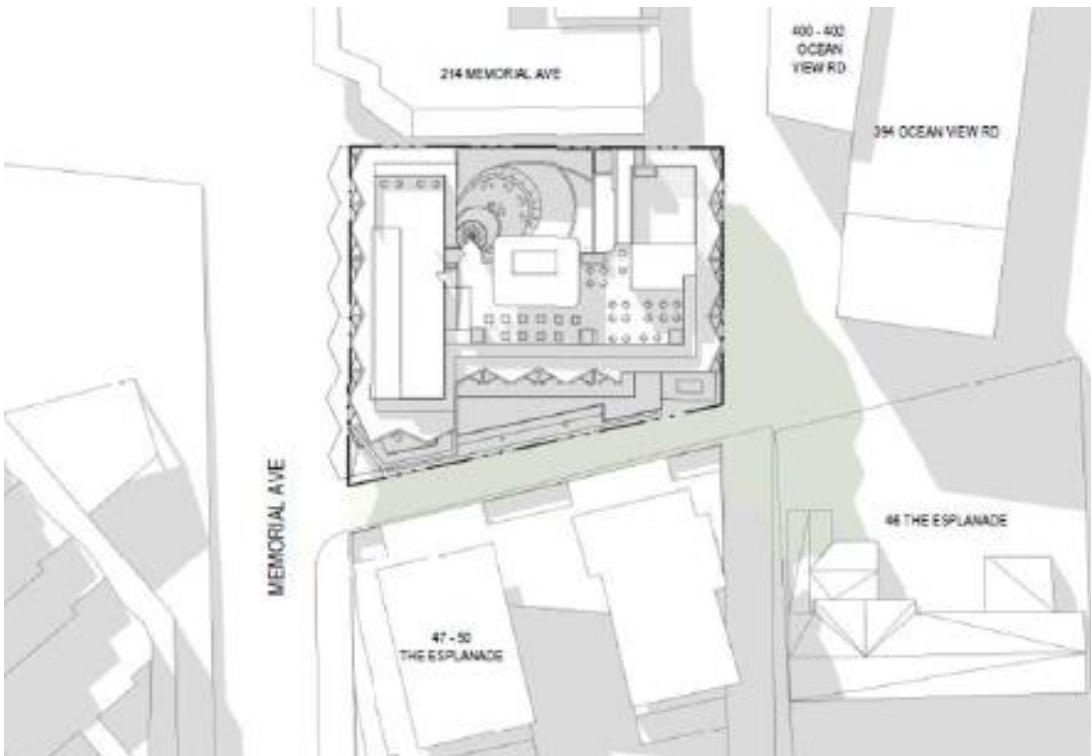


Figure 23 – 2pm shadow diagram showing extent of shadow cast by non-compliant roof elements

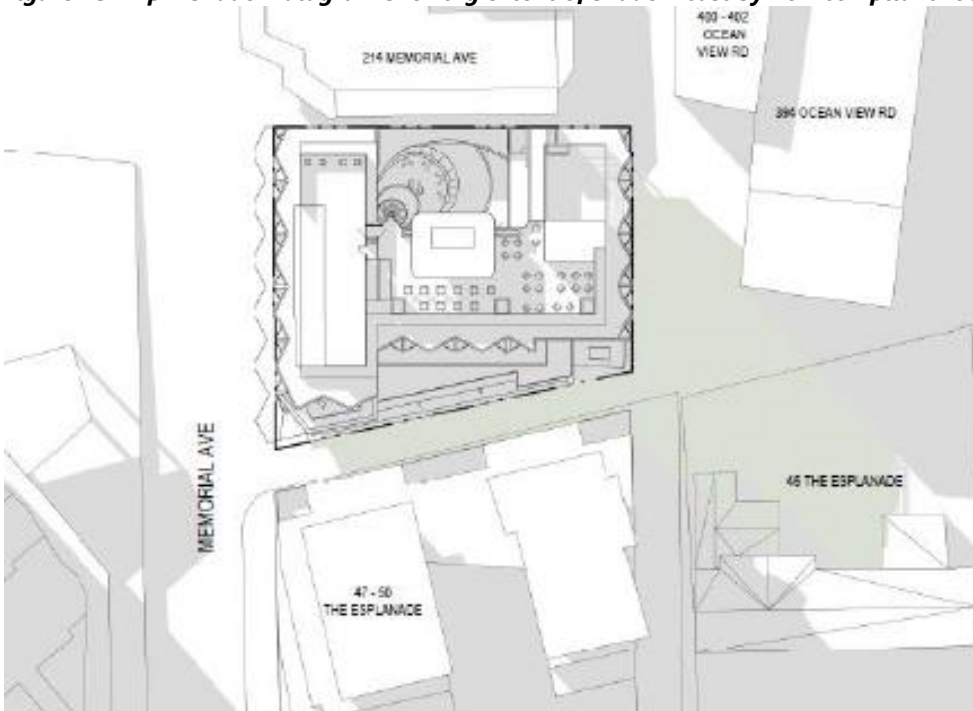


Figure 24 – 3pm shadow diagram showing extent of shadow cast by non-compliant roof elements

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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- d) *to nominate heights that will provide an appropriate transition in built form and land use intensity*

The subject site is within an area mapped for 17m maximum height of buildings (5 storeys) with land to the west mapped for 34.3m and 22m (the Mantra is 9 storeys), however land diagonally to the south east mapped for 11.5m. It is noted that the adjoining Atlantis development, directly south of the subject site, is mapped as 11.5m but has an approved and now built development of 7 storeys.

As a result of existing developments, (the Mantra and the Atlantis) being 9 and 7 storeys respectively, the proposed 5 storey development, with rooftop facilities, will transition down from the primary focus and height of the Mantra, and ensure the appropriate height transition is maintained as a result of the proposed development.

- e) *to ensure that taller buildings are located appropriately in relation to view corridors and view impacts and in a manner that is complementary to the natural topography of the area*

The design and location of the elements of the subject site that would exceed the mapped height ensure that they will have minimal impacts on the views currently enjoyed by the Mantra and Atlantis developments. Both the Mantra and Atlantis developments are designed with primary views toward the water to the south, while the subject site is located to their north and northeast.

Whilst there would be a loss of north views toward Mt Ettalong from units within the Atlantis development as a result of this development, near all of this loss would occur irrespective of the minor height non-compliances, with near the same loss the result from a compliant development.

Any future development of sites to the north of the subject site would have any southward views toward the water obscured by the Atlantis development regardless of the height non-compliances associated with this development.

- f) *to protect public open space from excessive overshadowing and to allow views to identify natural topographical features*

The proposal does not cause overshadowing to public open space areas.

The cl.4.6 of GLEP 2014 variation request submitted by the applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the applicant has demonstrated consistency with these objectives.

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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In accordance with cl. 4.6(4)(b) of GLEP 2014 development consent must not be granted for development that contravenes a development standard unless the concurrence of the Secretary has been obtained.

Planning Circular PS 18-003, issued 21 February 2018, states that a delegate of Council may not assume the concurrence of the Secretary when considering exceptions to development standards under cl.4.6 of GLEP 2014 if the development contravenes a development standard by greater than 10%. In this instance, the proposed variations equal 10%, and the concurrence of the secretary can therefore be assumed.

This assessment has been carried out having regard to the relevant principles identified in the following case law:

- *Wehbe v Pittwater Council [2007] NSWLEC 827*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248*

The cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 request submitted by the applicant appropriately addresses the relevant principles and exhibits consistency with the relevant objectives under GLEP 2014.

This assessment concludes that the cl. 4.6 (Exceptions to Development Standards) of GLEP 2014 variation provided having regard to cl. 4.3 is well founded and worthy of support.

### 7.1 Acid Sulfate Soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site is thought to contain Class 3 Acid Sulfate Soils, however the applicant has supplied a report, titled *Further acid sulfate soil investigation at 47-49 The Esplanade and 218-229 Memorial Avenue, Ettalong Beach, NSW* prepared by Parsons Brinkerhoff that concludes that the results of the investigation indicate that Acid Sulfate Soils were not identified at the site and are unlikely to be present.

As such, no further concerns are raised in regard to Acid Sulfate Soils.

### **s. 4.15(1)(a)(ii) of the EP&A Act: Draft Environmental Planning Instruments:**

#### *Draft Central Coast Local Environmental Plan 2018*

Following a review of the *Draft Central Coast Local Environmental Plan 2018* (Draft CCLEP 2018) which finished exhibition on 27 February 2019, the zoning of the subject site remains B2 Local Centre, where *Tourist and visitor accommodation* remains a permissible use with the



**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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obtainment of development consent. Height of buildings and floor space ratio are to remain as per the current controls.

**Provisions of any Development Control Plan**

**Gosford Development Control Plan 2013**

An assessment of the proposed development against the relevant chapters of Gosford Development GDCP 2013 is provided in a Compliance Table under **Attachment 3**. The proposed works are consistent with the relevant chapters of GDCP 2013.

Variation to car parking rates and to building articulation and setbacks are detailed within the attachment.

**Section 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development**

*a) Built Environment*

The proposed built form is considered a modern and well-designed architectural response to the site, and acceptable in the context of the adjoining buildings. The proposed works are consistent with the uses envisaged for the B2 Local Centre zone, and if approved the proposed hotel would offer a modern accommodation alternative for tourists and visitors to the Ettalong Beach locality.

*b) Natural Environment*

The proposal is satisfactory in relation to impacts on the natural environment as identified throughout this report. Four trees are to be removed to accommodate the proposed built form, however the plans show that these will be replaced with three street trees and extensive plantings both within the courtyard of the development and on multiple balcony and rooftop planter beds.

*c) Economic Impacts*

The proposed development will contribute to the supply of employment opportunities within the local area and offer modern tourist accommodation that will draw people from the wider area who will likely shop within the centre.

*d) Social Impacts*

It is not anticipated that any social impacts will arise from the approval of the proposed works, with the hotel to be staffed and managed 24 hours a day.

## 2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)

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### Suitability of the Site for the Development:

A review of Council's records has identified the following constraints:

- This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in Clause 7.1 of GLEP 2014 have been considered. The site is mapped to contain Class 3 Acid Sulfate Soils, however independent studies have shown that no Acid Sulfate Soils are present on site. It is unlikely that any disturbance of acid sulfate soils would result from the proposed works to the site.

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

### The Public Interest

The proposed *tourist and visitor accommodation* development is an appropriate use for the B2 Local Centre zoned site. The proposed development offers a suitable transition from the Mantra and Atlantis developments and will offer modern tourist accommodation options to those visiting the area, and restaurant/café and conference facilities for tourists and locals alike. Considered against the objectives of the zone and the controls within GDCP 2013, the approval of the application is considered to be in the public interest.

### Other Matters for Consideration

#### ***Development Contribution Plan***

The site is subject to the provisions of Section 7.11 development contribution plan No. 72 Car Parking Ettalong Beach. As discussed throughout this report it is envisaged that the proposed development of a hotel and associated restaurant/café and conference facilities is likely to increase demand on the existing public parking facilities used by locals and tourists in the area.

*As per part 2 of plan No. 72; where the required amount of parking for a particular development is not provided on site the development will generate a demand for additional parking facilities, which must be provided by Council. This forms the nexus and justifies Council's acceptance of a monetary contribution to provide such facilities.*

The contributions plan only provides for a maximum of 48 car parking spaces. Contributions have been collected to date for 35 car parking spaces. As such there are 13 spaces remaining which can be contributed for under the current provisions of the contributions plan.

The applicable contribution has therefore been calculated as 13 (car spaces shortfall) x \$7,905 = \$102,765.00. This is to be imposed as a condition of consent requiring the contribution to be paid prior to the issue of any Construction Certificate. Refer to Condition **C 2.11**.

**2.1 DA/56500/2019 - 216 - 220 Memorial Avenue Ettalong Beach - Five Storey Hotel Building with Ancillary Restaurant/Cafe, Bar and Function Facilities (contd)**

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***Water and Sewer Contributions***

Water and sewer is available to the land. The payment of water and sewer contributions is applicable and imposed by the Water Authority. The proponent must obtain a section 307 certificate for the development of the land.

**Conclusion**

The Development Application has been assessed against the heads of consideration of s4.15 of the EP&A Act and all other relevant instruments and policies and, on balance, the proposed development is considered reasonable and therefore it is recommended that Council grant approval to DA56500/2019, subject to the draft conditions included in Attachments.

**Attachments**

<b>1</b>	Draft Conditions of Approval	Provided Under Separate Cover	D13717311
<b>2</b>	Architectural Plans	Provided Under Separate Cover	D13941540
<b>3</b>	GDCP Compliance Table	Provided Under Separate Cover	D13717316
<b>4</b>	Architectural Elevations	Provided Under Separate Cover	D13719686



**Item No:** 3.1  
**Title:** Landcare Program Strategy  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2004/06937 - D13769892  
Author: Michael Smith, Team Leader  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

## **Report Purpose**

The purpose of this report is for Council to consider the outcome of the public exhibition of the Landcare Program Strategy. The report also addresses outstanding actions arising following Council's consideration of the draft Landcare Program Strategy at its Ordinary Meeting of 8 July 2019.

The draft Landcare Strategy was developed and placed on public exhibition prior to the realisation of COVID-19 (Coronavirus) restrictions on public gatherings. There is a community expectation that the strategy will be considered for final adoption given that it has already been on public consultation and that the strategy will be implemented in line with advice from government and health authorities.

## **Recommendation**

- 1 That Council formally adopt the draft Central Coast Council Environmental Volunteer Program Strategy, specifically amended as follows:**
  - ***The name of the Program has been changed from CCC Landcare Program to CCC Environmental Volunteer Program.***
  - ***Action Item 13 added to Strategy – investigate opportunities for funding additional support for the program, including external grant funding and third-party sponsorship.***
  - ***Action Item 14 added to Strategy – consider new technologies for managing the program e.g. phone apps to manage group activities.***
  
- 2 That Council give consideration to expanding the program through the recruitment of two additional full time equivalent (FTE) staff, at a projected cost of \$40,000 in capital and \$134,125 in operational expenditure per additional FTE, for the purpose of supporting additional volunteer groups as outlined within the strategy.**

#### **Background**

At Council's Ordinary Meeting of 8 July 2019, a draft Central Coast Council Landcare Program Strategy was presented for endorsement to place on public exhibition for the purpose of community consultation. This draft strategy was developed in accordance with action E1.03 in Council's 2018-19 Operational Plan. The action required the preparation of a strategy to identify expansion opportunities for Council's Landcare program in order to enable greater participation in the future.

Council, at its ordinary meeting on 8 July 2019 resolved the following:

- 623/19 *That Council endorse the draft Central Coast Council Landcare Program Strategy, for the purposes of community consultation.*
- 624/19 *That the draft Central Coast Council Landcare Program Strategy be placed on public exhibition for a period of 28 days.*
- 625/19 *That a further report come back to council reporting on the outcomes of the community consultation by the end of November 2019.*
- 626/19 *That the report to come back to Council also;*
  - a Provides a comparison of other Council's expenditure and resourcing on the volunteer programs on a per population basis*
  - b identifies additional funding to be allocated to support and increase the number of volunteer groups.*

This report addresses the above resolutions of Council.

#### **Consultation**

Prior to the development of the draft strategy, all members of Central Coast Council Landcare Program were invited, in April 2019, to participate in a survey to better understand the programs current volunteers, what the important aspects of the program were to them, and how they thought that the program could be improved. There were 233 respondents to the survey, representing approximately 38% of the volunteers. The survey results were considered in developing the draft strategy and were included as an appendix to the draft strategy.

A Councillor workshop session was held to provide an opportunity for Councillors to advise staff of specific needs or expectations to be included in the review of the program and development of the draft Landcare Strategy.

In accordance with resolution 624/19, the Central Coast Council Landcare Program Strategy was on public exhibition for a period of 28 days between 5 August 2019 to 12 September 2019.

### 3.1 Landcare Program Strategy (contd)

There were 25 submissions on the strategy and the themes from these responses can be summarised as noted below in Table 1:

**Table 1:** Summary of themes identified through engagement period and how they are addressed within the strategy.

<b>Themes identified</b>	<b>Relevant Action Identified in Action Plan (Page 46-47 of Attachment 1 – ‘Environmental Volunteer Program Strategy’)</b>
Support for the program to continue and for it to expand	Addressed in multiple items in Action Plan of the amended Strategy, including additional resourcing as identified in Action 7.
Support for expansion of conservation and environment groups over amenity groups within the program. ‘Possible excision of amenity groups under a different area of community programs’	Addressed within section 8 of the amended Strategy, noting that Amenity groups are of lower priority than other groups in expanding the Program given that the focus of this program, and the expertise of the staff that support it, is largely in relation to the management of our natural environment. Also addressed within section 10 of the amended Strategy, noting priority to establish other groups over Amenity groups and not increasing the proportion of Amenity groups within Program. Action 2 identifies Amenity groups as lowest priority within Program.
Support for short-term groups noting time constraints for residents committing to longer term projects. Project based volunteering rather than group based.	Addressed within Section 8 of the amended Strategy, noting that Short-term groups give the community opportunities to participate without the need of an ongoing commitment e.g. participation in National Tree Day planting events. Short-term groups identified as an Opportunity for expanding the program in Section 9 of the amended Strategy. The Strategic Principles and Action Plan recognise the provision of Short-term groups within the Program. Action 2 prioritises the development of Short-term groups ahead of additional Amenity groups.
Interest in the technical groups within the program.	Section 8 of the amended Strategy identifies the Technical sub-program as a high priority and recognises this as an area for expansion within the Program. Section 9 of the amended Strategy identifies this as an area

<b>Themes identified</b>	<b>Relevant Action Identified in Action Plan (Page 46-47 of Attachment 1 – 'Environmental Volunteer Program Strategy'</b>
	of opportunity for expanding the Program. Action 2 identifies the priority of the Technical groups.
Name change – results of public exhibition were consistent with previous survey results. There was support for and against changing the name of the program. Of the new name options there was considered support for CCC Environmental Volunteer Program as a descriptive name, one that allowed people to 'immediately understand the role of the program/organization and to buy into the concept without further investigation'	Addressed in Action 1 of the amended Strategy.
Flexibility for volunteers to work on their sites on any days.	Section 5.3 of the amended Strategy includes information relating to the development and review of site strategies. Site Strategies are group specific and include information on when volunteers can work on the sites associated with each group in the Program. They are developed by Council Officers in consultation with the volunteer groups. There is no limitation for volunteers to work on particular days, but controls associated with each site and skills and experience of group members are considered to determine whether volunteers require qualified supervision and support in order to appropriately manage WHS and Environmental Risk. Actions 3 & 4 of the amended Strategy relate to the development and review of procedures to support the program and that Site Strategies are reviewed periodically.
Site specific training for volunteers.	Induction and General training programs for volunteers will continue to be offered through the program. Actions 3, 4 & 5 within the amended Strategy all relate to volunteer training. The provision of supervisors to work with volunteers (Action 5) is especially important in being able to provide ongoing

### 3.1 Landcare Program Strategy (contd)

Themes identified	Relevant Action Identified in Action Plan (Page 46-47 of Attachment 1 – ‘Environmental Volunteer Program Strategy’)
	site specific training to volunteers during their regular work sessions. Expansion of the Program, especially in the Technical area, will provide opportunities to develop and deliver specific training for volunteers e.g. flora and fauna surveying techniques, citizen science related activities. Collaboration with Council’s Environmental Education team will continue to provide opportunities for volunteers to attend workshops to increase their skills and knowledge more broadly in environmental areas.
Support for coordination of work across different land tenures, different public authorities, to maximise environmental outcomes.	Section 8 of the amended Strategy acknowledges that the program will continue to support existing/legacy groups working on land not under Council’s care and control and also identifies that opportunities may exist to partner with other land owners to carry out works across tenures.
Promotion through other external organisations, e.g. Landcare website. Also at sites, e.g. interpretive signage.	Section 5.3 of the amended Strategy addresses promotion. Action 9 addresses the marketing of the Program. In consultation with Council’s Communications Section, opportunities to promote the Program through other external organisations and with promotional materials will be developed and delivered.
Business sponsorship of the program, especially local businesses.	New Action Item 13 added to amended Strategy. This includes investigating third party sponsorship opportunities.
Ensuring that the volunteers and groups are appropriately resourced.	Provision of materials, PPE, and appropriate tools will continue as part of the program.
Consider new technologies for managing the program e.g. phone apps to manage groups activities.	New Action Item 14 has been added to the amended Strategy to investigate technologies to better support the program.

As a result of this consultation process and the feedback from Councillor’s and the public the draft strategy has been amended.



### 3.1 Landcare Program Strategy (contd)

The draft strategy suggested changing the name of the program to Central Coast Council Envirocare. The consultation results have shown a preference for CCC Environmental Volunteer Program of the various new name options put forward, with particular resistance to CCC Envirocare as a program name through the Councillor and community consultation. The program name has been changed in the amended strategy to now be the "Central Coast Council Environmental Volunteer Program".

The results from the volunteer survey, councillor workshop and community consultation have all been taken into consideration in finalising the strategy. For the most part the points that were raised through the various consultations were consistent with the strategy, its management principles and actions.

In accordance with resolution 626/19, a benchmarking exercise was carried out to compare the expenditure and resourcing of the Central Coast Council Landcare Program with other Council environmental volunteer programs. Through this exercise a total of 50 Councils were contacted throughout NSW, Victoria and Queensland.

Twelve of the Council's contacted through the benchmarking exercise responded with information which was able to be used to draw comparisons with the Central Coast Council Landcare Program, the results of this survey are shown in Table 2.

On a per population basis, levels of support for volunteer programs ranged from \$0.52 (Ipswich City Council and City of Casey) to \$20.91 (Wingecarribee Shire Council). These compare to current Central Coast Council levels of support on a per population basis of \$3.75 [ranked 5 of 13].

**Table 2:** Comparison of different Local Government Area (LGA) Landcare programs with reference to total program budget per population basis.

Council	Environmental Volunteer Program Staff FTE	Environmental Volunteer Program Operating Budget 19/20 (not incl. staff costs)	Total Program Budget (19/20)* (Staff and Operating Budget Combined)	Population Basis	Total Program Budget per Population Basis (\$)	Total Program Budget per Population Basis (rank)
Wingecarribee Shire Council	5.5	\$180,000	\$1,000,193	47,822	\$20.91	1
Ku-ring-gai Council	3.8	\$450,000	\$1,016,679	123,000	\$8.27	2
Lake Macquarie City Council	7.69	\$440,000	\$1,586,779	204,914	\$7.74	3
Hornsby Shire Council	3.6	\$300,000	\$836,854	168,614	\$4.96	4
<b>Central Coast Council</b>	<b>5.6</b>	<b>\$418,205</b>	<b>\$1,253,314</b>	<b>333,627</b>	<b>\$3.76</b>	<b>5</b>

### 3.1 Landcare Program Strategy (contd)

Council	Environmental Volunteer Program Staff FTE	Environmental Volunteer Program Operating Budget 19/20 (not incl. staff costs)	Total Program Budget (19/20)* (Staff and Operating Budget Combined)	Population Basis	Total Program Budget per Population Basis (\$)	Total Program Budget per Population Basis (rank)
Mornington Peninsula Shire	1	\$263,000	\$412,126	154,999	\$2.66	6
City of Yarra (Vic)	1	\$80,000	\$229,126	86,657	\$2.64	7
Logan City (Qld)	3	\$300,000	\$747,378	319,652	\$2.34	8
Fairfield City Council	2	\$49,000	\$347,252	198,817	\$1.75	9
Wollongong City Council	2	\$53,287	\$351,539	203,630	\$1.73	10
City of Gold Coast (Qld)	1.3	\$530,000	\$723,864	540,559	\$1.34	11
City of Casey (Vic)	0.5	\$82,000	\$156,563	299,301	\$0.52	12
Ipswich City Council	0.6	\$15,000	\$104,476	200,000	\$0.52	13

On a per active volunteer basis, levels of support for volunteer programs ranged from \$723 (Wollongong City Council) to \$11,575 (Fairfield City Council). These compare to current Central Coast Council levels of support on a per volunteer basis of \$2088 [ranked 5 of 8].

**Table 3:** Comparison of different Local Government Area (LGA) Landcare programs with reference to total program budget per number of active volunteers within program.

Council	Environmental Volunteer Program Staff FTE	Environmental Volunteer Program Operating Budget 19/20 (not incl. staff costs)	Total Program Budget (19/20)* (Staff and Operating Budget Combined)	Number of Active Volunteers within Program	Total Program Budget per Active Volunteer (\$)	Total Program Budget per Active Volunteer (rank)
Fairfield City Council	2	\$49,000	\$347,252	30	\$11,575.07	1
Wingecarribee Shire Council	5.5	\$180,000	\$1,000,193	170	\$5,883.49	2
Logan City (Qld)	3	\$300,000	\$747,378	213	\$3,508.82	3
City of Gold Coast (Qld)	1.3	\$530,000	\$723,864	230	\$3,147.23	4
<b>Central Coast Council</b>	<b>5.6</b>	<b>\$418,205</b>	<b>\$1,253,314</b>	<b>600</b>	<b>\$2088.86</b>	<b>5</b>
City of Casey (Vic)	0.5	\$82,000	\$156,563	100	\$1565.63	6
Ipswich City Council	0.6	\$15,000	\$104,476	80	\$1,305.95	7
Wollongong City Council	2	\$53,287	\$351,539	486	\$723.33	8

### **3.1 Landcare Program Strategy (contd)**

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*\* Council's 'Natural Asset Volunteer Programs Team Management' budget for 5.6 FTE is \$835,109. For the purpose of making budget comparisons across different Council programs staff FTE's have been costed at an average of \$149,126 (based on the Central Coast Council average cost per FTE for staffing costs). Actual staff costings were not provided by any of the benchmarking Council's, only FTE equivalents.*

From nearby Council's with similar sized local government areas (i.e. Lake Macquarie, Hornsby and Ku-ring-gai) Central Coast Council ranked 4<sup>th</sup> out of the four Council's in regard to investment per capita in its Landcare Program.

The draft strategy recognised the preference for an additional staff member to allow the expansion of the program through supporting and increasing the number of volunteer groups. To address resolution 626/19, the funding required for each new FTE would be an additional \$212,500 of operating budget toward the annual program and an additional \$40,000 as a one-off capital purchase for each two required vehicles. The recommendation to increase the operational expenditure by \$134,125 is a first-year estimate allowing for recruitment and the establishment of a new FTE, anticipating that each new FTE would require time to establish themselves within the program and establish up to 5 new groups in their first year. In subsequent years, as they become fully established within the program and reach capacity, the ongoing increase in the operational budget would be up to \$212,500 per additional FTE.

Each additional FTE could support up to a maximum of an additional 20 volunteer groups within the program. It is noted however that the establishment of 20 additional groups may not happen immediately and simultaneously, they may become operational incrementally as new groups are identified and developed, new volunteers are inducted into the program, new sites are assessed and plans prepared for their management.

This additional staffing could also provide flexibility for the new and existing program staff to take on supporting roles to integrate their volunteer management with other natural reserve management directives. The Strategy prioritises the support of conservation, technical and short-term groups that support conservation activities on Council's priority natural reserves. Additional staff resourcing could also provide opportunities to integrate management of volunteer works on sites, for example supporting Technical aspects of volunteer management to increase the level of involvement of volunteers in seed collection and plant propagation, engagement of specialist contractors to support scientific surveys and data collection, advanced bush regeneration, and other aspects of natural reserve management in alignment with Council's natural reserve management objectives.

#### **Financial Impact**

If Council chooses to adopt the recommendation of expanding the program by recruiting additional staff, there will be a need to increase the Natural Asset Volunteer Programs Team Management budget by approximately \$108,000 for each additional FTE which in total for two additional FTE this would be \$216,000.

### 3.1 Landcare Program Strategy (contd)

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Within the current Landcare Program volunteer groups receive, on average, approximately \$5,225 per year in support. There are also additional program expenses dedicated to supporting volunteers broadly within the program, for example through providing training and the annual volunteer Christmas party. Maintaining current levels of support for all volunteer groups within the program and extending this level of support to any new ones, would require an increase to the Environmental Programs budget of up to \$104,500 to support up to 20 new volunteer groups per new staff member.

In the first year of any new staff positions becoming active it is anticipated that each new position would establish 5 new groups (on average for whole 12-month period) whilst the new staff members and volunteer groups are becoming established within the program. The initial annual costs associated with the support of these groups would be \$26,125 per additional FTE.

This means, in year 1 of the program, the additional operating costs for Council are expected to be \$134,125 for each additional FTE.

An additional \$40,000 would be required as a one-off capital purchase for each new FTE to provide them with a vehicle in order to carry out their support to volunteer groups working in the field.

#### **Link to Community Strategic Plan**

Theme 3: Green

#### **Goal E: Environmental resources for the future**

G-E1: Educate the community on the value and importance of natural areas and biodiversity, and encourage community involvement in caring for our natural environment.

#### **Attachments**

1	CCC Environmental Volunteer Program Strategy	Provided Under Separate Cover	D13811599
2	Landcare Program Volunteer Survey Summary	Provided Under Separate Cover	D13944796



**Item No:** 3.2  
**Title:** Constitution of Central Coast Local Planning Panel  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00812 - D13926615  
Author: Andrew Roach, Unit Manager, Development Assessment  
Executive: Scott Cox, Director Environment and Planning

## Summary

On 12 February 2020, Council received notification from the NSW Department of Planning Industry & Environment (the Department) that the NSW Minister for Planning & Public Spaces, The Hon. Rob Stokes MP, has made a regulatory amendment requiring Central Coast Council to establish a Local Planning Panel in accordance with Section 2.17 of the *Environmental Planning & Assessment Act, 1979*.

This report outlines background information in relation to NSW Local Planning Panels, the general operational arrangements, the process of selecting the Central Coast Local Planning Panel members (as set out in guidance provided by the Department) and recommended panel appointments.

A decision of Council is required for the action to progress. The impact on a legislative requirement without a resolution of Council is as follows:

- The Minister for Planning & Public Spaces has made a regulatory amendment requiring Central Coast Council to establish a Local Planning Panel in accordance with Section 2.17 of the *Environmental Planning & Assessment Act, 1979* and the decision to establish the Local Planning Panel cannot be determined without a decision made by Council.
- Failure to constitute the Local Planning Panel would result in Council being in non-compliance of Section 2.17(2) of the *Environmental Planning & Assessment Act, 1979* and may result in the Minister exercising powers afforded under 2.17(5) of the Act (ie the Minister may directly appoint the Local Planning Panel)

## Recommendation

- 1 That Council note the background information in relation to Local Planning Panels generally, and the specific arrangements for constitution of the Central Coast Local Planning Panel;**
- 2 That Council resolve to constitute the Central Coast Local Planning Panel in accordance with Section 2.17 of the Environmental Planning & Assessment Act**

**1979 and Section 124K of the Environmental Planning & Assessment Regulation 2000;**

- 3 That Council resolve the appointment of the Central Coast Local Planning Panel Chair, alternate Chairs, expert/professional panel members and community panel members (and alternate delegates) as set out in Attachment 1 to this report, for a period 3 years in accordance with Schedule 2 Clause 11 (1) of the Environmental Planning & Assessment Act 1979;**
- 4 That Council resolve to rescind Council's 'Policy for Determining Development Applications Subject to Significant Public Objection' for the reasons set out in this report;**
- 5 That Council agree to the Chief Executive Officer drafting correspondence to:**
  - Appointed expert and community panel members to advise of their selection, requesting their acceptance of the position in writing; and**
  - Those who applied to become community panel members but where not successful; and**
- 6 That Council agree to the Chief Executive Officer drafting of correspondence to the Minister for Planning & Public Spaces (and the Secretary of the Department of Planning Industry & Environment) to advise of the above outcomes**
- 7 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachments 5 and 6 remain confidential in accordance with section 10A(2)(a) of the Local Government Act as it contains personnel matters concerning particular individuals (other than Councillors), and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

## **Background**

In March 2018, Local Planning Panels were made mandatory for all Sydney metro councils and Wollongong City Council. Prior to that time, Councils could 'opt in' to the Local Planning Panel arrangement (then called Independent Hearing & Assessment Panels, or IHAPs).

In August 2019 a media announcement was made indicating the intention of the NSW Government to formalise the establishment of a Local Planning Panel for the Central Coast.

On 12 February 2020, Council received correspondence from the NSW Department of Planning Industry & Environment (the Department) indicating that the NSW Minister for Planning & Public Spaces, The Hon. Rob Stokes MP, has made a regulatory amendment requiring Central Coast Council to establish a Local Planning Panel in accordance with Section 2.17 of the *Environmental Planning & Assessment Act, 1979*.

## 3.2 Constitution of Central Coast Local Planning Panel (contd)

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Within that correspondence, the Department requested that the Council (in accordance with the requirements of the *Environmental Planning & Assessment Act, 1979*, and the *Environmental Planning & Assessment Regulations, 2000*) undertake to constitute the Central Coast Local Planning Panel as soon as possible, and to appoint the necessary panel members in accordance with the Department 'Guidance for Councils on Appointing Members to Local Planning Panels'.

### Local Planning Panels

A Local Planning Panel determine a range of Development Applications on behalf of Council. The panel comprises of four members:

- The Chair;
- Two professionals (with expertise in urban design, urban planning or other related field); and
- One community representative selected from a pool of members appointed by Council.

The process of selecting the panel members is set out later in this report.

Note that the Local Planning Panel operates concurrently with the Regional Planning Panel. The Regional Panel deals with the larger, more 'regionally significant' proposals whilst the Local Panel deals with, generally, smaller more localised Development Applications and Planning Proposals.

### Applications Determined by a Local Planning Panel

A Ministerial Direction (dated 23 February 2018) and subsequently Ministerial Direction (dated 3 November 2019) outlines the development applications that are to be determined by the Local Planning Panel. A broad summary of the development types are included below:

- **Conflict of Interest** – Development Applications where the land owner or applicant is either Council, a Councillor, and Member of Parliament, some Council staff;
- **Contentious Development** – Development Application which is subject to 10 or more unique submissions;
- **Departure from Development Standards** – Development Applications that contravenes a development standard within an Environmental Planning Instrument by more than 10%; and
- **Sensitive Development** – Development Applications for a range of nominated 'sensitive development' uses, including those involving heritage items, licenced premises, residential apartments of 4 or more storeys in height and the like.

Copies of the relevant Ministerial Directions are enclosed in full at *Attachment 2*.

### **Contentious Development & Public Submissions**

Councillors will note that the Ministerial Directions set out that any Development Application which *'is the subject of 10 or more unique submissions by way of objection'* will be referred to the Local Planning Panel for determination.

This is a slightly different that the current approach as set out in Councils existing *'Policy for Determining Development Applications Subject to Significant Public Objection'* which, in summary, sets out that:

- Development Applications the subject of 15 or more submissions by way of objection (not including petitions) will be reported to an Ordinary Meeting of Council for consideration; and
- Development Applications the subject of 10 -14 submissions of objection (and/or petitions of objection totalling 50 or more signatures) will result in a Business Update being prepared providing the opportunity for Councillors to 'call up' the application to an Ordinary Meeting of the Council for determination.

The Ministerial Direction sets out that where Council has an 'approved submissions policy' the Local Planning Panel can use that policy as an alternative to the '10 objections' rule provided within the Direction. Note that, in this context an 'approved submissions policy' is a policy which has been prepared and endorsed not only by Council but also approved by the Secretary of the Department of Planning Industry & Environment. Council's current *'Policy for Determining Development Applications Subject to Significant Public Objection'* has not been endorsed by the Secretary of the Department.

If the Council wishes to adopt a different submissions policy then guidance is provided by the Department on the process of preparing and having such a policy endorsed by the Secretary.

Given the variation between the Ministerial Direction and Councils current Policy, it is recommended that Council resolve to rescind *'Policy for Determining Development Applications Subject to Significant Public Objection'* for the following reasons:

- Councils *'Policy for Determining Development Applications Subject to Significant Public Objection'* contains sections which are now superseded by the Regulatory Amendment and Ministerial Directions (including, for example, components that require referral of applications to an Ordinary Meeting of the Council as well as references to 'call up' provisions);
- Council's current *Policy for Determining Development Applications Subject to Significant Public Objection'* has not been prepared in accordance with the



### 3.2 Constitution of Central Coast Local Planning Panel (contd)

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guidelines provided by the Department as being suitable for agreement by the Secretary;

- The Ministerial Directions now offer a slightly 'stricter' threshold for automatic referral to the Local Planning Panel (10 submissions) than that included within Council's current Policy (15 submissions for automatic referral); and
- The Policy is now superfluous given the Local Planning Panel arrangements.

#### **Selection of Panel Members**

The appointment members to the Local Planning Panel is to be undertaken in accordance with the *Guidance for Councils on Appointing Panel Members*. The Guidance is included in full as *Attachment 3*.

For appointments by Council (ie expert and community panel members) a selection panel was formed, including the Unit Manager Development Assessment assisted by independent panel members being the Unit Manager Environmental Management and Senior Business Partner, Business Partnering and Employment Relations.

A summary of the appointment process is as follows:

#### *The Chair (and Alternates)*

- The Chair is directly nominated by the Minister for Planning & Public Spaces. Correspondence from the Minister (received from the Department of Planning Industry & Environment on 12 February 2020) provides information on the Chair/alternates approved by the Minister. The Ministers approved Chair is Ms Donna Rygate. The alternate chairs are Mr Jason Perica and Ms Kara Krason. The correspondence from the Minister setting out these nominations is included as *Attachment 4* and the Curriculum Vitae of the nominated chair/alternates is included as a Confidential enclosure for the information of Councillors.

#### *Two Professional/Expert Panel Members*

- Two professionals with expertise in urban design, urban planning or other related field are to be selected by Council from a pool of candidates provided by the Department of Planning Industry & Environment.
- Clause 1.2.1 of the *Operational Procedures* for Local Planning Panels provides that Council should appoint enough professional/expert panel members such that they can be interchanged in the case of a conflict, inability to attend or to periodically rotate members. For this reason, it is recommended that 6 persons be nominated by Council as a pool of professional/expert panel members.
- The Department has provided the 'approved list' of approximately 220 professionals who have registered interest in being part of the Local Planning

Panel process across NSW. The list of Ministers approved expert panel members is included as *Confidential Attachment* for the information of Councillors.

- Council officers have made contact with all panel members (by email) to determine their willingness to be considered for the Central Coast Local Planning Panel. This resulted in approximately 90 positive responses.
- The list of approved expert panel members was then evaluated by the selection panel. Although the Departments *Guidance for Councils on Appointing Panel Members* does not provide any specific guidance on selection criteria for expert panel members, the extensive list was evaluated for breadth of skills, knowledge of the local government area, experience in local government, experience in statutory planning and the like.
- The Department of Planning Industry & Environment has undertaken appropriate background and probity checks for professional/expert panel members, including criminal, financial and academic checks.
- A list of the recommended professional/expert panel members is set out in *Attachment 1* for the consideration of Council.

#### *Community Representative/s*

- Community panel members are selected in accordance with the Departments *Guidance for Councils on Appointing Panel Members*. This process is to be overseen by the General Manager/CEO of Council and includes an Expression of Interest advertising process (not less than 28 days) and an evaluation against criteria set out within the Guideline.
- It is noted specifically that *'community representatives are not expected to be experts in planning matters'*, but rather *'... bring local knowledge and experience to the local planning panel'*.
- Council must appoint at least one community panel member for each of the 5 wards (noting that community members can represent more than one ward). In addition, Clause 1.3.1 of the *Operational Procedures* for Local Planning Panels provides that Council should appoint enough community panel members such that they can be interchanged in the case of a conflict, inability to attend or to periodically rotate members. For this reason, it is recommended that 5 persons be nominated by Council as a pool of community panel members.
- The formal Expressions of Interest were carried out from 1 March 2020 until 31 March 2020, with advertising in local media (as required) in addition to social media. 29 Expressions of Interest were received. The full list of Expressions of Interest received is enclosed as a *Confidential Attachment* for the information of Councillors.
- The Departments *Guidance for Councils on Appointing Panel Members* provides a range of criteria for the assessment of community panel members, including being current residents of the local government area, having an understanding of issues of concern to the local community, basic understanding or planning policy (local environmental plan, development control plan, and the like), committed to the operational procedures of the Local Planning Panel and capacity to attend meetings.

## 3.2 Constitution of Central Coast Local Planning Panel (contd)

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- The Expressions of Interest were shortlisted using Councils SCOUT recruitment system to provide over-arching governance and probity, with each applicant scored against the criteria within the Departments Guidance.
- Appropriate background checks are currently underway in accordance with the *Guidance for Councils on Appointing Panel Members* including a check against the public register of real estate agents, bankruptcy records check and national police check. In order to expedite the constitution of the Panel this report has been prepared in advice of the final checks being completed. Any applicant who fails any of these tests will be automatically struck from the Panel.
- The recommended Panel members are provided in *Attachment 1* for the consideration of Council. The CV's of the recommended appointees is included as a *Confidential Enclosure* for the information of Councillors.

In accordance with Schedule 2 Clause 11(1) and (6) of the *Environmental Planning & Assessment Act, 1979*, panel members are to be appointed for a period of not greater than 3 years.

### **The Role of Councillors Once the Local Planning Panel is Constituted**

Section 4.8 of the *Environmental Planning & Assessment Act 1979* (the Act) which sets out the role of Councillors once a Local Planning Panel is constituted.

Section 4.8 of the Act states:

#### ***4.8 Exercise of consent authority functions on behalf of councils where local planning panel constituted***

- (1) *This section applies in respect of an area of a council for which a local planning panel has been constituted.*
- (2) *The functions of a council as a consent authority in respect of any such area are not exercisable by the Councillors. They are exercisable on behalf of the council by:*
  - (a) the local planning panel, or*
  - (b) an officer or employee of the council to whom the council delegates those functions.*
- (3) *The Minister may give directions to councils under section 9.1 (either to particular councils or to councils generally) on the development applications that are to be determined on behalf of the council by a local planning panel.*
- (4) *For the purposes of this section, the functions of a council as consent authority include:*
  - (a) the determination of development applications, and*
  - (b) without limiting paragraph (a), the functions of a consent authority under Divisions 4.3 and 4.4 and sections 4.34, 4.54 (2), 4.56 (2), 4.57, 7.7, 7.11, 7.12, 7.13, 7.14, 7.15, 7.24 and 7.32, and*

## 3.2 Constitution of Central Coast Local Planning Panel (contd)

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(c) *the functions of a consent authority or council under this Act or any other Act that relate to the carrying out of development (including the making of development applications) and that are declared by the regulations to be functions of a council as consent authority, but do not include the functions of a consent authority or council that the regulations declare are not the functions of a council as consent authority.*

(5) *In this section, **development applications** includes applications to modify development consents.*

As such, as the Local Planning Panel constituted, the elected Council will no longer be able to act as a consent authority for any Development Applications under Part 4 of the Act. Instead, the functions are to be exercisable on behalf of the council by either:

- The Local Planning Panel; or
- Delegated Officers of the Council (for those applications that do not require referral to either the Local or Regional Planning Panel).

In accordance with the Operational Procedures, Councillors are only permitted to make formal representation to the panel in the same manner as an objector.

(Note that the Regional Planning Panel will remain the consent authority for regionally significant development applications, and the Minister for Planning & Public Spaces (or delegate) will remain the relevant authority to deal with State Significant Development Applications).

### **Operational Matters for Local Planning Panel (and Cost Implications)**

The provisions of the *Environmental Planning & Assessment Act 1979* are clear that Council must make all the necessary arrangements for the operation of the Local Planning Panel. In addition to the usual expectations of Council officers providing assessment reports for the consideration of the panel, Council must also:

- *'... provide staff and facilities for the purpose of enabling a local planning panel to exercise its functions'* (Section 2.20(4) of the Act);
- Meetings are to be held in public and Council is to provide those facilities (Clause 25(1) of Schedule 2 of the Act);
- Ensure recording of the meeting and make that record publicly available (Clause 25(3) of Schedule 2 of the Act);
- Provision of information to the public (agendas, minutes, record of decisions by the panel via a suitable website);
- Staff to be available to attend site inspections (*Local Planning Panels Best Practice Meeting Procedures*);
- Monitor the performance of the Local Planning Panel (Section 2.20(5) of the Act)

### 3.2 Constitution of Central Coast Local Planning Panel (contd)

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- Provide a report to the Planning Secretary each year providing details of matters referred to the panel, persons appointed to the panel, and other relevant matters (Section 2.20(6) of the Act);
- Obtain any other technical advice or assistance that the panel things it (ie legal advice, independent consultant reports etc) (section 124I of the Regulations);
- Provide remuneration (ie sitting fees) to each of the Panel members in accordance with the '*Remuneration Determination*' for Local Planning Panels (issued under the provisions of the Clauses 14 and 15 of Schedule 2 of the Act); and
- Council is responsible for defending any appeal against any decision of the Local Planning Panel in the Land & Environment Court (Section 8.15(4) of the Act

Council officers have undertaken a preliminary review of the cost of provision of required support for the operation of the Local Planning Panel, including facilities, staff for operation of meetings/minutes, sitting fees and the like. It is estimated that the cost burden to Council for the operation of the Panel is in the order to \$400,000 per annum.

#### Attachments

<b>1</b>	Recommended Panel Members - Local Planning Panel report to Council	Provided Under Separate Cover	D13927919
<b>2</b>	Local Planning Panel Ministerial Directions	Provided Under Separate Cover	D13947639
<b>3</b>	Local Planning Panel appointment guide	Provided Under Separate Cover	D13827057
<b>4</b>	Hon Rob Stokes MP - member - NSW Government Regulatory Amendment Requiring CCC Establish Planning Panel - Hon Rob Stokes MP	Provided Under Separate Cover	D13823048
<b>5</b>	Confidential - Applicant's CVs - Local Planning Panel -	Provided Under Separate Cover	D13928104
<b>6</b>	Confidential - List of Experts - Applicants - Local Planning Panel	Provided Under Separate Cover	D13928160



**Item No:** 3.3  
**Title:** Internal Ombudsman Charter  
**Department:** Chief Executive Officer's Unit

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11 May 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13883497  
Author: Jade Maskiewicz, Assistant Internal Ombudsman  
Manager: Lilly Mojsin, Senior Internal Ombudsman  
Executive: Gary Murphy, Chief Executive Officer

## Summary

This report provides Council with a copy of the draft Charter for Council's Office of the Internal Ombudsman for review and endorsement.

## Essential Item

A decision of Council is required for the Internal Ombudsman Charter to be adopted and made publicly available on Council's webpage. The impact on service delivery/project/legislative requirement without a resolution of Council is as follows:

- Unable to fulfil Council resolution 1015/19 of 28 October 2019 without the adoption of the charter which describes the role and function of the Office of the Internal Ombudsman.

## Recommendation

***That Council receive the report and adopt the draft Internal Ombudsman Charter.***

## Background

Council, at its meeting held 28 October 2019 resolved in part:

*1015/19 That Council direct the Chief Executive Officer to:*

*...*

- b Increase the transparency associated with the Internal Ombudsman function by:*
  - i Developing a Charter for the Internal Ombudsman (IO) to clearly describe the role and function of the IO, and the types of complaints that are investigated;*

A Charter for the Office of the Internal Ombudsman has been drafted and is attached to this report.

### **3.3 Internal Ombudsman Charter (contd)**

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The Charter was tabled at the Governance Forum, an internal group, on 4 February 2020 and was endorsed by the Audit, Risk and Improvement Committee on 17 March 2020. All comments have been noted and appropriate amendments have been made.

Once adopted by Council, the Charter will be made publicly available on Council's webpage.

#### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

#### **Attachments**

- 1** Draft Internal Ombudsman Charter Provided Under Separate Cover D13887758



**Item No:** 3.4  
**Title:** Tourism Management Review  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13774947  
Author: Sue Ledingham, Unit Manager Community Engagement  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

This report provides information and recommendations from the Tourism Management Review (Confidential Attachment 1) into a future operational model to undertake Central Coast Council's tourism services.

A decision of Council is required for the Tourism Service to progress. The impact on the service delivery without a resolution of Council is as follows:

- The proposed tourism operating model will not be able to be implemented
- Current tender expires 30 June 2020 with no extensions to be granted, as per previous resolution of Council 1099/18

### **Recommendation**

- 1 That Council receive the report and attachment on the Tourism Management Review.**
- 2 That Council request the Chief Executive Officer to appropriately resource a dedicated team within Council to provide internal coordination of the recommended model and management functions for the proposed tourism management services to support the Destination Brand Strategy, Visitor Information Services and Tourism Opportunity Plan.**
- 3 That Council resolve to undertake a procurement and/or tender processes for the proposed Tourism Management Operating Model, including digital and creative marketing, public relations and industry services as outlined in the recommended model.**
- 4 That Council request the Chief Executive Officer to develop a three-year action plan based on recommendations in the Tourism Management Review.**
- 5 That Council request the Chief Executive Officer to include the Tourism Advisory Committee in the committee structure review to ascertain a regional committee structure.**



- 6 That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 1 remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it contains commercial information of a confidential nature that would, if disclosed, reveal a trade secret and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.**

**Context**

Council, at its ordinary meeting on 26 November 2018, resolved the following, in part:

- 1097/18      *That Council delegates to the Chief Executive Officer the power to approve the extension of the agreement with The Affinity Partnership Pty Ltd until 30 June 2020.*
- 1098/18      *That Council resolve, pursuant to s.10A(2)(c) 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 is conducting (or proposes to conduct) business.*
- 1099/18      *That Council resolve that no further extensions be granted on this contract beyond 30 June 2020.*

The scope of the services for this agreement includes the delivery of a marketing strategy, execution of marketing and promotional activities, delivery of tourism industry services, stakeholder relations and partnerships generation, plus measurement and evaluation of the progress of the provision of the services.

Council has long recognised the benefits that tourism can provide for the region's economy. Over the past three years Council has undertaken a significant investment towards supporting tourism outcomes such as development of new infrastructure to support event attraction, delivery of an extensive events program, activation of town centres, delivery of sponsorship and grants programs aimed at attracting diverse initiatives to the Coast and focus on marketing and tourism industry development.

Council facilitates the delivery of tourism marketing and management in the region through planning and co-ordinated actions in collaboration with the tourism industry, tourism funding bodies and other regional stakeholders. It does through a combination of Council's internal teams and a third-party agreement.

The purpose of undertaking a Tourism Management Review was to consider the following:

- Assess the current achievements and operational model for the delivery of tourism management for Central Coast Council

### 3.4 Tourism Management Review (contd)

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- Examine the relationship of the current model with One Central Coast Community Strategic Plan, Destination Management Plan, Tourism Opportunity Plan, Economic Development Strategy and other documents
- Assess any likely change in funding and support programs provided by Destination NSW and consider impact on a future tourism management approach
- Investigate better/best practice principles and models for tourism management in Local Government; and
- Recommend a preferred tourism management model for the Central Coast

#### Current Status

Tourism plays an important role in the region's economy alongside the largest sectors of retail, manufacturing, property and business services, and health and community services. The tourism industry generates essential expenditure that trickles down and supports businesses throughout the Central Coast economy. In 2019, the Central Coast region's visitor market was valued at an estimated \$1.0 billion, exceeding its 2021 intended target in the Destination Management Plan 2018-2021. (Source: Tourism Research Australia).

Council's role as an enabler for tourism lies in the implementation of strategies and plans which are designed towards achieving visitor economy targets through management, development and promotion of the Central Coast's unique assets.

The Destination Management Plan 2018-2021 for the Central Coast guides tourism development and destination management for five years for all stakeholders; to help ensure long-term viability and sustainability of this vital sector for the Central Coast economy.

The Tourism Opportunity Plan 2019- 2024, endorsed by Council on 8 October 2019 is an outcome of the Destination Management Plan and provides direction on the public and private sector investment, destination brand and activation opportunities which will be instrumental for Central Coast in achieving its economic, community and environmental ambitions over the next decade. All of these have significant impacts towards supporting tourism and creating market demand, but success relies heavily on collaboration and partnerships.

The current tourism management model for the region, which comprises strategic planning, tourism industry services, marketing and visitor information services, is undertaken through a combination of Council staff and management of third-party entities operating on behalf of Council as below:

- Tourism Industry Services and Marketing by third party agreement between Central Coast Council and Affinity Partnership (Affinity, Surfer Rosa Communications and My Travel Research) operating as Tourism Central Coast; and
- Tourism Strategic Planning and Management and Visitor Information Services delivered by Council.

### 3.4 Tourism Management Review (contd)

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The third-party agreement for Tourism Marketing and Industry Services agreement will expire on 30 June 2020.

One of the major challenges to grow tourism sustainably on the Central Coast has been identified as changing perceptions about the Central Coast, particularly about what is on offer in terms of quality and varying experiences.

To address this particular challenge a marketing strategy was developed based on market evaluation and visitor surveys as the starting point for change. This marketing campaign focussed on targeting the lucrative and close proximity market out of Sydney. This campaign, "Have a Little Adventure" continues, inclusive of a comprehensive online guide of activities, attractions, itineraries, and business listings via the [visitcentralcoast.com](http://visitcentralcoast.com) website.

Driving visitor traffic to the Visit Central Coast website has been a focus, it is supported by an "always-on" digital marketing campaign and engine that continuously works to drive targeted traffic to this site and provide qualified leads directly into the hands of our tourism businesses.

Visitation for the Central Coast has seen a 37.5% increase since 2016 (*Source: National and International Visitor Survey, Tourism Research Australia*) and the growth rates in comparison to other destinations in New South Wales has begun to shift. The following statistics indicate that the whilst there has been significant growth over the past three years, there continues to be potential of a far greater capacity than is currently realised. Tourism Research Australia statistics for the Central Coast region in 2019 indicates that:

- Compared with visitor results across New South Wales for both domestic and international travel, the Central Coast received 8% of international visitors, 7% of domestic overnight visitors and 10% of domestic daytrip visitors to regional NSW. Compared with the results of the last financial year (YE June 2018), the average spend was up by 22.7%, visitation was up by 21.7% and visitor nights was up by 12.6%.
- On a domestic front, the Central Coast is regional NSW's number 5 region for domestic overnight visitors, number 5 for nights and number 7 for expenditure. For daytrips, the Central Coast rates higher and is the state's number 4 for daytrip visitors and number 5 for expenditure.
- For YE 2019, 1.7 million domestic overnight visitors visited the Central Coast (up 15.5% on the previous year), stayed 4.5 million nights (up 8.7%) and spent \$660 million (up 20.7%). The average length of stay in the region was 2.6 nights.
- Sydney is still the largest feeder market for travel to the Central Coast, followed by visitors from regional NSW. The majority of visitors to the region came for the purpose of Holiday (45%), followed by Visiting Friends and Relatives (43%) and Business (9%).
- As per demographics, 'adult couple' (30%) was the most common travel party amongst visitors to the region, followed by 'unaccompanied traveller' (27%) and 'friends and relatives travelling together' (21%).

### 3.4 Tourism Management Review (contd)

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- An area for focus would be the length of stay for domestic overnight travel, sitting at 2.6 nights, down from 2.7 nights YE 2010 (-5.8%). For growth, it would be imperative to demonstrate the breadth of activities and experiences, along with the diversity of Central Coast stories through our makers, creators and innovators.

#### Assessment

The aim of the review is to guide the future approach to tourism management and destination planning, with a focus on holistic place management and activation, effectively addressing the interdependencies between effective infrastructure development, marketing and promotion, tourism, business development, economic development and the delivery of quality events to increase the visitor economy for the region.

The review identified that the current progress and investment in tourism marketing, public relations and media partnership campaign for Visit Central Coast has generated valuable exposure and engagement for the Central Coast region, noting that media coverage appearing across television, major state and regional newspapers, magazines and blogs has been achieved over the past two years.

Progress towards building an engaged Industry group has been more successful over the past 12 months, using a model of monthly Industry Networking Meetings, held in a range of our local tourism operator's premises across the region, to allow industry to showcase their product to regional peers for advocacy. These gatherings are supported with regularly presented content of monthly marketing and PR updates, as well as an educational speaker component, and the latest tourism research. A focus on assisting the tourism industry and supporting business by providing training and education in service levels and customer experience is a planned priority in 2020.

Councils investment in funding programs to support initiatives, a regional events program (that has seen increased satisfaction and visitation), infrastructure that supports communities and visitors and investment by local businesses in their products and services has all contributed to tourism growth.

The review identified that continued growth also brings challenges, not least of which is paying for infrastructure used by visitors but funded by local communities and managing perceptions and cultural differences.

Key findings from the analysis of models for tourism management in Australia and New Zealand suggest that:

- Councils with similar challenges to the Central Coast have identified that a more strategic and regional approach is needed to ensure best practice for the management of tourism.

### 3.4 Tourism Management Review (contd)

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- All Councils reported a high level of commitment from Council senior management and Councillors to develop a tourism management model that provides for a strategic and regional approach, with appropriate funds and resourcing to ensure better practice in delivering economic development, marketing and promotion and attraction of major events, increasing the tourism profile for the area and ensuring a supportive approach to business development resulting in strong employment outcomes for the community.
- Some Local Government areas in New Zealand have identified the opportunities for product development to be strengthened by marketing which can be enhanced when both functions are undertaken within the same organisation. Strategy of collaborative structure between Council and an industry organisation.

Progress towards the achievement of goals and actions in relevant strategic plans was evaluated and identified the need for a dedicated team in Council to oversee and facilitate the implementation over the next four years to achieve planned outcomes.

Analysis identified that whilst collaboration and partnerships are key to the success of sustainable tourism outcomes, working with local industry, business and skilled community members, Council needs to lead and facilitate the change.

Our destination brand vision is that by 2025 “The Central Coast is well-known as a vibrant, magnetically attractive place to work, live and play”. Enabling this vision requires the concerted effort of many different stakeholders. Based on the industry and community feedback received during the public exhibition process of the Tourism Opportunity Plan and other engagement activities with industry through surveys, network meetings and discussions on the draft Destination Brand, we have understood that the following high level recommendations would support achievement of our shared goals:

- Enabling the Tourism Opportunity Plan and supporting its three strategic pillars: The Destination Brand, 1000 Little Things, Long-term Independent Investment Opportunities.
- Create a unique competitive advantage for our region by building and supporting a creative enclave of Makers, Creators and Innovators.
- Deliver effective collaboration and leadership for the tourism industry.
- Execute impactful destination marketing which grows destination awareness in target markets and increases strength of brand over time.
- Enable the development of additional and enhanced destination experiences, which build upon the brand and destination strengths, as well as the creation of new iconic experiences where supported by market demand.
- Deliver innovative visitor servicing, destination management and digital wayfinding which connects the Region for visitors, businesses and community.
- Create an investor-friendly climate to enable sustainable business development, investment and growth throughout the Region.
- Review existing advisory committee structure with a view to establishing a regional advisory committee that have a similar focus for economic development,

regional business development, attraction of major events, heritage and culture, indigenous, accessibility, tourism plus marketing and promotion for the destinations.

#### **Future model**

Across Australia, states and territories, and regional Councils there is a shift away from a model of tourism marketing, to the more strategic and cohesive model of destination marketing and management.

In a region as large and diverse as the Central Coast, that is comprised of well over 100 suburbs, major town centres and a landscape that stretches from the ocean to the hinterland, each with central focus point, tourism management requires careful planning and consideration of the impacts to the quality of life for local communities.

Across the Destination Sydney Surrounds North network the models for tourism management vary, with the majority resourced with internal teams supported by activities undertaken by Destination NSW. The models for tourism management however in some areas are combinations of local Council resourcing and external destination boards or committees undertaking specific tasks. Outside of NSW, this is different again and is determined mostly by the structure or support provided by State Government.

Over the past three years Council staff have gained insights into what works and what needs to be changed to support the Central Coast region. The Central Coast is on a journey for perception change, whilst this not unique, our destination brand has identified what is needed to achieve a singular competitive advantage.

#### **Proposed roles to be undertaken by Council**

Our current resourcing internally has been focused on a combination of overseeing a third-party agreement and delivering on the strategic management of tourism services, it is intended that the tourism management functions of destination marketing and public relations, business development and Meetings, Incentives, Conferences and Events (MICE) be undertaken by Council.

It is recommended that the Marketing and Tourism section of Council will be responsible for the coordination of the following tourism management functions:

- Provide a range of coordinated projects and visitor information services and activities to increase visitation and improve the visitor experience across the region, including delivery of the Destination Management Plan, Tourism Opportunity Plan and Visitor Information Services Plan.
- Delivery of the Destination Brand Strategy and the 1000 Little Things strategic initiative, including coordination with internal teams and partners such as Destination NSW, Destination Sydney Surrounds North Network, the local tourism industry and partners.

### 3.4 Tourism Management Review (contd)

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- Oversee a speciality contract for destination brand creative agency and media buy.
- Manage the co-operative marketing campaigns with Local Tourism Industry and Destination NSW.
- Oversee the specialty contract for management of member-based industry body, contract-managed by Council, intended outcomes and shared goals enabled collaboratively by Tourism, Economic Development and Town Centres.
- Manage the PR Agency to provide destination public relations, famils to media and paid media opportunities and negotiations.
- Provide single point of contact for Destination NSW who manage famils to trade, international operators and support of Meetings, Incentives, Conferences and Events in NSW.
- Support strategic partnerships in the delivery of Business Conferences and Events in partnership with Destination NSW and Council's Economic Development team.
- Oversee and manage the VisitCentralCoast.com.au website and social media accounts and develop content to support arts and cultural activities, trails, itineraries, tours, accommodation, music, and packages, as well as develop new application program interfaces to allow applications to talk to each other and a new Booking Engine.

#### *Proposed role of Tourism Industry Member services*

The Tourism Management Review identified, and consultation from the industry confirmed, there is need to support a member-based industry body, with strategically intended outcomes and shared goals. This is then supported by access to networking events, tourism research, training and education.

This would be a two-year contract, with a one year extension option with key deliverables and measures for success.

#### *Proposed role of PR, creative and digital agency services contracts*

The new tourism operating model proposed identifies several specialised services that are best fulfilled by agencies and professionals specifically trained and highly skilled in each specialty, contracted to and managed by a dedicated Council tourism team. These specialised services are digital and creative marketing, PR and website development.

#### *Proposed role of a cross-collaborative Regional Advisory Committee*

The Tourism Management Review confirmed that a key success for tourism is collaboration, partnerships and stakeholder engagement.

Five service areas across Council teams and units that have shared goals and intended outcomes for our region in terms of destination and tourism development, would benefit from both immediate and frequent collaboration.

### **3.4 Tourism Management Review (contd)**

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External to the internal collaboration, currently Council teams report into a number of Advisory Committees that have a similar focus for economic development, regional business development, attraction of major events, heritage and culture, indigenous, accessibility, tourism plus marketing and promotion for the destinations. There is an opportunity to review the role of the current committees to support a regional coordinated direction for the above focus areas. Attachment 2 - Destination Strategy Map outlines how this works across the strategies, plans and functions of Council, and this should be an area of focus moving forward.

#### **Consultation**

General feedback on Marketing and Tourism Industry Services is collected from various avenues such as formal satisfaction surveys, anecdotal feedback received from operators during monthly networking meetings, formal activities such as compliments or complaints submitted to Council staff, formal feedback received during the public exhibition of the Tourism Opportunity Plan, anecdotal feedback emailed to Council staff by industry operators and contracted service touchpoints such as PR. Staff have assessed the feedback received and it was considered in the recommendations of the review.

In addition, consultation was undertaken with:

##### *Internal*

Consultation occurred with the following teams, Place Activation, Economic Development., Natural and Environmental Assets, Heritage Officer and Open Space and Recreation.

##### *External*

Consultation occurred with the following external organisations, Destination Sydney Surrounds North Network, Destination New South Wales assigned support contact, Scout PR agency, Newcastle City Council, Blue Mountains Council and Wollongong City Council.

Destination Sydney Surrounds North Network identified a range of tourism management approaches that Councils within the network were undertaking, highlighting that no one approach was more successful than another.

In consideration of this Council undertook a desktop review of comparative LGAs operating in a similar environment to the Central Coast, to review their tourism management structures, including locations such as Queensland, Victoria and New Zealand.

Analysis of the benchmarking undertaken indicates that Councils similar situation to Central Coast have identified that a more strategic and regional approach is needed to ensure best practice for the management of tourism. During this review, we determined that other Councils are delivering tourism services from one of three primary models:



### 3.4 Tourism Management Review (contd)

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- 1 An internal team;
- 2 An outsourced model to an external entity and;
- 3 A combination of internal team and outsource to external entity.

Across Australia this was variable and partially dependent on State Government investment, resourcing and support.

The results of the Tourism Central Coast members survey in 2019 indicates that the overall rating of Tourism Central Coast and its provision of industry services and support is up since 2018. Positive feedback includes constructive recommendations for improvement, with an increased emphasis being placed on growing the shoulder season, and as in 2017, continuing to improve the quality of existing resources.

Satisfaction with Industry Services has increased from a mean score of 5.2 (2017) to 6.6 (2019) and openness to collaboration has improved from mean score of 8.1 (2017) to 8.6 (2019). These results demonstrate that the focus on monthly Networking Meetings supported with an educational speaker component, and the latest tourism research and events is positively contributing to the satisfaction levels.

Central Coast Tourism discussed the need to consider the Business Events and MICE market focus for region and the importance of independent voice from the tourism industry in decisions and focus for tourism management services. It is recommended that Council, in partnership with DNSW, continue to encourage the formation of these independent member-based and member-funded bodies, to enable individual properties and products to pursue this business events market as suits their business development needs.

#### Options

- 1 Maintain the current arrangements – **Not Recommended**

Inviting fresh tenders for similar services to be delivered by an external organisation. The considerations are:

- a Time to invite, consider and determine fresh tenders before the existing contract expires on 30 June 2020.
- b Additional resources expended to invite, consider and determine fresh tenders.

The current model for tourism management has been identified as requiring a change to ensure that the regional and strategic focus is achieved with the delivery of the Destination Brand Strategy, Tourism Opportunity Plan and meet the needs of the industry going forward to achieve the competitive market challenges of regional tourism.

- 2 Adopt the proposed future model as outlined in this report – **Recommended**

The current Tourism Marketing Industry Contract expires on 30 June 2020. The considerations are:

### 3.4 Tourism Management Review (contd)

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- a Time to recruit the appropriately skilled and experienced internal resources to provide a dedicated team to manage and deliver the services needed, inclusive of Visitor Services, website development and management, and the Tourism Opportunity Plan strategic activities.
- b Time to undertake procurement of the proposed contracted specialty services, such as industry services and digital and creative marketing agencies. operators have expressed the view they prefer the support of an external organisation for tourism industry services .

This is the preferred option as the recommendation provides for:

- A regional and strategic focus for tourism management services supported by leadership, collaboration and facilitation to deliver on the Destination Management Plan, Tourism Opportunity Plan and Visitor Information Services and support the Place Activation and Economic Development Strategy outcomes.
- Strategic positioning and promotion of the Central Coast as a destination including all of the components that support the resident, visitor and business outcomes as identified in the Community Strategic Plan.
- A collaborative coordinated and well-resourced model for the delivery of tourism management services to increase visitation and improve the visitor experience across the region.
- The retention of the specialty services to support the local tourism industry to support them in the development of product and services and customer experience.
- The development of innovative visitor services, destination experiences and digital wayfinding to support the visitor and resident experience.
- Creating the opportunity for strategic collaboration with a variety of internal Council teams with shared goals to build an investor-friendly climate and to enable sustainable business development, investment and growth.
- Review existing advisory committee structure with a view to establishing a regional advisory committee.

To enable these recommendations to be realised it is proposed that a three year action plan be developed for implementation.

- 3 Cease the current arrangements and do not pursue the proposed operating model for Council Tourism Management – **Not Recommended**

Ceasing funding for the contracted services and Council having no function in tourism marketing and industry services. The considerations are:

- a Tourism industry operators have expressed the view that they expect Council to support tourism for the Central Coast as a key economic driver.
- b Direct impact of no activity on the competitive positioning of the Central Coast.

### **3.4 Tourism Management Review (contd)**

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This is not recommended as Council has committed to providing tourism leadership and enablement for improving tourism initiatives and outcomes for the region through the Community Strategic Plan and Economic Development Strategy. .

#### **Financial Impact**

Council currently allocates \$800,000 per annum for the delivery of the Tourism Marketing and Industry Services contract.

It is anticipated that the costs to implement the recommended model would be consistent with the current allocated funding for the Tourism Marketing and Industry Services contract.

Costs associated with the delivery of the Destination Management Plan, Tourism Opportunity Plan and Visitor Information Services are allocated through the annual budget process in accordance with actions plans each year.

#### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal B: Creativity connection and local identity**

B-B2: Promote and provide more sporting, community and cultural events and festivals, day and night, throughout the year.

Theme 2: Smart

#### **Goal C: A growing and competitive region**

S-C4: Promote and grow tourism that celebrates the natural and cultural assets of the Central Coast in a way that is accessible, sustainable and eco-friendly.

Theme 4: Responsible

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

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

#### **Risk Management**

Reputation - there is substantial reputational risk if Council was to not continue to deliver funding to support tourism management services.

### 3.4 Tourism Management Review (contd)

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Community expectations - tourism sits across all objectives of the Community Strategic Plan (CSP) 2030 and results of the CSP survey findings indicate a strong support for tourism with 79% of respondents identifying that the Central Coast has the potential to grow as a tourist destination. Tourism development brings improvement to services and facilities in a region that can improve the quality of life of its residents. This includes an appreciation of enhanced lifestyle and leisure opportunities arising from tourism development and the direct benefits of local employment and business opportunities.

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

The current contract for services expires on 30 June 2020. Invitation to Tender services for the current model would need to commence in May 2020. Recruitment for proposed dedicated internal resources would also need to commence in May 2020.

#### **Attachments**

- |   |  |  |           |
|---|--|--|-----------|
| 1 | Confidential Tourism Management Review       | <b><i>Due Notice is provided that this Confidential Attachment will be provided on or before the Ordinary Meeting of 11 May 2020</i></b> |           |
| 2 | Central Coast Destination Brand Strategy Map | Provided Under Separate Cover  | D13861589 |



**Item No:** 3.5  
**Title:** Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 3 March 2020

**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00101 - D13919878  
Manager: Karen Tucker, Acting Unit Manager, Strategic Planning  
Executive: Scott Cox, Director Environment and Planning

### **Summary**

To note the Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 3 March 2020 and consider the recommendation from the committee.

### **Essential Item**

A decision of Council is required for the work to progress. The impact on service delivery without a resolution of Council is as follows:

- The start-up costs would be lost if the pilot program was stalled, continuity of the on-demand service is important.

### **Recommendation**

- 1 That Council note the Meeting Record of the Gosford CBD and Waterfront Committee held on 3 March 2020.***
- 2 That Council make representation to the local State Member, Liesl Tesch, and Parliamentary Secretary for the Central Coast, Adam Crouch, requesting the continuation of the On Demand service and expedite the bus network review if possible.***

### **Background**

The Gosford CBD and Waterfront Advisory Committee held a meeting on 3 March 2020. The Meeting Record of that meeting is Attachment 1 to this report.

### **Link to Community Strategic Plan**

Theme 4: Responsible

**3.5 Meeting Record of the Gosford CBD and Waterfront Advisory Committee held on 3 March 2020 (contd)**

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

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

**Attachments**

<b>1</b>	Gosford CBD and Waterfront Advisory Committee Meeting Record - 03 March 2020	Provided Under Separate Cover	D13919854
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**Item No:** 3.6  
**Title:** Meeting Record of the Gosford Foundation Trust Management Committee held on 25 February 2020  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00731 - D13862072  
Manager: Phil Cantillon, Unit Manager Leisure and Lifestyle  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To note the Meeting Record of the Gosford Foundation Trust Management Committee held on 25 February 2020 and consider the recommendations to Council from the Committee.

### **Essential Item**

A decision of Council is required for the Gosford Foundation Trust Management Committee to continue to operate effectively. The impact on service delivery without a resolution of Council is as follows:

- The Trust Management Committee requires clarification in the Terms of Reference as to the role and function of the Committee so it can appropriately recommend to the Trustee (the Council) how the Trustee should deal with Trust assets.

### **Recommendation**

- 1 That Council note the Meeting Record of the Gosford Foundation Trust Management Committee held 25 February 2020 that is Attachment 1 to this report.***
- 2 That Council adopt the revised Terms of Reference for the Gosford Foundation Trust as set out in Attachment 2 to this report.***

### **Context**

The Gosford Foundation Trust Management Committee held a meeting on 25 February 2020. The Meeting Record of that meeting is Attachment 1 to this report. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

### **3.6 Meeting Record of the Gosford Foundation Trust Management Committee held on 25 February 2020 (contd)**

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

#### **Committee Recommendation:**

*The Committee recommends to Council that the Terms of Reference are updated to include the following:*

*The Council, as trustee of the Foundation Trust has not delegated or abrogated its responsibilities, power, obligations or duties to the Committee. Council as trustee of the Foundation Trust remains solely responsible and liable for the execution of the Foundation Trust.*

#### **Staff Comment:**

This recommendation is supported. It provides greater clarity as to the role and function of the Committee and is in accordance with advice provided to the Committee.

#### **Recommendation to Council:**

That Council adopt the revised Terms of Reference for the Gosford Foundation Trust.

#### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

#### **Attachments**

<b>1</b>	Gosford Foundation Trust Management Committee Meeting Record - 25 February 2020	Provided Under Separate Cover	D13860181
<b>2</b>	Proposed Terms of Reference - Gosford Foundation Trust	Provided Under Separate Cover	D13862038





**Item No:** 3.7  
**Title:** Meeting Record of the Protection of the Environment Trust Management Committee held on 25 February 2020  
**Department:** Governance

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00732 - D13862817  
Author: Kelly Drover, Advisory Group Support Officer  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To note the Meeting Record of the Protection of the Environment Trust Management Committee held on 25 February 2020 and consider the recommendations to Council from the Committee, including staff comments on those recommendations.

### **Essential Item**

A decision of Council is required for *The Book of COSS* project to progress. The impact on the project without a resolution of Council is as follows:

- The proposed first stage of the project would not be able to proceed without the requested funding.

### **Recommendation**

- 1 That Council note the Meeting Record of the Protection of the Environment Trust Management Committee held on 25 February 2020 that is Attachment 1 to this report.**
- 2 That Council as Trustee resolve to release the \$8,200 for Mr. Bell to be able to complete the first stage of the project subject to the conditions noted below:**
  - a) Mr. Bell to partner with a legal entity that has skills/experience in this type of project such as a Historical Society;**
  - b) In principle agreement that a funding amount of \$8,200 would be allocated from the Protection of the Environment Trust on the basis that Mr. Bell shows evidence of securing the balance of the funding;**
  - c) If the project proceeds, that a normal funding agreement would be required in line with other projects funded by the Trust;**

### 3.7 Meeting Record of the Protection of the Environment Trust Management Committee held on 25 February 2020 (contd)

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- d) *If the project doesn't reach conclusion, all material accrued is to be provided to Council.***

#### **Context**

The Protection of the Environment Trust Management (PoET) Committee held a meeting on 25 February 2020. The Meeting Record of that meeting is Attachment 1 to this report. The Meeting Record is being reported to Council in accordance with the relevant Terms of Reference.

Mr. Bell, former Mayor of Gosford City Council attended the meeting and provided an update on the project he has undertaken to document the history of COSS along with an application for funding that addresses the PoET grant guidelines.

The objective of Mr. Bell writing and publishing *The Book of COSS* is to portray the story of COSS from concept, to planning insertion into State Government instruments to the development of the Coastal Open Space System (COSS) as it is commonly known today. The book will not only be a reference tool for schools but a way to promote protection and conservation of the natural environment.

The project will document the stories of residents and will be a collected history of interviews obtained from a range of residents, professional practitioners, scientific researchers, conservation and monitoring managers, planners, policy makers and Government. The project will bring together the studies from over 45 years of investigation and research undertaken.

The aim of *The Book of COSS* will chronologically reference these studies and correlate them with real life events. Promotion of the protection and conservation of the natural environment is a central theme of the book as it traces 45 years of existence.

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

#### **Committee Recommendation:**

*The Trust gives in principle support to the project on the basis of the following requirements:*

- e) Robert Bell to partner with a legal entity that has skills/experience in this type of project such as a Historical Society;*
- f) In principle agreement that a funding amount of \$8,200 would be allocated from the Protection of the Environment Trust on the basis that Mr. Bell shows evidence of securing the balance of the funding;*

**3.7 Meeting Record of the Protection of the Environment Trust  
Management Committee held on 25 February 2020 (contd)**

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- g) If the project proceeds, that a normal funding agreement would be required in line with other projects funded by the Trust;*
- h) If the project doesn't reach conclusion, all material accrued is to be provided to Council.*

**Staff Comment:**

The Protection of the Environment Trust provides small amounts of financial support to individuals, groups and organisations in the community that are able to deliver projects and works that contribute to the stated purpose of the trust.

There is clear merit in this project and Mr. Bell would provide a unique perspective in documenting the history of COSS.

Council is Trustee of the Protection of the Environment Trust. The Trustee is required to resolve any distribution of monies.

**Recommendation to Council:**

That Council as Trustee release the \$8,200 for Mr. Bell to be able to complete the first stage of the project subject to the conditions noted.

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Attachments**

<b>1</b>	POET Management Committee Meeting Record - 25 February 2020	Provided Under Separate Cover	D13860174
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**Item No:** 4.1  
**Title:** Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 November 2019  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00099 - D13817040  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 November 2019.

### **Recommendation**

***That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 27 November 2019.***

### **Background**

The Coastal Open Space Systems Committee held a meeting on 27 November 2019. The amended Meeting Record of that meeting is Attachment 1 to this report. The amendment made is to the DLALC's Somersby rezoning proposal that should read 8-14 lots.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b> COSS Committee Meeting Record - 27 November 2019 UPDATED	Provided Under Separate Cover	D13874980
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**Item No:** 4.2  
**Title:** Meeting Record of the Coastal Open Space System (COSS) Committee held on 13 February 2020  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00099 - D13853297  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Coastal Open Space System (COSS) Committee held on 13 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Coastal Open Space System (COSS) Committee held on 13 February 2020 .***

### **Background**

The Coastal Open Space System (COSS) Committee held a meeting on 13 February 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b>	COSS Committee Meeting Record - 13 February 2020	Provided Under Separate Cover	D13852737
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**Item No:** 4.3  
**Title:** Meeting Record of the Catchments and Coast Tuggerah Lakes Advisory Committee Meeting held on 26 February 2020  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00098 - D13862943  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Catchments and Coast Tuggerah Lakes Advisory Committee meeting held on 26 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Catchments and Coast Tuggerah Lakes Advisory Committee Meeting held on 26 February 2020.***

### **Background**

The Catchments and Coast Tuggerah Lakes Committee held a meeting on 26 February 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b>	Catchments and Coast Committee Tuggerah Lakes Meeting Record - 26 February 2020	Provided Under Separate Cover	D13862863
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**Item No:** 4.4  
**Title:** Meeting Record of the Terrigal Water Quality Sub-Committee held on 19 December 2019  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2019/00041-004 - D13900292  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director, Environmental Management

### **Report Purpose**

To note the Meeting Record of the Terrigal Water Quality Sub-Committee held on 19 December 2019.

### **Recommendation**

***That Council receive the report on Meeting Record of the Terrigal Water Quality Sub-Committee held on 19 December 2019.***

### **Background**

The Terrigal Water Quality Sub-Committee held a meeting on 19 December 2019. The Meeting Record of that meeting is Attachment 1 to this report. This Meeting Record was also circulated to the Catchments and Coast Committee Brisbane Water and Gosford Lagoons.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b> Terrigal Water Quality Sub-Committee Meeting Record - 19 December 2019	Provided Under Separate Cover	D13817349
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**Item No:** 4.5  
**Title:** Meeting Record of the Companion Animals Advisory Committee held 27 February 2020  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2019/00998 - D13866286  
Manager: Brian Jones, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Report Purpose**

To note the Meeting Record of the Companion Animals Advisory Committee meeting held on 27 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Companion Animals Advisory Committee held 27 February 2020.***

### **Background**

The Companion Animals Advisory Committee held a meeting on 27 February 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b> Companion Animals Advisory Committee Meeting Record - 27 February 2020	Provided Under Separate Cover	D13866233
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**Item No:** 4.6  
**Title:** Meeting Record of the Status of Women Advisory Committee held on 11 February 2020  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2017/00176 - D13839471  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To note the Meeting Record of the Status of Women Advisory Committee held on 11 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Status of Women Advisory Committee held on 11 February 2020.***

### **Background**

The Status of Women Advisory Group had a meeting scheduled for 11 February 2020, however quorum could not be achieved and the meeting did not proceed. The Meeting Record is being reported for information only.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b>	SOWAG Meeting Record - 11 February 2020	Provided Under Separate Cover	D13839457
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**Item No:** 4.7  
**Title:** Meeting Record of the Tourism Advisory Committee held on 19 February 2020  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2018/01648 - D13855658  
Author: Teresa Walters, Section Manager, Communication and Engagement  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To note the Meeting Record of the Tourism Advisory Committee Meeting held on 19 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Tourism Advisory Committee held on 19 February 2020.***

### **Background**

The Tourism Advisory Committee held a meeting on 19 February 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only.

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b> Tourism Advisory Committee Meeting Record - 19 February 2020	Provided Under Separate Cover	D13855612
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**Item No:** 4.8  
**Title:** Meeting Record of the Water Management Advisory Committee meeting held on 20 February 2020  
**Department:** Water and Sewer

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11 May 2020 Ordinary Council Meeting

Reference: F2019/01200 - D13855740  
Author: Luke Drury, Section Manager Water Services and Design  
Executive: Jamie Loader, Director Water and Sewer

### **Report Purpose**

To note the Meeting Record of the Water Management Advisory Committee meeting held on 20 February 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Water Management Advisory Committee meeting held on 20 February 2020.***

### **Background**

The Water Management Advisory Committee held a meeting on 20 February 2020. The meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council therefore the Meeting Record is being reported for information only

### **Link to Community Strategic Plan**

Theme 4: Responsible

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

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

### **Attachments**

<b>1</b>	Water Management Advisory Committee Meeting Record - 20 February 2020	Provided Under Separate Cover	D13855699
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**Item No:** 4.9  
**Title:** Minutes of the Extraordinary Audit, Risk and Improvement Committee held on 20 February 2020 and the Ordinary Meeting held on 17 March 2020  
**Department:** Governance

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11 May 2020 Ordinary Council Meeting

Reference: F2018/00028-002 - D13828362  
Author: Kelly Drover, Advisory Group Support Officer  
Manager: Shane Sullivan, Unit Manager Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To note the Minutes of the Extraordinary Audit, Risk and Improvement Committee (ARIC) Meeting held on 20 February 2020 and the Ordinary ARIC Meeting held on 17 March 2020.

### **Recommendation**

***That Council receive the report on Minutes of the Extraordinary Audit, Risk and Improvement Committee held on 20 February 2020 and the Minutes of the Ordinary Audit, Risk and Improvement Committee held on 17 March 2020.***

### **Background**

The Audit, Risk and Improvement Committee (ARIC) was established by Council Resolution on 26 April 2017. The ARIC is part of Council's governance framework by providing Council with independent oversight, objective assurance and monitoring of Council's audit processes, internal controls, external reporting, risk management activities, compliance of and with Council's policies and procedures, and performance improvement activities.

As provided in the amended ARIC Charter adopted at the 24 February 2020 Ordinary Council Meeting, the Committee should report regularly to Council on the internal audit function, on the management of risk and on internal controls as and when required. The Committee may also make recommendations to Council and the Chief Executive Officer. At a minimum the Committee will report to Council on its activities at least yearly coinciding with the financial year and the annual statement time.

The ARIC held a meeting on 20 February 2020 to review the 2018-19 Financial Statements. The Minutes of that meeting are at Attachment 1 to this report. These minutes were confirmed by the Committee at the 17 March 2020 ARIC meeting. The Minutes of the 17 March 2020 Ordinary ARIC meeting are at Attachment 2 to this report. They are still to be confirmed.

#### **4.9 Minutes of the Extraordinary Audit, Risk and Improvement Committee held on 20 February 2020 and the Ordinary Meeting held on 17 March 2020 (contd)**

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A resolution from the 17 March 2020 Audit, Risk and Improvement Committee meeting was as follows:

*35/2020(ARIC) That a weekly update be provided to the Audit, Risk and Improvement Committee on the COVID-19 situation.*

Weekly updates continue to be provided to the Committee on behalf of the Pandemic Continuity Management Team.

#### **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**

- 1** ARIC Minutes - 20 February 2020 Provided Under Separate Cover D13833942
- 2** ARIC Minutes - 17 March 2020 Provided Under Separate Cover D13904143



**Item No:** 4.10  
**Title:** Works at Gosford Chambers in Response to Safety Audit  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13775148  
Author: Kim Radford, Unit Manager, Facilities and Asset Management  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

To respond to resolution 1150/19 of the 25 November 2019 Ordinary meeting of Council requesting that a further report be provided to Council at a meeting in early 2020, providing the costs of changes made at Gosford Chambers during the period of Administration.

Although a decision of Council is not required, this information report is being provided to meet the requirements of responding to the resolution of Council in the timeframe requested.

### **Recommendation**

***That Council receive the report on Works at Gosford Chambers in Response to Safety Audit.***

### **Background**

Council, at its Ordinary meeting on 25 November 2019 resolved the following, in part:

*1150/19 That a further report be provided to Council at a meeting in early 2020 providing the costs of changes made at Gosford Chambers during the period of Administration.*

During the period of Administration, changes were undertaken to the Gosford Council Chambers to accommodate the new size Council. These works were organised and managed by the then Director of Assets, Infrastructure and Business during the period of September 2017 to March 2018.

An investigation of purchase orders and invoices has identified that the cost of the changes made at the Gosford Chambers during the period of Administration was \$476,779.35 excluding GST.

This sum incorporates:

- Design;

#### **4.10 Works at Gosford Chambers in Response to Safety Audit (contd)**

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- New furniture;
- Concrete and floor levelling;
- Communications – installation of hearing loop;
- Air conditioning changes;
- AV equipment;
- Electrical works; and
- Waste removal.

The changes made to the Gosford Chamber were undertaken to facilitate Council meetings with a larger elected Council.

#### **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:** 4.11  
**Title:** Early Childhood Immunisation Program  
**Department:** Environment and Planning

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11 May 2020 Ordinary Council Meeting

Reference: F2019/00743 - D13912693  
Author: Brian Jones, Unit Manager, Environment and Certification  
Executive: Scott Cox, Director Environment and Planning

### **Purpose**

The purpose of this report is to inform Council about changes to the Early Childhood Immunisation services to the community.

The responsibility to provide Early Childhood Immunisation services is to be transferred from Central Coast Council to NSW Health.

The report is provided to Council for the purpose of essential information about the Early Childhood Immunisation services provided by Council. No decision is required by Council.

### **Recommendation**

***That Council receive and note the report on Early Childhood Immunisation Program.***

### **Background**

The former Wyong Shire Council managed and provided free early childhood immunisation services to the community. In the former Gosford City Council local government area (LGA), immunisation services are provided by NSW Health at Community Health Centres.

Since the amalgamation, Central Coast Council has continued the immunisation clinics in the former Wyong Shire Council area only.

As a result of changing procedures, NSW Health has advised of their intention to take control of the early childhood immunisation services across the whole Central Coast LGA. NSW Health proposes to take control of the immunisation services in the former Wyong Shire Council area on or before 1 July 2020.

The service will continue to be offered in Community Health Centres with minimal impact upon the community. The transfer of the role to NSW Health will improve continuity of immunisation services across the Central Coast.



**Staff Impacts**

Impacts on staffing will be minimal. Council administration staff will remain and be reallocated to alternate duties.

All nursing immunisation staff are registered nurses currently employed by NSW Health. They have the opportunity to retain their employment with NSW Health.

**Financial impacts**

Other than staffing costs, other expenses incurred by Council for the immunisation services are overtime and incidentals. Council does not currently incur costs for provision of vaccines or a substantial portion of nurse salaries. Those expenses are currently met by NSW Health.

There will be a saving to Council's expenditure budget by approximately \$45,000 in the 2020-2021 financial year. No allocations will be necessary in subsequent budgets.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal L: Healthy lifestyle for a growing community**

A3: Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people.

**Attachments**

*Nil.*



**Item No:** 4.12  
**Title:** Response to Notice of Motion - Domestic and Family Violence  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13838893  
Author: Belinda McRobie, Section Manager Community and Cultural Development  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

### **Report Purpose**

This report provides information to a Notice of Motion that was raised at the 9 December 2019 Ordinary Meeting regarding Domestic and Family Violence

Although a decision of Council is not required, this report is being provided to respond to the Notice of Motion.

### **Recommendation**

***That Council receive the report on Response to Notice of Motion - Domestic and Family Violence.***

### **Background**

At the Ordinary Council meeting on 9 December 2019, Council resolved the following in part;

*1343/19 That Council directs the Chief Executive Officer to provide a report on the initiatives that Council has undertaken to support woman and children in the past 12 months.*

*1344/19 That Council apply (or partner with stakeholders) for the Federal Government's Safer Places Grant or under the National Plan to Reduce Violence Against Women and their Children 2010 to 2022 and its Fourth Action Plan to provide new or expanded emergency accommodation for victims on the Central Coast by the closing date of 14 February 2020*

Violence against women is a significant human rights issue. In Australia, one woman is killed nearly every day by a current or former partner. The Central Coast is consistently one of the worst areas in the State for the number of Apprehended Domestic Violence Orders.

Family and Domestic Violence is experienced in many different ways, from physical abuse to emotional abuse, social isolation, financial restriction and sexual abuse.

Over 12 months, on average, one person is killed every week as a result of Family and Domestic Violence. Sadly, in 2019 there were 62 women killed in Australia due to domestic and family violence.

Violence and harassment does not just take place in the home – it is also more common in Australian workplaces with 1 in 5 women and 1 in 20 men experiencing harassment in the workplace – as an example, that equates to almost 215 staff at Central Coast Council.

As one of the largest employers on the Coast, Council is committed to becoming a champion for change and creating a culture of zero tolerance towards any type of violence, especially men's violence towards women.

### **Support and Initiatives over the past 12 months**

Council has undertaken and participated in a range of programs, activities and events to support women and children in the past 12 months. These include:

#### *Development of Central Coast Council Family and Domestic Violence Policy*

The policy was developed in conjunction with the Family and Domestic Violence Reference Group (staff who expressed interest and have lived experience of violence). The policy aims to support employees experiencing family or domestic violence to continue to participate in the workplace and maintain their employment by providing leave provisions during an often-traumatic time. The policy was endorsed by the Executive Leadership Team in November 2019.

#### *Internal Family and Domestic Violence Project Control Group (PCG)*

The PCG is comprised of internal staff from Connected Communities and People and Culture and aims to provide a strategic and meaningful response to the issue of Family and Domestic Violence within Council and the Community. In 2019, the group developed an intranet page with support resources including FDV dedicated support helpline, designed draft guidelines to support the implementation of the policy and is currently developing a project to identify internal staff as Family and Domestic Violence peer support officers.

#### *Internal Family and Domestic Violence Training*

In 2019 several training sessions were delivered by Converge international to Senior Managers to help them to be able to understand and identify signs of family and domestic violence. This was extended to Managers, People and Culture business partners and Safety partners.

#### *Membership of the Central Coast Domestic Violence Committee (CCDVC)*

Council is a member of the committee and participates in monthly meetings to provide updates and receive feedback, advice and support on Council's initiatives to support victims of Domestic Violence. Membership of the committee enables Council representatives to stay up to date on current trends and issues as well as service updates regarding local Domestic Violence services.

Representatives on this committee are:

- Central Coast Family Support Services (CCFSS)
- Coast Shelter
- University of Newcastle (UON)
- NSW Department of Communities and Justice
- Coast Shelter
- Samaritans
- Baptist Care
- Bungree Aboriginal Association
- Catholic Care
- Northern Settlement Services
- UnitingCare
- Central Coast Women's Health Centre
- Legal Aid
- Regional NSW
- NSW Police
- NSW Department of Education
- NSW Department of Sport and Recreation
- TAFE Ability Options
- Central Coast Community Council
- Interrelate Central Coast
- Central Coast Primary Care
- Central Coast Health Domestic Violence Unit

*Membership of CCDVC White Ribbon and 16 Days of Activism Sub-committees*

Council is a member of the sub-committee which meets monthly between April and November. The Committee works together to implement White Ribbon Day and 16 Days of Activism activities.

Representatives on these sub-committees are:

- Zonta Central Coast
- Central Coast Women's Health Centre
- Rotary
- Volunteers and people with lived experience
- NSW Police
- UnitingCare
- Central Coast Community Council

*Membership of Preventing Domestic Violence Working Group*

Council is a member of the working group which meets bi-monthly. Council representatives liaise with the working group on Domestic Violence prevention campaigns such as 'Enough Already' and 'Positive Relationships'.

Representatives on this working group are:

- Regional NSW
- NSW Police
- NSW Department of Communities and Justice
- NSW Department of Education
- NSW Department of Sport and Recreation
- TAFE NSW

*'Enough Already' Domestic Violence Prevention Campaign*

Rolled out in July and August 2019, the campaign was aimed at local males – bringing awareness and calling on men to take a stand and say 'enough already' to domestic violence. Messages and designs displayed on billboards, bus stops, social media, radio, roadside signage and rubbish bins.

*'Positive Relationships' Domestic Violence Prevention Campaign*

Rolled Out in November and December 2019 and January 2020, the campaign was developed specifically for young people aimed to promote positive relationships. Council officers worked with the Central Coast Domestic Violence Committee, Domestic Violence stakeholders, Youth Services, Council's Youth Services Team and seven individual groups of young people to develop the messaging, imaging and design of material (six individual posters/posts). Input, comments and suggestions received from young people directly influenced the development of the material. The campaign was social media based, with digital posters also on display at Westfield Tuggerah and Erina Fair shopping centres.

*Supporting Healthy Relationships' community workshops*

A series of four free 'Supporting Healthy Relationships' workshops were run in November and December 2019 by Danielle Habib, Violence Prevention Educator with Catholic Care, to help bring awareness to the issue of domestic and family violence (DFV), and to provide the community with the tools they need to create better family relationships.

*Safe Kennels*

The safe kennels program provides subsidised temporary accommodation for pets of people who are or are at risk of becoming homeless, including women who are escaping family and domestic violence. Accommodation for pets is at Council's Animal Care Facility.

*Crisis Relief Information*

The information cards are produced for both Northern and Southern Central Coast and contain contacts of emergency food and financial services. The cards are distributed to over 100 local services and available to all members of the community.

*Status of Women Advisory Group (SOWAG)*

Comprised of ten community members and local Councillors, the group provides advice, advocates and raises awareness of issues that affect women on the Central Coast as well as promoting local networks and events that celebrate women in the community.

*16 Days of Activism*

November 25 is the International Day for the Elimination of Violence against Women and marks day one of the 16 Days of Activism. Each year, from 25 November to 10 December, the 16 Days of Activism campaign calls for action against one of the world's most persistent violations of human rights – violence against women.

During the 16 Days of Activism, people around the world unite to raise awareness about gender-based violence, challenge discriminatory attitudes and call for improved laws and services to end violence against women for good.

Central Coast Council participated in, or co-ordinated, the following activities as part of the 16 Days of Activism in 2019:

- Central Coast Against Domestic & Family Violence Walk at The Entrance on Friday 29<sup>th</sup> November – This walk is an annual event to raise awareness around the issue of domestic violence.
- Temporary lightbox installation on Terrigal Foreshore – The light cubes told the story of family and domestic violence on the Central Coast and provided information about what the community can do to stop the fatalities.
- Man;Kind podcasts - featuring the lives of six Central Coast men from various walks of life, the podcasts spotlight the region's changing role of masculinity and what it's like to be a man. The podcasts were launched on November 22 at 'Speak Up' event at the Art House. They are available to download online from Whooshkaa, Apple Podcast and Spotify.
- Domestic Violence information cards and white ribbons were distributed to all Council facilities including administration buildings, childcare centres, libraries, depots and recreation facilities

**Funding - Federal Government's Safer Places Grant/National Plan to Reduce Violence Against Women and their Children**

Council staff had discussions and meetings with local Community Housing Providers, Accommodation services and NSW Department of Communities and Justice. Through the course of these meetings it emerged that there are significant complexities associated with the grant which would prevent them or Council from applying as follows:

- Council cannot apply independently as we are not able to meet all the requirements/ criteria of the grant. At best Council would be able to offer a letter of support to other service providers/ organisations who apply.
- Only applications that offer additional places for women and children will be considered, however, there is no additional funding for service delivery available as part of this tender so any applicant will need to deliver additional services within existing funding.
- Successful applicants are required to enter into agreements with the Australian Government for 15 years but exiting contracts for Specialist Homelessness Services are currently for a shorter duration.

Based on the information above, Council officers did not submit an application for funding.

**Link to Community Strategic Plan**

Theme 1: Belonging

**Goal A: Our community spirit is our strength**

A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

A3: Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people.

A4: Enhance community safety within neighbourhoods, public spaces and places.

**Attachments**

*Nil.*



**Item No:** 4.13  
**Title:** Response to Notice of Motion - Jayden's Message  
- Suicide Prevention 2020  
**Department:** Connected Communities

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13933101  
Author: Belinda McRobie, Section Manager Community and Cultural Development  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Julie Vaughan, Director Connected Communities

## Summary

This report provides information responding to the Notice of Motion that was raised at the 25 November 2019 Ordinary Meeting regarding suicide prevention.

Although a decision of Council is not required, this report is being provided to respond to the Notice of Motion.

## Recommendation

- 1 That Council receive the report on Response to Notice of Motion - Jayden's Message - Suicide Prevention 2020.**
- 2 That should content of this report create concerns for anyone reading, listening or watching that Council encourage them to contact Lifeline on 131114.**

## Background

At the Ordinary Council meeting on 25 November 2019, Council resolved the following in part;

- 1195/19 *That further to the wide range of community initiatives and support around this issue, Council embrace the upcoming September 2020 'World Suicide Prevention Day' initiative.*
- 1196/19 *That Council requests the Chief Executive Officer to provide a report around current initiatives including the 'World Suicide Day Prevention' Program and necessary 2020 budgetary allocation requirements.*
- 1199/19 *That with the appropriate support from his Guardian that Jayden Delbridge be invited to attend a further briefing with Councillors to discuss this important issue.*



Council staff had a scheduled Councillor briefing at the end of March on this topic, however due to COVID-19 and inability to meet face to face with Jayden and other health professionals this will now be scheduled post COVID-19.

Nearly half of all Australians (45%) will experience some form of mental illness during their lifetime and one in six people in the Australian workforce are suffering from a mental illness at any one time.

With such high statistics of people suffering a mental illness, it is not surprising that every day eight Australians die by suicide and one in four people say they know someone who has taken their own life. The Central Coast has one of the highest rates of suicide in comparison to other health districts across NSW.

*Central Coast approach to suicide prevention*

In 1996 the Central Coast Suicide Safety Network (SSN) was established in partnership with the Central Coast Coroner, NSW Police, Lifeline Central Coast, Central Coast Local Health District (CCLHD) Health Promotion and CCLHD Mental Health Service. This partnership harnesses support and collaborates on joint working projects across the Central Coast community regarding suicide prevention initiatives.

Suicide Prevention Central Coast was formed in 2016 to develop a community response to suicide deaths on the Central Coast. The first successful initiative was to implement the LifeSpan project supported by the Black Dog Institute.

Suicide Prevention Central Coast provides strategic direction and informed decision making on the LifeSpan suicide prevention model across the Central Coast.

*Central Coast Council involvement in suicide prevention*

Central Coast Council is an active member of the Suicide Prevention Central Coast Alliance. For the past two years, the Suicide Prevention Central Coast Alliance has led the Black Dog Institute LifeSpan program.

LifeSpan is an evidence-based approach to integrated suicide prevention. **Based on scientific modelling, LifeSpan is predicted to prevent 21% of suicide deaths, and 30% of suicide attempts.**

It combines nine strategies that have strong evidence for suicide prevention into one community-led approach incorporating health, education, frontline services, business and the community.

#### **4.13 Response to Notice of Motion - Jayden's Message - Suicide Prevention 2020 (contd)**

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The nine strategy areas are:

- Improving emergency and follow-up care for suicidal crisis
- Using evidence-based treatment for suicidality
- Equipping primary care to identify and support people in distress
- Improving the competency and confidence of frontline workers to deal with suicidal crisis
- Promoting help-seeking, mental health and resilience in schools
- Training the community to recognise and respond to suicidality
- Engaging the community and providing opportunities to be part of the change
- Encouraging safe and purposeful media reporting
- Improving safety and reducing access to means of suicide

LifeSpan aims to build a safety net for the community by connecting and coordinating new and existing interventions and programs and building the capacity of the community to better support people facing a suicide crisis.

The Central Coast is only one of four sites in NSW to trial this approach.

In addition to Council officers providing support and advice on the Alliance, working groups were formed to tackle specific strategy areas.

Council representatives sit on the working group for Strategy 7 – 'Engaging the community and providing opportunities to be part of the change'. This has involved development and implementation of RU OK? Day grants; promotion of the free online training tool called 'Question, Persuade and Refer' (QPR) and other suicide prevention initiatives.

LifeSpan has now concluded although there is some remaining funding which will be expended on suicide prevention initiatives.

Currently the Suicide Prevention Central Coast Alliance and partners are working on a Central Coast Suicide Prevention Strategic Plan 2020-2025.

*What initiatives did Council implement in 2019?*

R U OK? Day

R U OK? Day is a nation-wide day of action dedicated to reminding everyone to ask, "Are you OK?" and to remember to support people who may be struggling with life's ups and downs.

During the lead up to Mental Health Awareness Month and R U OK? Day in October 2019, lunch time sausage sizzles were held at Gosford and Wyong Administration Buildings, Erina, Woy Woy, Charmhaven and Long Jetty Depots. All staff were asked the question R U OK? and received a bag containing information regarding mental health support and services.

#### **4.13 Response to Notice of Motion - Jayden's Message - Suicide Prevention 2020 (contd)**

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Question, Persuade, Refer (QPR training)

QPR stands for Question, Persuade and Refer and is free online training involving 3 simple steps anyone can learn to help save a life from suicide.

This training was promoted to staff members during 2019 as they are often the best placed people to notice when colleagues are under a lot of stress but may not always know what to do or how to help,

The online free training provided staff with:

- Knowledge and skills to identify warning signs that someone may be suicidal
- Confidence to talk to that person about suicidal thoughts
- Awareness and ability to refer to available supports

Lost Bird Found

The lost bird found project aimed to start conversations and raise awareness around mental health. Originally founded by North Sydney Council, this creative project was brought to the Central Coast to help reduce the stigma around mental health issues and also help community members seek support from local services should they need it.

On August 27 and 28 two community workshops were run at Peninsula Community Centre and The Entrance Community Centre. Over 100 community members helped to hand-craft 400 birds made from a variety of materials such as paper, wood and felt. The handcrafted birds were tagged with a mental health information card and placed in various locations around the Central Coast for the community to 'find' during Mental Health Awareness Month in October 2019.

Finders of the lost birds posted and tagged photos on the Lost Bird Found social media site to help spread the message that mental health matters.

Mental Health First Aid Course

Mental Health First Aid (MHFA) for Volunteers course taught simple, practical first aid skills for helping a family member, friend, co-worker or other person who is experiencing mental health problems.

*What is planned for 2020?*

World Suicide Prevention Day is on Thursday September 10th 2020. The day promotes worldwide action to prevent suicides. Various events and activities are held across the world to raise awareness that suicide is a major preventable cause of premature death.

#### **4.13 Response to Notice of Motion - Jayden's Message - Suicide Prevention 2020 (contd)**

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In 2020, World Suicide Prevention Day coincides with R U OK?Day. Planning is currently underway to deliver activities on the day, and a range of programs and activities during Mental Health Awareness Month in October 2020.

Examples of programs planned include Lost Bird Found, Doga in the Park, Moove and Groove Dementia, Talking Mental Health Toastmasters, Young and Active, and Mental Health Art workshops.

All programs, activities and events will be delivered within existing budgets.

#### **Link to Community Strategic Plan**

Theme 1: Belonging

#### **Goal A: Our community spirit is our strength**

A1: Work with our communities to connect people, build capacity and create local solutions and initiatives.

A3: Work together to solve a range of social and health issues that may impact community wellbeing and vulnerable people.

#### **Attachments**

*Nil.*



**Item No:** 4.14  
**Title:** Response to Notice of Motion - Nine Million (\$9,000,000) Agency Agreement / Body Hire  
**Department:** People and Culture

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13944346  
Author: Karina Curtis, Executive Assistant to Executive Manager, People and Culture  
Executive: Krystie Bryant, Executive Manager, People and Culture

At the Council Meeting of 9 March 2020, Council resolved:

- 209/20 That Council note the additional information provided by the Chief Executive Officer in Attachment 1 to this report.*
- 210/20 That Council request the Chief Executive Officer provide a report by the end of April 2020 detailing numbers of persons working under these arrangements, the type of contractual arrangements, their roles and their work station locations.*
- 211/20 That Council request ARIC to include on its annual program of works an update on this as part of the ARIC Annual Report.*
- 212/20 That Council request the Chief Executive Officer provide a comparison with other similar sized Councils which have gone through the amalgamation process.*

This report provides the further report as resolved under 210/20.

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## **Recommendation**

### ***That Council note the Response to Notice of Motion – Nine Million (\$9,000,000) Agency Agreement / Body Hire***

The following report outlines a response to the notice of motion confirming current contingent workforce engagements in place at the end of April 2020.

This matter is scheduled to be reported to the Audit Risk and Improvement Committee (ARIC) of 17 June 2020. Separate to this, "Contractors and Temporary Labour Hire" was also identified as part of the Internal Audit program. This internal audit has commenced, and the final report will also be shared with ARIC in line with standard process. The audit will review current practices in managing temporary labour hire in terms of cost, tenure, performance, project planning and volume as well as assessing the adequacy of current policies, procedures and reporting. The primary objective of this review is to assess the effectiveness of Council's current framework for engaging and managing temporary labour. The audit will

**4.14 Response to Notice of Motion - Nine Million (\$9,000,000) Agency Agreement / Body Hire (contd)**

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assess compliance with Council’s own policies, procedures and guidelines, as well as good practices outlined by the Audit Office of NSW.

An important distinction between the current arrangements scheduled to be audited and those of the former Wyong Shire Council are the established procurement processes in place which were not evident during the 2011 investigation. This governance was introduced at the time of the investigation and remains in place, having evolved and improved over time.

Currently, where Central Coast Council seeks to source temporary labour, Council uses the following sources of engagement to ensure a legal and compliant means of securing the resources:

- Local Government Procurement Contract - 808-3 Permanent and Temporary Placements and Associated Services;
- Central Coast Council Information Management and Technology (IM&T) Agency Hire Personnel Supplier Panel - CPA/1493;
- Central Coast Council Finance Agency Hire Personnel Supplier Panel – CPA/1527;
- Day Labour Contract – typically used for traffic control and general labouring; and
- Specialist recruitment request – CEO approval.

The following table provides a breakdown of the contractual arrangements, the classification of roles and the work locations relating to those. Contingent workers are located across many of Central Coast Council premises as indicated in the report. Whilst we are working through the current COVID-19 pandemic, any office located contingent workers are working from home, similar to many of our employees.

<b>Directorate</b>	<b>Contractual Arrangement</b>	<b>Classification of Occupation</b>	<b>Primary Work Location</b>	<b>Number of Active Engagements 19/20</b>
Connected Communities	LGP808-3	Professionals, Administration, Trades	Wyong and Gosford Administration Buildings, Long Jetty and Charmhaven Depots	9
Environment and Planning	LGP808-3	Professionals, Trades, Labourers	Wyong Administration Building, Erina Depot, Operational - in the field	6

**4.14 Response to Notice of Motion - Nine Million (\$9,000,000) Agency Agreement / Body Hire (contd)**

Directorate	Contractual Arrangement	Classification of Occupation	Primary Work Location	Number of Active Engagements 19/20
Finance	LGP808-3	Professionals, Trades, Labourers, Administration	Erina and Charmhaven Depots, Wyong Administration Building	8
Governance	LGP808-3	Professionals, Administration,	Gosford Administration Building	2
Innovation and Futures	LGP808-3	Professionals, Administration,	Wyong and Gosford Administration Buildings	4
Information Management and Technology	Open Tender Process	IMT Professionals	Wyong and Gosford Administration Buildings and NEXUS	29
People and Culture	LGP808-3	Administration	Wyong and Gosford Administration Buildings, Erina Depot	3
Roads, Transport and Drainage	LGP808-3	Professional, Administration Labourer, Machinery Operator and Driver	Wyong Administration Building Erina and Woy Woy Depots, Waste Management (Tips) Operational - in the field Buttonderry	30
Water and Sewer	LGP808-3	Professionals, Administration Technicians, Labourers,	Treatment Plants, Erina and Charmhaven Depot, Operational - in the field	23
				<b>114</b>

In comparison to other Councils it is noted that many of the Councils that have been contacted utilise a decentralised model whereby placements are managed by the business in line with their standard procurement processes. The following table is provided to share insight into the percentage of operating expenditure against materials and contracts for a number of merged Councils.

**4.14 Response to Notice of Motion - Nine Million (\$9,000,000) Agency Agreement / Body Hire (contd)**

<b>Council</b>	<b>Materials &amp; Contracts</b>	<b>Total Operating Expenditure</b>	<b>Contractors/ Agency Costs</b>	<b>% of Operating Expenditure</b>	<b>% of Operating Materials &amp; Contracts Expenditure</b>
<b>Central Coast Council</b>	<b>118,648</b>	<b>574,854</b>	<b>8,979</b>	<b>1.60%</b>	<b>7.60%</b>
<b>Canterbury Bankstown Council</b>	<b>79,866</b>	<b>333,605</b>	<b>8,728</b>	<b>2.60%</b>	<b>10.90%</b>
<b>Inner West Council</b>	<b>65,135</b>	<b>254,549</b>	<b>13,223</b>	<b>5.20%</b>	<b>20.30%</b>
<b>Northern Beaches Council</b>	<b>111,563</b>	<b>330,919</b>	<b>6,999</b>	<b>2.10%</b>	<b>6.30%</b>

In relation to the budget reporting, costs relating to material contracts and consultancies have been specified in accordance with the Local Government Code of Accounting Practice and this method of reporting has been consistent since the formation of Central Coast Council.

**Attachments**

*Nil.*





**Item No:** 5.1  
**Title:** Questions with Notice  
**Department:** Governance

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11 May 2020 Ordinary Council Meeting

Trim Reference: F2019/00041-004 - D13874137

## 5.1 Questions with Notice

The following questions were submitted by Councillor Gale;

### Central Coast Dingy Storage Policy

- *Staff are currently preparing a Central Coast wide Dingy Storage Policy which will include locating boat rack structures on Council owned or managed waterfronts. When will this policy be out on public exhibition?*
- *Following adoption of the Policy, please advise what grants could fund boat rack infrastructure?*

Response provided by the Director, Environment and Planning;

Council is currently preparing a Central Coast wide dinghy storage policy. The draft policy will be completed by June 30, 2020, then be put to Council for consideration to be placed on public exhibition for four weeks.

Community engagement will take place online using Council's Your Voice Our Coast portal. Council staff regularly monitor external grant funding opportunities to fund waterway infrastructure including dinghy storage racks. These include: NSW Maritime's Boating Now, The NSW Crown Reserves Improvement Fund and the NSW Community Building Partnership grant program.

### Attachments

Nil



**Item No:** 6.1  
**Title:** Notice of Motion - Council to Support Federal Governments' COVID-19 Tracking App  
**Department:** Councillor

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13952317

Author: Greg Best, Councillor

Councillor Best has given notice that at the Ordinary Council Meeting to be held on 11 May 2020 he will move the following motion:



- 1 That Council demonstrates its civic leadership through endorsing and encouraging all residents and ratepayers of our Central Coast region to take up the federal government's COVID-19 tracking app.**
- 2 That Council recognises the important role that this tracking app offers in the community's fight against the COVID-19 pandemic and the significant support it provides to our front line first responders.**
- 3 That with the Central Coast now playing host to one of this nation's largest concentrations of senior citizens, Council further recognises the significant benefits that come from the effective take up of the COVID-19 tracking app.**

#### **Attachments**

*Nil.*



**Item No:** 6.2  
**Title:** Notice of Motion - Coast COVID Economic Crisis  
**Department:** Councillor

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13952333  
Author: Greg Best, Councillor  
Bruce McLachlan, Councillor  
Jilly Pilon, Councillor

Councillors Best, McLachlan and Pilon have given notice that at the Ordinary Council Meeting to be held on 11 May 2020 they will move the following motion:

- 1 That Council recognises the importance of stimulating the local coast economy as a consequence of COVID-19 on business closures and mass local job losses.**
- 2 That Council now urgently reconvene its recently cancelled Strategic Planning/Budget Workshop with a view to economically activating employment initiatives while drilling down on the real impacts of this pandemic on our coasts' business community, sporting organisations, volunteer groups and community club's.**
- 3 That any such virtual workshop should also explore all funding opportunities in the recently announced State Government \$395 million Local Government Pandemic Rescue Package.**

### **CEO Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

### **Attachments**

*Nil.*



**Item No:** 6.3  
**Title:** Notice of Motion - National Tree Planting Day Activities  
**Department:** Councillor

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11 May 2020 Ordinary Council Meeting

Reference: F2020/00039 - D13952399

Author: Jane Smith, Councillor

Councillor Smith has given notice that at the Ordinary Meeting to be held on 11 May 2020 she will move the following motion:

- 1 That Council note that National Tree Day falls on Sunday, 2 August this year.**
- 2 That Council congratulate staff on the proposed community planting event to be held at Wyong to celebrate National Tree Day (understanding that these plans may be disrupted due to COVID-19).**
- 3 That Council request the Chief Executive Officer to provide a report, including a budget, for other initiatives that can also be held as part of National Tree Day this year.**

#### **CEO Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

#### **Attachments**

*Nil.*